DEPARTMENT OF ARTS AND CULTURE

SOUTH AFRICA-FLEMISH LOCAL NETWORK CULTURAL POLICY PROJECT

LOCAL CULTURAL POLICY FRAMEWORK FOR SOUTH AFRICA

A GUIDE FOR LOCAL AUTHORITIES

Compiled
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ACRONYMS

AU	African Union
DAC	Department of Arts and Culture
DPLG	Department of Provincial and Local Government
EU	European Union
IDP	Integrated Development Plan
NEPAD	New Partnership for Africa's Development
SALGA	South Africa Local Government Association
UNCLGA	United Cities of Local Governments of Africa
UNESCO	United Nations Education, Scientific, Cultural Organization

PART 1: BACKGROUND

1.1 Problem statement

In the short post-apartheid decade, South Africa has confronted a number of issues that a new democratic society needs to deal with. These include the notions of transformation, decolonization, freedom, justice, peace, safety and security, and the social, economic, physical and environmental development of society. The above concerns in their entirety are inextricably intertwined and are rooted to “culture” in any given society. According to Mercer (2002:18) culture, in its daily manifestations, is bound up in complex but powerful ways with the economic, the social, the environmental, the familial and the personal. Global cultural or developmental agents such as United Nations Educational, Scientific, and Cultural Organization (UNESCO), 1998, Council of European Union, 1997, New Partnership for Africa’s Development (NEPAD), 2003 and United Cities of Local Government of Africa (UCLGA), 2005 are of the opinion that culture plays a critical role in society and is therefore an essential ingredient of the meanings people attach to their societies. These multinational and multicultural organs confirm that development cannot take place in a cultural vacuum.

According to Ruiz (2003) the above implicit culture – development interaction means that “culture” is essential for a holistic comprehension of the dynamics of the metropolis, big and small towns as well as of the character of varied rural environments. In other words, any integrated or intertwined development plan is essentially incomplete without a cultural context. Culture is the pillar of any given society’s development and is also the glue that binds plans together. Ironically the need for an “alternative” or “replacement” culture is essential for countries in distress, warring communities, declining cities and dilapidated settlements, remote villages and inaccessible mountainous areas. Culture is a powerful tool, with which communities are moulded, nurtured, built, constructed and reconstructed.

However, for culture to impact positively on society, as implied and argued above, it has to be acknowledged at all levels of public administration. This means an articulation of culture or cultures at the national, regional or provincial and local government levels in the form of constitutions, policies and legislations. Arising from its inclusiveness, culture should be acknowledged as a shared responsibility of local, provincial and national government. However, local government and local authorities, in particular, play a more direct role in cultural development concerns because of they are structurally closer to the people at local and grass roots levels.

In South Africa there are a couple of major problem areas in the process of relating culture and development. The first is that, while culture appears to be playing a critical role at the local level in society with or without Government assistance, the key Government actors, that is, the Departments of Arts and Culture (DAC), Provincial and Local Government (DPLG) and the South African Local Government Association (SALGA) do not assign specific strategic roles for culture or local cultural matters at the local level.

Government has given very little attention to local cultural policy as a tool for addressing social, economic and physical developments at grass roots level. Schedules 4 and 5 of the Constitution of the Republic of South Africa, 1996, are open to misunderstanding, insofar as they refer to “cultural matters”, and “provincial cultural matters” in local government matters and Schedules 4b and 5b do not make express reference to arts and culture. Those South African local authorities engaged in the course of the project seem to believe that Schedules 4 and 5 prevent them from making by-laws and regulations dealing with cultural issues within the jurisdictions of the local municipalities. It is not valid to conclude that provincial and national governments are the only tiers of government that may decide on how to approach and support cultural issues as indicated in the 1998 *White Paper on Local Government.* Arguably local authorities enjoy

competence in this area, as long as their initiatives are aligned with provincial and national legislation[1].

As a result of the above misunderstanding of the constitutional imperatives many local authorities have sidelined culture as an issue of and for development. Culture is forgotten and relegated to a "no-man's land"; as it struggles for recognition with competing policy imperatives including economic and social matters (Ruiz, 2003). Even at the academic level the notion of local cultural policy as a field of study or *public inquiry* is neglected and not in place in South Africa (Schuster, 2002). This stands in contrast to the national level, where cultural policy inquiry has been forged through published papers and research projects.

Furthermore, to a very large extent in many municipalities the issues around cultural-led development are not given the attention they deserve. This could be attributed to the absence of a local cultural policy. For example, most municipalities have no programs or projects on culture and social, economic and physical development. Nor is culture featured prominently as a vehicle of development in most municipalities' integrated development plans. Although recognition has been given to national skills development needs, skills development in arts education, cultural management and policy studies, culture and regeneration is glaringly missing in municipality plans.

It is against this background that the Department of Arts and Culture (DAC) (on behalf of the South African government) entered into a bilateral cultural agreement with the Flemish government, under the "South African-Flemish Local Cultural Policy Project". It should be noted that the partnership between the South African and Flemish governments is not a way of creating a local cultural

[1] An opinion prepared by Professor Christa Roodt (who specializes in culture and law) for purposes of the project on cultural policy in local government, confirms that the perception that local government authorities lack competency for culture under the Constitution is incorrect. See appendix 1

policy or copying the Flemish model but a genuinely chosen meeting point, which allows for the cross-pollination of ideas and experiences which are aimed at promoting and preserving a unique South African identity in terms of originality and specificity. The partnership is scientific in the sense that it is guided by well formulated criteria such as accountability, long-term planning, selection of priorities, identification of leaders, participation of civil society, democracy and citizenship (Ruiz, 2003).

1.2 Aim of the SA-Flemish Local Cultural Policy Project

The aim of this project was and still is to develop (a) local cultural policy framework/s or instrument/s that would be applied by municipalities in developing and implementing local cultural policies in South Africa.

1.3 Project locations

The locations for the Local Cultural Policy Project are in three of South Africa's nine provinces: In the three selected provinces, the following municipalities were chosen as localities for the local cultural project:
In KwaZulu-Natal Province;

- eThekwini Metropolitan Municipality and
- Zululand Municipality

In the Free State;

- Mangaung Municipality and
- Metsimaholo Municipality

In Limpopo Province;

- Polokwane Municipality and
- Thulamela Municipality

1.4 Definitional assumptions

1.4.1 Culture

This framework subscribes to the view that meanings should be articulated in terms of a given context, for they are not fixed entities. Meanings are determined by perceptions; thus they can be created, developed, modified and changed within the actual process of interaction (Haralambos, 1989*).* The definition of culture should be left to the understanding of communities and determined by individuals based on their experiences and preferences (Brosio, 1994).

In view of the data collected during this research and workshops under the auspices of the SA-Flemish Local Cultural Project conducted in the six municipalities in Limpopo Province, the Free State and KwaZulu-Natal, it became clear that, although culture is a broad concept and has universal value, it is appropriated differently by individuals and communities. Understood in a broad sense, culture is a “way of life” since it embraces all aspects of life.

Arising from experience, the consensus was that it would be advisable for local communities or municipal authorities themselves to provide their own definitions of culture during the process of local cultural policy formulation. In this manner, each municipality would construct its unique understanding of culture, that is informed by particular local experiences and perceptions. The process of defining culture by the local community should, however, also take into consideration the international and continental understanding of culture as described by **UNESCO,** the **African Union,** the **Constitution of South Africa,** and the **White Paper on Arts, Culture and Heritage**. In addition, since many other scholars have defined

culture in so many different ways, it is also important to take their views into cognizance.

1.4.2 Cultural policy

The terms “policy” and “cultural policy” share many of the same difficulties of interpretation and understanding as the term “culture”. Therefore communities should also be allowed to unpack the concepts of “policy” and “cultural policy”, while recognising the established traditions and understanding. The term “policy” may be viewed as a set of guidelines informed by an ideology through particular consultation (Radbourne, 1997). Similarly, “policies” can be thought of as general guidelines for the management actions needed to achieve stated objectives (Shore, 1987). On the other hand Anderson describes policy as “a proposed course of action of a person, group, or government within a given environment providing obstacles and opportunities which policy was proposed to utilize and overcome in an effort to reach a goal or realize an objective or purpose” Anderson, 1984. Policy is a projected programme of goals, values and practices (Lasswell & Kaplan quoted by Dye, 1998). Policy is whatever governments choose to do or not to do (Dye 1998). That means policy may be a statement, made by a politician, in which goals are set.

In the light of these descriptions “policy” can be said to be a discipline-based or broad-based document which serves as a “road map” to guide planners in a particular context in order to achieve certain goals. It is a carefully planned action intended to address some identified problems.

It is important to note that the term “cultural policy” is a combination of two words – “culture” and “policy” -- forming a new concept, “cultural policy”. Otherwise it is not easy to define what “cultural policy” is. It is as slippery as defining culture. “Cultural policy” represents at least two different perceptions of life. It is an organic, natural and spontaneous existence, while policy is conscious,

methodical and deliberate. To solve this contradiction, the two concepts can be reconciled as one integrative process, capable of uniting our diverse value systems, and in this way holding out great hope for the future (Abraham, 1978).

On the basis of the above observations, “cultural policy” could be described as authoritative documents, which may be in the form of laws, white papers, national budgets, provincial budgets, formulated by state departments of arts and culture, provincial departments of arts and culture, local authorities or any other cultural public institutions, in order to address community cultural problems and aspirations of all the society’s communities. It should be noted, however, that the mentioned documents may be regarded as the sources of policy (see PLC 202 – V) that inform the formulations of an overall policy or master plan (Dunbar, 1973).

It should be concluded therefore, that this project is about developing a policy framework that will lead to the development of an overall cultural policy or master plan but not sources of policy

1.5 Policy and legal framework [2]

The constitutional definition of the powers and functions of local authorities in relation to provincial and national government is ambiguous in some respects. The constitutional definition of the powers and functions of local authorities in relation to provincial and national government requires an understanding of at least the legislative powers of local authorities. Furthermore, some aspects of development of cultural policy by local authorities need to be spelt out.

Among other issues Chapter 3 of the Constitution highlights the principles of co-operative government and intergovernmental relations that are intended to guide the structuring, functioning, planning and decision making of government within

[2] Refer to appendix 1

the cultural sector and the interpretation of the duties of the national and provincial spheres of government.

Parliament and provincial legislatures have concurrent legislative competence in the functional area of cultural matters (Schedule 4). This means that legislation concerning these matters may be enacted in both the national and provincial spheres, and that provincial and local government have some responsibility to promote and develop arts and culture in their defined areas. Schedule 4B cannot be taken to constitute a definitive delimitation of local government powers and functions, because Schedule 4 does not deal with the boundaries of local government powers and functions. It must be understood that national legislation provides an overall framework for local government, and provincial government has an important intergovernmental role to play. Provinces may proceed with legislation regarding these matters in the absence of national legislation. Local authorities or municipalities also exercise legislative and executive authority within predetermined areas.

The legislative framework of the new order enables the three spheres of government to undertake local cultural policy and planning together with cultural communities. It is designed to maximise co-ordination across all the fields of national heritage conservation by means of a three-tier system of heritage resource management on national, provincial and local government levels. The system distinguishes between categories that broadly correspond to national and provincial heritage authorities and local authorities. The South African Heritage Resources Agency (SAHRA) or a provincial heritage resources authority may enter into an agreement with a provincial authority, local authority, conservation body, person or community in respect of the conservation, improvement and presentation of a heritage resource. Provincial heritage authorities have a general duty to co-operate with, co-ordinate with and assist local authorities. The NHRA does not prescribe formal processes to facilitate intergovernmental relations and responsibilities in respect of the national estate and provincial and

local heritage resources. SAHRA must consult with the NHC, heritage institutions, government structures, local authorities, the community and other bodies in the performance of its functions.

Heritage authorities and local authorities must co-ordinate the presentation and use of places of cultural significance and heritage resources that form part of the national estate (section 44 of the National Heritage Resources Act of 1999).

It may ultimately prove important to bring the local cultural policy framework under local government authority once the likelihood exists that it will be managed and implemented effectively. The lack of attention on the part of government to local cultural policy initiatives attests to the underutilization of the current model of harmonized co-operative governance.

1.6 Phases of the project

The project was planned to develop in five stages over a three-year period as follows:

1.6.1 Mapping/Steering (2003-2004)

This entailed conducting surveys of the cultural life and appointing steering committees in each municipality to drive the processes.

1.6.2 Analysing and Profiling (2004)

During this phase data was analysed and a SWOT analysis of each local municipality area was done.

1.6.3 Visioning (2004)

The visioning process used the surveys and profiles of municipalities to propose a policy framework.

1.6.4 Cultural Policy Framework Development (2005)

The vision was translated into policy framework/s or instrument/s.

1.6.5 Advocacy (2005)

Advocacy is essentially a “buy-in” period for the local cultural policy by all stakeholders concerned.

1.7 Project methodology

No single method can be used for a project of this nature. The methodology for the Local Cultural Policy project was conceived during meetings and workshops.[3] Several workshops and meetings were held in all three provinces in South Africa, in Pretoria and also in Belgium. The aim of the workshops was to deepen knowledge among the partners of the role of local cultural policy and to explore the future challenges for the local cultural policy in local governance. The research was done using the following methods: literature reviews, interviews and questionnaires with a representative sample of populations of the project locations, and consultation with various representative stakeholder groups in the project locations.

[3] Refer to Appendix 8 – meeting details.

1.8 Instrumentalization of culture

The notion of instrumentalization of culture, which is the core concern of this document, is consciously and cautiously employed by this national local cultural policy framework because it is currently being debated in some academic circles.

Instrumental cultural policy is defined as using “cultural venues and cultural investments as a means or instrument to attain goals in other than (sic) cultural areas…the instrumental aspect lies in emphasizing culture and cultural ventures as means and not an end in itself” (Vestheim quoted by Skot-Hansen (2005). One of the specific problems with instrumentalization is to turn and demote culture into a junior partner in the periphery of development. Therefore, in order to move culture from the periphery to the centre (as is the requirement in South Africa) and to produce an effective cultural policy, the balance between traditional development of culture as a sector and its contribution to social, economic and physical development must be considered.

This sense of an implied balanced approach is supported by Mitchell who states that “in more general terms, cultural policy is expected to strike the right balance between the traditional promotion of arts and culture and their contribution to economic and social development” (Mitchell quoted by Skot-Hansen, 2005). Similarly, Bianchini argues that “the consolidation of cultural policy’s function as a strategy for economic development, city marketing and physical development does not mean that older arguments for interventions in this area of cultural policy-making have been abandoned. Rather, old and new social and economic, community and elite-orientated arguments coexist, often uneasily, within the agenda of city governments (Bianchini quoted by Skot-Hansen, 2005).

It is proper for South Africa to adopt a traditional development of culture approach and instrumental strategy. Like any other African country, South Africa has experienced the often silent clash between Euro-American cultural values on

one hand, and indigenous cultural values on the other. Once this policy framework adopts the instrumental approach as a single approach, indigenous cultures could be sidelined. It is in this context that radical indigenous and modern cultural developmental changes have to be generated and balanced using the instrumental approach. This approach could affirm cultural identity, growth of indigenous and modern cultural institutions and industries in parallel.

1.9 Economic globalization

In order to protect local content, a cautious and balanced approach to engage the current discourse about economic globalization with messages of mediocre and meaningless consumption should be employed. This globalization highlights the inequalities that it consolidates and exacerbates. Its negative cultural consequences (or neo-liberal globalization) may be seen in the way a world power is trying to impose its hegemony, through monopoly of information and communication. The messages, referred to above, are aimed at influencing large sections of the planet's population with certain specific ways of thinking and behaving, turning such masses into passive and acritical addressees or Euro-American-Asian mass products that tend to suffocate autonomous local cultural products and impose steady sets of expectations, conventions, genres and themes. (See *Cuban's Cultural Policy and Final Report of Reflection Group as the European Cultural Foundation Cultural Project* 2002-2004, 2005)

PART 2: CULTURAL POLICY GUIDELINES

Having discussed the interpretation of culture and the role of cultural instruments in the development of the project's local cultural policy, this part of the document clarifies the assumptions behind the suggested structures of the cultural policy guidelines

2.1 Rationale for local cultural policy

Apart from developing cultural industry in a co-ordinated fashion, there should be a local cultural policy, as an *overall policy or master plan (*Dunbar, 1973). It is essential for any developments -- as demonstrated by many countries and municipalities in Europe, Asia, Latin America and United States of America (Mercer, 2002; Bianchini, 1993). Where it has taken place, local cultural policy has made a very significant contribution to the economic, social and physical regeneration of the community; it has clarified issues of social inclusion, diversity, conflicts and xenophobia. On a different level cultural policy has unequalled potential to enrich individual lives. It can enhance the quality of life and reach out to both marginalized and better-off communities seeking to further uplift themselves.

With a number of processes and strategies, cultural policy also mobilizes creative industries in order to ensure that they will inform the local economic development and social regeneration strategies of the region. Culture greatly adds to people's quality of life and contributes significantly to health, sustainability and the vibrancy of our communities (see, Regional Cultural Strategy for the North East of England). It should be mentioned that although African countries are still focusing on national cultural policies, there are countries such as Botswana, Angola and Namibia that have formulated good policies with some elements of local cultural policies (see National Policy on Culture, Republic of Botswana, 2001).

Local cultural policy revitalizes urban and rural areas -- socially, physically and economically: It creates liveable and vibrant cities. It also promotes cultural tourism, sanitization of urban streetscape and beautification of urban cities, villages and townships, and sustainable rural livelihoods. Local cultural policy creates more and intricate public spaces and makes cities more attractive and legible. These policies could be counted upon to encourage the establishment of pedestrian spaces and construction of traffic calming measures. An evolved cultural policy can be the anchor of a vibrant night economy that includes reliable night public transport, night healthcare facilities, quality street lighting and visible community policing (Mercer, 2002 and Bianchini, 1993).

In other words, local cultural policy promotes and encourages relationships, shared memories and experiences. It is about identity, history and sense of place. Local policy is about the diverse cultural and religious background found in most communities. It is about the things we consider valuable for passing on to the future generations. It is a way of connecting the present with the past and the future. It helps municipalities integrate and focus their efforts in all the areas that affect the quality of people's lives. It is a way of linking these efforts with broader management plans or integrated development plans and strategies. When harnessed to local government's strategic objectives, cultural policy can help municipalities tackle social exclusion, contribute to urban, township and rural regeneration, create employment opportunities, build safer communities, improve community wellbeing and encourage healthier lifestyles (see Cultural Planning Guidelines for Local Government at www.google.co.za).

Therefore, local cultural policy should be viewed as a serious strategic developmental tool by society and local government, that is committed to cultural development, cultural identity and integrated service delivery. It is with reference to this policy that integrated urban, rural and township regeneration could be translated into recognizable action.

2.2 Values and principles

Before outlining the values and principles of the local cultural policy, it is worth noting that values are distinctive, enduring and influential. The values that the local cultural policy will enshrine include foundational values, service feature value, resultant benefit value and legacy values (see Glossary).

The following values and principles are important in the development of local cultural policy because they are imbedded in our constitution, post-1994 history, and social, economic and political conditions of the country. Specifically they include:

- participation of people in policy formulation and cultural life
- promotion of local and national identity
- quality and excellence in terms of professional standards
- respect and support for the creativity and originality of communities
- recognition of cultural diversity in terms of cultural practices and access
- partnership with cultural organizations, all tiers of government, business and community sectors
- sustainability in terms of present and future needs
- freedom of speech or the arm's length principle.
- recognition of culture-led regeneration

In setting the above, and at the stage of determining local cultural policies, municipalities will have to go into deep dialogue with all the relevant stakeholders. This is critical in order to achieve the desired and overarching South African values and principles.

2.3 Vision statement

A vision is a statement of a desired future. It is a proclamation of the state of affairs society wishes to attain at a future date. A vision is a legitimate dream.

The vision of the cultural policy should reflect a desired state of circumstances reflected in the local cultural life for posterity and for the sake of the arts and culture–led regeneration of humanity and its relationship with the environment. A vision should stimulate and become the force to mobilize communities. The visualization process should express the ambition of the people with regard to the future impact of culture on stakeholders and the population at large. A cultural vision should connect and influence a municipality's vision. A vision should be unique because it articulates the desired prospect of a unique and particular socio-economic context.

There are various domains involved in the cultural industry. Each municipality will require the formulation of its own vision. A vision statement is basically the conditions that municipalities and other stakeholders set themselves to attain or experience at a future date.

The project team's research experiences confirm the vision, therefore, which is for South Africa to be transformed into a leading African state in which culture and cultural understanding will function as dynamic agent and sector for social, economic, physical and integrated development[4].

Over and above the aforementioned, cultural stakeholders and municipalities need to collectively articulate their own visions.

[4]. It is important to note that this vision is also informed by the DAC: Strategic Vision Plan 2005-2010 (See Strategic Plan April 2005 –31 March 2010, www.dac.gov.za).

2.4 Objectives of the cultural policy framework

There is a clear demarcation between the objectives of this policy framework and the objectives of the Local Cultural Policy. The former relate to the objectives of this document. The latter refer to the objectives that municipalities will have to address when the local cultural policy is formulated.

At this point in the research, most cultural stakeholders have been identified. Their internal and external requirements, expectations, concerns, fears, commitments have been captured and reasonably articulated. The concerns that have been identified in the six prototype municipalities are the challenges and opportunities that the framework objectives respond to.

Despite the realisation that there are differing cultural challenges in respective municipalities, the objectives of this cultural policy framework/guideline can be stated to be as follows:

- to facilitate the development of effective and integrated local cultural policies in South Africa's municipalities
- to guide and support local authorities in their process of formulating cultural policies through workshops and skills development
- to promote co-operation between the private sector, non-governmental organizations and local government through open dialogue and strategic directions of culture-led development in each municipality

When drafting the objectives of the local cultural policy, municipalities should consider that these will be informed by the current and future challenges in the cultural arena.

- The challenges will be the basis for creating broad statements of goals.

- A number of objectives will flow from each broad goal.

The construction of objectives will require facilitative, analytical, numerical, reflective, predictive, visual, creative, critical, empathetic, ethical, pragmatic and political skills. More specifically, it should be noted that the following perspectives regarding objectives should be kept in mind when writing the local cultural policy:

- The objectives of the policy should be diversified and be of long-term importance, that is, up for review every five years or so.
- Some comprise a more general description of the self-image of the urban, township and rural, and their relationship to their cultural history and potential to future integrated development through culture-led urban regeneration, rural development, township rejuvenation and skills development.
- Some could be general objectives with a more specific strategy that defines more concise guidelines.
- Some objectives may be defined with precise information on start and end dates and with a budget (Robinson, 2005).

(See appendix 2 for further guidance on the construction of objectives.)

2.5 Action plan

The “action plan” is basically a matrix outlining a number of interrelated questions that the cultural planner and stakeholder will have to confront, consider and address in the process of formulating a cohesive plan of action. Figure 1 is a summary of key activities envisaged in this area.

Figure 1

What?	How?	Why?	Where?	Who?	When?
What objectives are you trying to achieve? • Short-term, (sprinter) • Long-tern, (Decathlon) • Long term, (Marathon) Are you prepared or committed to achieving your objectives?	How do you want to achieve your objectives? How will you organize, control, co-ordinate, and lead the project team? How will communication /feedback be conducted? How will you know when you are or are not achieving your objectives?	Why do you want to achieve the selected objectives? Why should research be an ongoing process?	Where will these objectives be achieved? Where will research be done	Who will achieve the objectives? Who will have authority to direct the process/project? Who will do research? Who will raise the funds? Who will be responsible for communication?	Timeframe
What are the resources you need to achieve your objectives?	How will you get the resources you need to accomplish your objectives?	Why are resources critical for the achievement of the objectives?	Where will the required resources be sourced from?	Who will manage the resources?	
What will you do to manage resistance, risk, change, budgets, and motivation?	How will you go about getting the required resources?	Why do you need to manage the resources?	Where … ?	Who … ?	

Source: D. Mahosana

2.6 Funding models

Three models are proposed by this framework.

In the first model municipalities that develop local cultural policy will/should receive financial support from
OR
municipalities that develop policy should receive financial support facilitated by:

- The National Department of Arts and Culture
- The Provincial Department of Arts and Culture
- The National Department of Provincial and Local Government
- The Provincial Department of Local Government and
- the South Africa Local Government Association
- Other departments that might be on board[5].

The second funding model should be a 50/50 co-financing between national and provincial departments and organizations and local authority's own income.

The third model is that the establishment of the National Cultural Foundation in order to contribute towards the subsidization of municipalities should be considered. This might add value to the process of cultural policy funding.

2.6.1 Conditions for funding

The funding for municipalities should be determined by the following conditions:

- The declaration of intent by a municipality to establish a "cultural planning directorate" or "department" within a year after the application for funding.
- The appointment of a qualified and competent "cultural planner".

[5] This is a modified Flemish funding model. For more information see the document "Dive! Into the local cultural policy: socio-cultural organizations and the decree on local cultural policy".

- The development of a local cultural policy within two years after the declaration of intent.
- The cultural policy must demonstrate that it will assist the municipality to tackle social issues; contribute to urban and rural regeneration; create job opportunities; build safer communities; and encourage healthier lifestyles that give rise to culture-led social, economic and physical development.
- The support of private local cultural organizations and the creative class.
- The establishment and support of mixed-use cultural centres with shops, offices, and different kinds of leisure provision. Each centre should provide a number of facilities, such as a multipurpose theatre, museum, gallery, meeting rooms, offices, village or urban guest houses and village or urban restaurants, pay-point station (in rural areas), health care facilities, libraries, information communication technology and museum.

PART 3: CULTURAL STRATEGIC DIRECTIONS

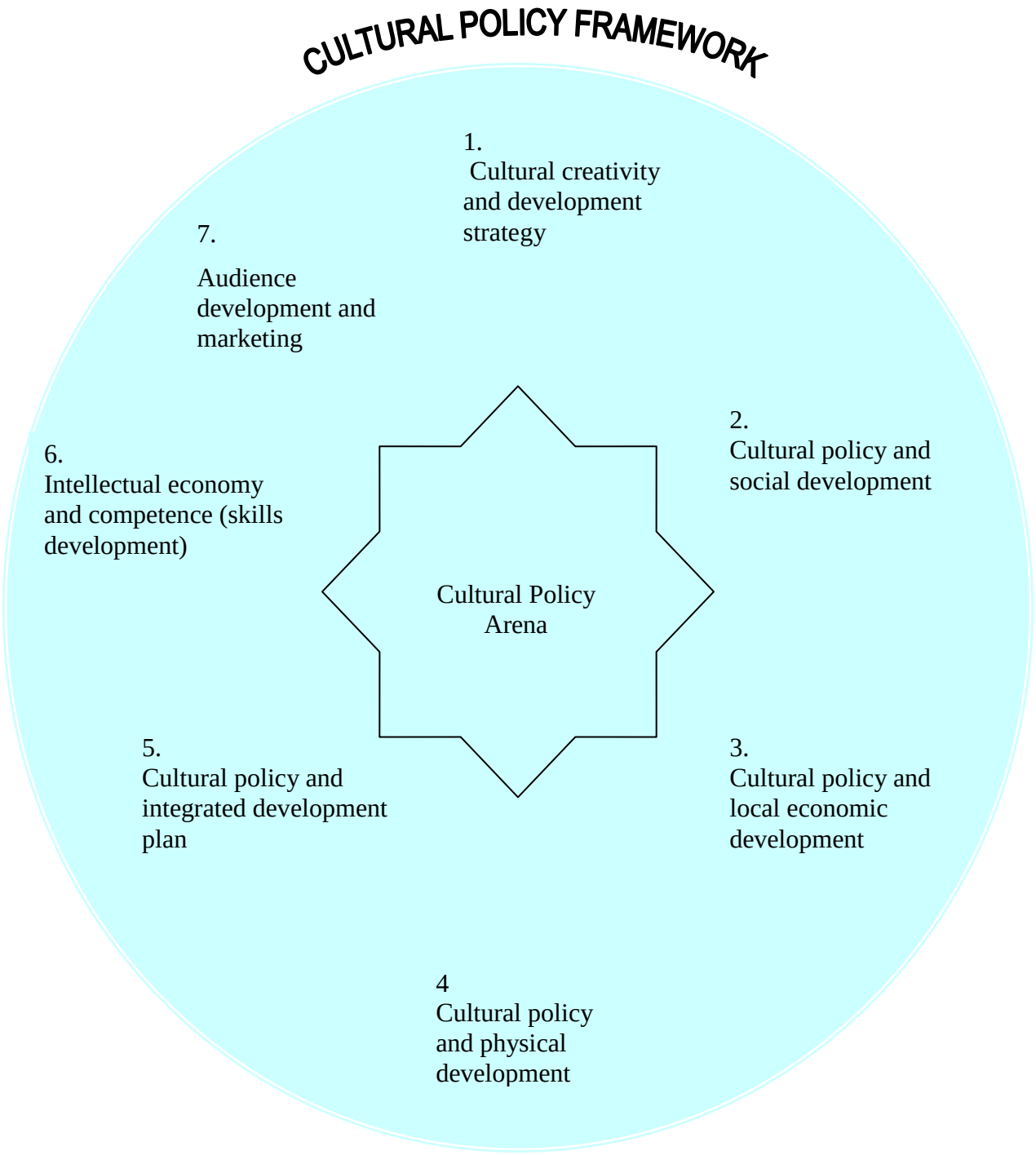
3.0 Cultural strategic directions

In terms of the research carried out in six municipalities, workshops (conducted locally and nationally), observations, experiences and lessons learnt from other best practices or models, seven cultural strategic directions that should inform the South African local cultural policy framework have been identified. Also to be noted is that some of these strategic directions overlap, and that should not be regarded as a mistake, as this overlap could be attributed to fact that culture intertwines with all aspects of life. Furthermore, it should be noted that these seven strategies are not exhaustive but will evolve over time. They comprise the following:

- cultural creativity and development strategy
- cultural policy and social development
- cultural policy and local economic development
- cultural policy and physical development
- cultural policy and integrated development plan
- intellectual economy and competence (skills development)
- audience development and marketing

The above interrelated cultural development strategies are diagrammatically represented in figure 2 below.

Figure 2: Component parts of the cultural policy



Source: Mzo Sirayi & Godfrey Anyumba

Robinson (2005) refers to this approach or model as “Four Es: Enlightenment, Empowerment, Economic Impact and Entertainment”. Robinson’s model is informed by current discussions on rationales for cultural policy in European cities.

3.1 Cultural policy and creative development.

The cultural policy should demonstrate:

- A commitment to the cultural development of pre-colonial cultures or indigenous cultures, creative economy, festivals (indigenous and contemporary), community programmes, cultural villages, community arts centres, partnerships and tourism.

Culture cannot develop without creativity and well-planned cultural programmes and projects that are developed according to specific needs within creative industries and heritage. Creativity is defined as the ability to generate something new. It means the production by one person or more people of ideas and inventions that are personal, original and meaningful (Howkins 2001). This means the question of promoting creative industries and economy should be one of the most important strategies in any policy and should go hand in hand with cultural development.

For example, the programmes may target the following areas or needs:

- Programmes for the cultural development of mountains and remote areas
- programmes for townships
- programmes for city centres
- programmes on libraries, books and reading
- programmes for the development of information science and communications
- programmes for health.

- programmes for tourism.
- programmes for water and the sea.
- programmes for initiation institutions.
- programmes for traditional healing institutions.
- programme for indigenous knowledge systems.
- programmes for traditional leaders.
- programmes for opening information technology communication hubs or student clubs.
- programmes for children, the youth and vulnerable groups

3.2 Cultural policy and social development

The policy should reflect and articulate:

- Commitment to social development. This entails issues of identity, relationships, values and aspirations, diverse cultural, religious and cultural heritage background, social inclusion, cohesion, accessibility, xenophobia, youth, homelessness, health, women, cultural tourism, prisons, games (indigenous and modern) and sport.

The local cultural policy should articulate social development elements aimed at social integration, social cohesion and inclusion, poverty alleviation, and also deal with issues of discrimination, xenophobia, racism and integrating homeless people into society. It should address all aspects of social life including languages (African languages in particular), youth, women, diversity, and lifestyles. Municipalities should take into account that the South African population is diverse; therefore policies should accommodate various cultures, communities (including those of minorities), immigrants, prisoners, marginalized cultures and indigenous knowledge systems.

Another aspect of this strategic direction is cultural tourism. Cultural tourism should promote local diversities, local culture and the tourist economy. It should

also build and support local, regional, provincial, national and continental cultural identity. In addition cultural tourism has the potential to promote other cultural aspects such as historical heritage (from pre-colonial to colonial period), ethnographic heritage (for example indigenous music, instruments), architecture, traditional food, folklore and indigenous languages through local cultural policies.

3.3 Cultural policy and local economic development

The crises and challenges in the "traditional economy" such as agriculture, mining, forestry, manufacturing and the textile sectors should be given recognition by the local cultural policy.

Whilst there is room for further evolution in the above sectors, such as ensuring that South Africa's agriculture feeds every citizen every day; and that investment in locally designed attire revives the clothing industry, the cultural policy should nonetheless also acknowledge the rise of computer technology and information communication technology, as value-adding industries in all facets of local economic development and in culture because they stimulate positive local development synergies.

Cultural and creative industries should be included in the process of revamping the various South African economic sectors. For example, museums, galleries, theatres, community arts centres, multipurpose public spaces, mixed-use centres with shops, offices, different kinds of leisure provision and lodgings should be part of the emerging South African local economic landscape. Urban and village bed-and-breakfast establishments, hotels and conference centres should be significant additions to local economic development. Ultimately, organized local, provincial or national competitions for the identification of "cultural districts", the "South African City of Culture", the "Municipality of Culture" and leading cultural co-operatives should stimulate creative ideas to enrich the cultural and economic base of communities.

Local cultural policy should lobby for the recognition of creative industry as the "new economy" of creative individuals that contributes to the regeneration of the local economy (Howkins, 2001).

Local economic development should also articulate the recognition of the relations between culture, lifestyle and economics since economic growth takes place at local authorities that are tolerant, and open to creativity. Local economic development is powered or strengthened by creative people, who prefer places that are diverse, tolerant and open to new ideals. Local economic growth comes from the 3 Ts of economic development. The three Ts refer "talent", "technology", "tolerance". It is argued that and these are what spur innovation and local economic development (Florida, 2002).

For local economic development to take place at the local level, policy makers and local communities should think creatively; culture should be moved to the centre stage and due recognition given to cultural resources. These resources are the raw materials of the municipality and its value base; and municipalities realize that cultural assets can replace -- and have replaced -- coal, agriculture, sugar, mining, steel and gold industries in the economic bases of many municipalities. With the decline of existing resources and manufacturing industry, culture should be seen as a saviour of many municipalities, and is a fast-growing industrial sector. What are needed are the creative or innovative methods of exploiting cultural resources for the benefit of local economic development. For example, municipalities should conceptualize their economic environments as 24-hour business cycles rather than the prevailing 12-hour entities. This would of course require the enactment of by-laws to accommodate such radical views on economic possibilities. Cultural industries are regarded as economies of proximity and local assets. Culture, therefore, should shape the technicalities of urban and rural planning rather than be seen as a marginal add-on to be considered once the important planning questions like housing, transport, and land-use have been dealt with (Landry, 2005).

3.4 Cultural policy and physical development

The policy should demonstrate:

- The integration of cultural planning into the physical environment. This strategy is basically concerned with the cultural investment in the man-made spaces that facilitate human interactions in municipalities. These include mixed-use venues, community arts centres and other private, semi-public and public arenas that have been mentioned previously in this document. This infusion of cultural policy into the environment is total and when innovatively executed, should find expression in libraries, shops, offices, different kinds of leisure provision, lodgings, B&Bs, hotels, conference centres, sports facilities, health-care and child-care centres. Culture in physical development should ultimately find a wider interpretation of an African architecture in the townscape and streetscapes of regenerated urban and rural areas; in heritage development, in pedestrian routes, in market halls, in places of shared memories, in street furniture, public lighting and transport facilities et cetera.

This strategy essentially advocates the use of local cultural policy as a tool for space regeneration, that is, urban, township and rural renewal. It calls for the presentation of urban identity and rural images by the scenography of public places and the development of viable urban and rural marketing initiatives.

3.5 Cultural policy and integrated development plan (IDP)

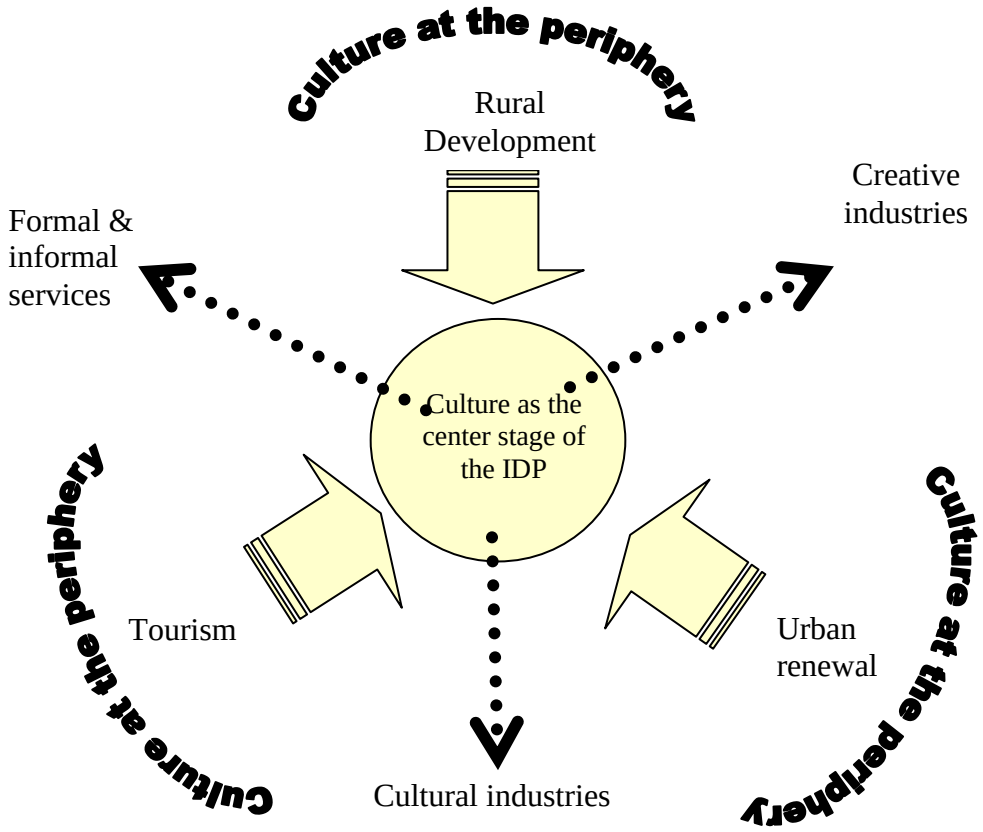
The policy should :

- Move culture from the periphery to the centre of the IDP.

- Local cultural policy should articulate and ensure that cultural elements and cultural considerations are central to all processes of planning and development as reflected in existing IDPs.

Figure 3 illustrates the envisaged dynamics of centring culture in the IDP. In the diagram, culture that is currently at the periphery of local government development (for a number of reasons explained elsewhere in this document) and is centred by means of features such as culturally sensitized tourism, urban renewal and rural development. Some of the envisaged benefits would be the systematic rise of cultural industries, the creative industries and formal and informal sector services in society (Anyumba, 2005).

Figure 3. Culture at the centre of the IDP



Source: G. Anyumba and M. Sirayi

3.6 Intellectual economy and competence (skills development)

The policy should demonstrate:

- The commitment of the local government to skills development. This includes empowering people in arts education, heritage education, cultural management, policy studies, financial planning and funding, partnerships, and indigenous knowledge systems. Other intellectual development pursuits include urban planning, sociology, local economics and creative economy, culture and marketing, geography, agriculture, history, and language and adult education etcetera.

The local cultural policy should articulate the importance of skills development in order to strengthen the democratic process and the development of the cultural sector like other sectors. This strategy should be visible and manifest itself in the cultural policies of municipalities. The manifestation of this strategy should be through subsidies of funding for the production of arts, heritage and access to the cultural industry. Furthermore, cultural education for children, youth and adults should be taken very seriously. Institutions of learning should be encouraged to develop courses on Arts Education, Heritage Education, Cultural Management and Policy, Culture and Regeneration, and Culture and Local Economic Development or Creative Economies and other related courses. Also the co-operation between municipalities and learning institutions should be promoted in order to share facilities for training learners and professionals.

3.7 Audience development and marketing

The policy should demonstrate:

- Audience development for new cultural facilities that may include social and cultural venues, political platforms, sports settings, novel recreational and innovative programmes and regenerative projects. Audience

marketing endeavours to attain the sustained creation and reinvention of culture in a municipality as a basis for attracting the right combination of people and resources for its benefit.

- The marketing and branding of the existing and unique cultural attributes of the municipality locally and internationally. The strategy aims at several objectives. The first is marketing for the purposes of generating businesses interest in the municipality. The second objective is to engender diversified recreation in the local authority. A third objective aims at adopting the municipality as a preferred place of residence.
- Collective marketing and branding strives to create new cultural outlets and to facilitate and sustain the use of existing cultural venues.

PART 4: STEP- BY- STEP LOCAL CULTURAL POLICY PLANNING PROCESS: A DRAFT GUIDE FOR LOCAL GOVERNMENT

4.1 Introduction

It is envisaged that all municipalities will be encouraged to formulate their own cultural policies or cultural plan strategies. For the sake of uniformity in diversity, all municipalities will have to follow these guidelines.

In this context policy formulation or the cultural planning process should be understood as a planning process that considers the issues of community relationships, shared memories, experiences, identity, history and a sense of place. It also considers the value and significance of the cultural and religious backgrounds of all communities, big and small. It is a process of linking the past, present and future in various ways. Importantly, these values and experiences should be seen as unique (cf Eurocult21 Compendium: Urban cultural policy and policy profiles, 2005 and Cultural Planning Guidelines for Local Cultural Government, at www.google.co.za).

Why is a cultural policy or a cultural plan strategy important? It is a tool for assisting municipalities to develop a cultural industry and to focus their plans on areas that affect the quality of life of the people. It is also a tool for linking culture to other policies and integrated development plans. It becomes an instrument for helping municipalities to address and tackle the challenges of social exclusion, racism, discrimination, xenophobia, cultural identity, and to contribute to urban, township and rural renewal. Furthermore, it is incumbent upon those responsible for the cultural planning process to create job opportunities, to improve community wellbeing and to encourage health reform (cf Eurocult21 Compendium: Urban cultural policy and policy profiles, 2005 and Cultural Planning Guidelines for Local Cultural Government, at www.google.co.za).

In order to ensure that the above-mentioned community values, aspirations and experiences are demonstrated and articulated by cultural policies or cultural plan

strategies, some basic guiding and monitoring principles should be developed. These guiding principles will also be used to check whether or not cultural policies and cultural plan strategies are in compliance with the aspirations and experiences of communities.

4.2 The step - by - step guide

It is important to note that:

a working cultural policy or a cultural plan strategy = a cultural framework/policy + an action plan + a budget

Whether this is a cultural policy or cultural plan strategy, it should be informed by extensive community consultation, participation and research in order to ensure that the final product is informed by figures and facts and not by preconceived ideas (Greyser, 1973). This is referred to as cultural mapping or audit.

Step 1: Preparation
2-3 months

Municipal decision makers, such as top management and councillors, should be engaged in order to form a Coalition Committee that will drive the process of local cultural planning. The coalition committee should be drawn from different local government departments such cultural planners or advisors, local architects, health managers, water, safety and security managers, town planners or developers, economists, finance managers, local business leaders, community leaders and politicians or councillors. Of course this will be determined by local contexts given that some municipalities are big and others are small.

Apart from driving the whole process, the role of this coalition committee should include the following:

- Recruit colleagues within municipality.
- Allocate staffing and financial resources.
- Design research instruments.
- Review the organizational context.
- Determine the scope of the plan.
- Determine the scale of the plan.
- Align the cultural policy or strategy planning process and timetable with other municipalities' plans and Integrated Development Plans.

(Cf Cultural Planning Guidelines for Local Cultural Government,at www.google.co.za and SA-Flemish Local Cultural Policy Project Report , 2005.)

Step 2: Cultural assessment and cultural mapping
4-7 months

A strategic overview of all the important environmental or physical, social and economic issues on which culture may have an impact should be undertaken. A wide range of documents on a local area should be investigated. The research should be an attempt to generate a broader understanding of issues and opportunities across the municipality. Serious and effective community participation and consultation should be obtained (cf Cultural Planning Guidelines for Local Cultural Government, at www.google.co.za and SA-Flemish Local Cultural Policy Report, 2005).

Step 3: Data analysis

1-3 months

The data collected should be analysed. Communities or stakeholders should be involved by means of workshops. The importance of the analysis is to identify the key issues and priorities and to develop a vision, objectives of the cultural policy or strategy and other policy related matters (cf EuroCult21 Compendium: Urban Cultural Policy Profiles, 2005, www.google.co.za and SA-Flemish Local Cultural Policy Reports, 2005).

Step 4: SWOT Analysis

1-3 months

Once data is analysed, community workshops are held for SWOT analysis purposes. Key stakeholders should be involved in the process (SA-Flemish Local Cultural Policy Project Report, 2005).

Step 5: Visioning

1-3 months

It is incumbent upon those responsible for the findings or results of the cultural mapping and SWOT analysis to develop the vision of the cultural plan strategy (SA-Flemish Local Cultural Policy Project Report, 2005).

Step 6: Organizational structures

Ongoing

The effective integrated policy formulation or cultural planning depends on organizational and decision-making structures within municipalities, that promote teamwork and minimise administrative and professional barriers to collaborative

efforts (see Cultural Planning Guidelines for Local Government, at www.google.co.za).

This implies that each municipality should do the following:

Formulate clear lines of responsibility at senior management level for promoting integrated efforts.

- Review the municipality's skills base to assess whether or not it should be improved in order to meet the needs of the municipality. In order to ensure the sustainability of culture-led development, it is important that top management and councillors are made aware of the culture-led development and cultural planners are deployed or spread across the municipality.

- Locate cultural planners where they can be most effective. Each municipality should place or locate a cultural planner within a multidisciplinary unit such as the IDP unit or form a coalition unity with a strategic focus so that the linkages to social, economic, physical and integrated development plan initiatives are taken care of.

- Integrate culture into the municipality's integrated development plan in order to make sure that culture is budgeted for like all other plans are. The links between the cultural plan and other plans should be clear. There should be clarification as to where and how cultural plan strategy informs other plans and those plans inform cultural plan strategy.

- Take a decision on the relationship between culture-led development and municipality's assets and resources such as libraries, sports facilities, museums, art galleries and community arts centres.

- Develop regional synergies with other municipalities and agencies such as non-governmental organizations, educational, economic development and continental and international organizations.

(Cf Cultural Planning Guidelines for Local Government, at www.google.co.za and Final Report of the Reflection Group as the European Cultural Foundation Cultural Project, 2005.)

Step 6: Creation and integration process
1-2 months

The draft cultural policy or plan strategy should be drafted in consultation with communities and should be endorsed by top management and the mayoral committee or executive council. Apart from being a cultural development tool, the draft document should make sure that culture is integrated into the social, economic, physical development and integrated development plans. The notion of instrumentalization should be married to a cultural development approach, that is, a balanced approach (see Robinson, 2005).

Step 7: Participation and consultation
2-3 months

The draft should be circulated for comment and public reaction. If possible, public hearings should be held. Ward committees, and residents' associations or forums, business associations should also be involved.

Step 8: Revision and adoption
1-3 months

The draft cultural policy or cultural plan strategy should be revised by way of collating and analysing responses from the public and incorporating them into the

cultural plan, if appropriate. The final version should be presented to the municipal top management and mayoral committee or executive of the council for adoption. Finally, it should be submitted to the Provincial Department of Arts and Culture for approval in consultation with the Department of Local Government and Housing.

The final version should be structured as follows:

- Background description (including qualitative and quantitative data on dimensions of the culture of the local community)
- Definition of culture
- Vision statement
- Objectives
- Values and principles
- Importance of cultural policy or cultural plan strategy – linkages the plans of municipalities , strategies, integrated development plan, regional, provincial, national, continental and international agencies
- Cultural strategic directions
- Action plan
- Budget

Step 9: Launch

1 month

Preparations for the launch should take about a month. Top management, mayoral committee or executive committee and stakeholders should be involved.

Step 10: **Implementation**

Ongoing

Policy should be implemented according to the timetable as reflected in the action plan section.

Step11: Monitoring and review

Ongoing

A monitoring mechanism should be in place.

PART 5: ASSESSEMENT CRITERIA FOR SUCCESSFUL LOCAL CULTURAL POLICY: DRAFT GUIDELINES

5.1 Introduction

This local cultural policy assessment tool does not subscribe to the notion of *instrumentalization* of culture (which uses cultural venues and cultural investments as means or instruments to attain goals other than those familiar or **"traditional"** to the cultural areas or uses culture a means -- not an end). But it attempts to strike the right balance between traditional development of culture as a sector and its contribution to social, economic and physical development.

On the basis of data and information from six surveys conducted by the Project Team in 2004, some assessment criteria have been outlined. They are intended to determine whether or not the policy formulation process is a successful story.

The following criteria are considered significant and critical to the policy formulation process if the culture sector is to be properly promoted and integrated into municipal strategies, plans and operations. These criteria are:

5.2 CRITERION 1

The following questions are intended to assess Criterion 1.

- Does the policy reflect a precise and concrete background history of the municipality?
- Does the policy use a cautious and balanced approach to engage the current discourse about economic globalization with messages of mediocre and meaningless consumption? This globalization highlights the inequalities that it consolidates and exacerbates. Its negative cultural consequences (or neo-liberal globalization) may be seen in the way a world power is trying to impose its hegemony, monopoly of

information and communication. The messages, referred to above, are aimed at influencing large sections of the planet's population with certain specific ways of thinking and behaving, turning such masses into passive and acritical addressees or Euro-American-Asian mass products that tend to suffocate autonomous local cultural products and impose steady sets of expectations, conventions, genres and themes. (See *Cuban's Cultural Policy and Final Report of Reflection Group as the European Cultural Foundation Cultural Project* 2002-2004, 2005)

- Is the policy informed by a broad operational understanding of culture or cultural resources as opposed to a traditional and narrow definition of culture? A broad understating of culture ranges from the arts, the media, the crafts, the language, indigenous knowledge systems, fashion and design to sport, recreation, architecture and townscape, heritage, tourism, eating and entertainment, local history, the characteristics of the urban and rural public realms and social life, their identity and external image. (See www.culturalpolicy.arts.gla.ac.uk)

- Is the vision of the policy broad and integrative enough? Does the municipality hinge on participation, creativity, quality, respect, diversity, partnership, excellence, sustainability and freedom of speech as values that underpin the policy? Or is the cultural participation conducted on the "arms length" principle?

- Does the policy demonstrate why local cultural policy is essential in that particular municipality?

- Are the objectives of the policy diverse and intended to be of long-term importance and do they comprise a general description of the self-image of the urban, township or rural areas and their relationship to their cultural history and potential future integrated development

(culture-led regeneration and skills development)? It should be noted that some objectives could be defined into more concise guidelines (see Robinson, 2005).

5.3 CRITERION 2

The following questions are intended to assess Criterion 2.

- Are the strategic directions informed by cultural mapping, a vision statement, and the observations and experiences of the local community?

- Are the strategic directions linked to other municipal planning processes such as urban regeneration, rural development, township renewal, health planning, transport planning, water planning, safety and security planning, social planning etcetera?

- Does the policy demonstrate integration of culture into social development; local economic development; physical development; an integrated development plan and skills development? These strategies are viewed as analytical tools used for the critical examination or analysis of the policy.

- Is there a clear line function at senior management and political level for cultural development and for making sure of an integrated planning approach?

- Is there proof of extensive community consultation, research, group work and public hearing?

- Is the policy accompanied by an action plan and a budget?

- One should not lose sight of the fact that a cultural plan is the outcome of a cultural policy, and an action plan that is budgeted for.

PART 6: CONCLUSIONS AND RECOMMENDATIONS

6.1 Conclusions

This policy framework sought to introduce a level of awareness of the internal debate and considerations around the notions of local cultural policy that preceded the writing of this document in the SA-Flemish Local Cultural Policy Project. Whilst it is acknowledged that the debate around the fundamental local culture issues has been comprehensively covered in the framework, nonetheless the depiction of the instruments for the unfolding of South African Local Cultural Policy was the central point of delivery in this effort.

The aim of the framework was not to be prescriptive, but the attachment of different paradigms to a variety of fundamental points could not be avoided. Examples pertinent to the discussions were inserted to clarify and demonstrate the flexibility and pragmatism of the approach to the subject matter by the critical reviewers. What really matters is that South Africa's local authorities are able to interpret "local culture" in multiple ways meaningful to all their citizens within the context of their administrative jurisdictions. And in this respect the framework has sufficiently expounded the key concerns for the exercise to successfully move on.

This framework should be viewed as a work in progress and a means of stimulating further debates around the traditional development of culture, culture-led regeneration and the potential value of local cultural policy in South Africa.

6.2 Recommendations

It is recommended that the six municipalities should employ qualified cultural planners in order to implement policy frameworks by way of developing cultural policies or cultural plan strategies. The three provinces that were engaged in the Local Cultural Policy study, namely, Limpopo, KwaZulu-Natal and Free State, should employ cultural planners to monitor the development and implementation of policies at local level. Steps need to be taken to share a valid interpretation of Schedules 4 and 5 of the Constitution, so that local authorities can start taking cultural matters seriously.

It is also recommended that step-by–step policy formulation guidelines and assessment criteria, as demonstrated in the national policy framework, be adopted by the DAC.

One or two institutions of learning should be encouraged to develop courses on Arts Education, Heritage Education, Cultural Management and Policy, Culture and Regeneration, Cultural Diversity, Culture and Urban-Rural Marketing and Culture and Local Economic Development or Creative Economies, and other related culture and wealth building courses

At a national level, the DAC-UNISA should work hand in hand with the DPLG and SALGA in ensuring the implementation of the local cultural policy framework in other provinces, and the establishment of appropriate co-ordination structures at a provincial level, as well as developing and managing the national monitoring systems. Over and above this, the DPLG and DAC-UNISA should advise their provincial counterparts of the strategic policy directives.

- Arising from the above observations, challenges and dilemmas regarding co-ordinators, it is recommended that any future selection of co-ordinators (be they provincial, municipal, community or non-governmental) by the DAC and UNISA must be a rigorously contested

selection. The selection/ interview criteria should include (i) report writing skills (ii) computer literacy (iii) communication skills (iv) cultural policy analytical skills (v) the understanding of research methodology

PART 7 APPENDICES

The appendices contain the following;

Appendix 1 Policy and legal framework

Appendix 2 Examples of objectives, actions and principles

Appendix 3 Examples of cultural goals

Each of the above addresses aspects of the Local Cultural Policy Framework in some detail.

Appendix 1 Policy and legal framework

Appendix 1 provides the constitutional definition of the powers and functions of local authorities in relation to provincial and national government for purposes of the development of cultural policy.

1. Introduction

The constitutional definition of the powers and functions of local authorities in relation to provincial and national government is ambiguous in some respects. This ambiguity has a potential impact on the SA-Flemish local network cultural policy project. Consequently, certain aspects pertaining to the powers and functions of local authorities in the area of culture and heritage require clarification. For this purpose, the correct interpretation of Chapters 2 and 3, as well as of Schedules 4 and 5 of the Constitution of the Republic of South Africa, 1996 are important.

2. Policy and legal framework

Chapter 2 of the Constitution (the Bill of Rights) provides for the right and the obligation in respect of the provision of social services. Several of the rights embodied in the Bill of Rights are indirectly concerned with the expression of identity through culture, language and education (for instance section 29 on the

right to a basic education; section 30 on language and culture and section 31 on cultural, religious and linguistic communities).

While thinking in relation to culture and law is integrated at several focal points in the current constitutional framework, Schedules 4 and 5 of the Constitution are open to misunderstanding in so far as they refer to “cultural matters”, “provincial matters”, “local government matters” and Schedules 4B and 5B do not make express reference to arts and culture. However, the perception that local authorities are altogether incompetent to deal with culture under these Schedules to the Constitution is incorrect.

The constitutional definition of the powers and functions of local authorities in relation to provincial and national government requires an understanding of at least the following:
(a) Chapter 3 of the Constitution;
(b) How Schedules 4 and 5 are to be interpreted and read; and
(c) Legislative powers of local authorities.

Furthermore, some aspects of the development of cultural policy by local authorities need to be spelt out.

(a) Chapter 3 of the Constitution

Chapter 3 treats the three spheres of government as distinctive, but interdependent and interrelated, and envisages a partnership among all the spheres in the national interest. This chapter requires the three spheres to interact on the basis of co-operation rather than competition (i.e. avoid conflict) and to align and integrate legislation, government activities and policies. The principles of co-operative government and intergovernmental relations are intended to guide the structuring, functioning, planning and decision making of

government within the cultural sector and the interpretation of the duties of the national and provincial spheres of government.

Section 41(1) (iv) of the Constitution requires that all spheres of government must co-ordinate their legislation. The instruction in terms of s 41(1) (f) is to the effect that all spheres of government must not assume any power or function except those conferred on them by the Constitution.

(b) Interpretation of Schedules 4 and 5 of the Constitution

Most governmental powers and functions have several components, not all of which are best performed by the same governmental sphere (White Paper on Local Government 1998 10). The Constitution draws some distinctions, but grey areas remain. Parliament and provincial legislatures have concurrent legislative competence in the functional area of cultural matters (Schedule 4). This means that legislation concerning these matters may be enacted in both the national and provincial spheres, and that provincial and local government have some responsibility to promote and develop arts and culture in their defined areas. Schedule 4B cannot be taken to constitute a definitive delimitation of local government powers and functions, because Schedule 4 does not deal with the boundaries of local government powers and functions. It relates to those functional areas where legislative competency of the national and provincial spheres are concurrent. Schedule 5, on the other hand, lists “provincial cultural matters” under the functional areas of exclusive provincial legislative competence, and this is also the position of libraries and museums other than national. “Exclusive competency” means that the national sphere of government does not enjoy legislative competence in relation to these functional areas.

A stricter separation between the levels of government may have been problematic. Nevertheless, the formal distribution of powers as described here does not reflect fully and accurately the true relationship between the various

levels of government, and the finer aspects of the powers and functions of local authorities in relation to provincial and national government are not entirely self-evident.

It must be understood that national legislation provides an overall framework for local government, and provincial government has an important intergovernmental role to play. It ought to promote horizontal co-operation and co-ordination between local authorities and the province concerned. According to s 104, provincial legislatures have the power to pass legislation on any matter within a functional area listed in Schedule 4, Schedule 5 and any matter for which a provision of the Constitution envisages the enactment of provincial legislation. Provinces may proceed with legislation regarding these matters in the absence of national legislation. Provinces may also pass legislation on any matter outside these functional areas, which is expressly assigned to a Province by national legislation. Clearly the system holds potential for considerable provincial initiative. Each province is free to pass legislation in respect of provincial cultural matters that differs entirely from that of another province. As soon as national legislation is promulgated, it may be necessary for provinces to amend their arrangements accordingly. The role of local government is still being defined as it develops over time.

(c) Legislative powers of local authorities

Local authorities or municipalities exercise legislative and executive authority within predetermined areas. “Legislative authority” refers to the competency of municipalities to develop and adopt policies, plans, strategies and programmes; to promote and undertake development; to prepare, approve and implement budgets; to adopt by-laws and regulations and so forth (see s 11 of the Local Government: Municipal Systems Act 32 of 2000). Such by-laws and regulations may promote culture and heritage, provided these do not conflict with or impinge on provincial or national legislation. In their capacity as legal persons, local

authorities may also conclude contracts under private law to co-operate in certain fields. They are both competent and empowered to co-operate with other local authorities within the same geographical area in cultural matters, and may make use of contracting out (s 81-84 of the Local Government: Municipal Systems Act 32 of 2000) and contractual forms of co-operation with other spheres of government. For instance, they may conclude agreements with provincial governments that provide for the conservation, improvement or presentation of a clearly defined heritage source (see the National Heritage Resources Act 25 of 1999 (NHRA s 42)).

3. Development of cultural policy by local authorities

Many of the laws that were promulgated after the dawn of the new constitutional order relate to the phenomenon of an integrated environment. Compared to the conservation laws of the old order, planning legislation (provincial ordinances and town planning schemes of local authorities) and conservation legislation are better integrated into a unified system of conservation-related control of development. A number of these laws impact local government in one way or another and acknowledge the importance of fiscal arrangements, co-operation and development.

Current laws pertinent to culture and local government include:

Pan South African Language Board Act 1995 (Act No. 59 of 1995)
Development Facilitation Act 1995 (Act 67 of 1995)
National Archives and Record Service of South Africa Act 1996 (Act No. 43 of 1996)
Legal Deposit Act 1997 (Act No. 54 of 1997)
National Arts Council Act 1997 (Act No. 56 of 1997)
National House of Traditional Leaders Act 1997 (Act No.10 of 1997)
Organised Local Government Act 1997 (Act 52 of 1997)

National Film and Video Foundation Act (Act No. 73 of 1997)
Intergovernmental Fiscal Relations Act 1997 (Act No 97 of 1997)
South African Library for the Blind Act 1998 (Act No. 91 of 1998)
National Library of South Africa Act 1998 (Act No. 92 of 1998)
South African Geographical Names Council Act 1998 (Act No. 118 of 1998)
Cultural Institutions Act 1998 (Act No. 119 of 1998)
National Heritage Council Act 1999 (Act No. 11 of 1999)
National Heritage Resources Act 1999 (Act No. 25 of 1999)
Council for the Built Environment Act 2000 (Act No. 43 of 2000)
Municipal Systems Act 32 of 2000
African Renaissance and International Co-operation Fund Act 2000 (Act No. 51 of 2000)
National Council for Library and Information Services Act 2001 (Act No. 6 of 2001)
Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Minorities Act 2002 (Act No 19 of 2002).

Provinces have also adopted their own legislation on Arts and Culture Councils and other matters that have a bearing on culture, but it is important to form an understanding of certain aspects of the Local Government: Municipal Systems Act 32 of 2000; the Intergovernmental Fiscal Relations Act 1997 and the National Heritage Resources Act 1999.

The legislative framework of the new order enables the three spheres of government to undertake local cultural policy and planning together with cultural communities. A function or a power contained in an Act of Parliament or a provincial act may be assigned to a specific municipality in terms of an agreement between the relevant Cabinet member or MEC and Municipal Council (s 99 and s 126 of the Constitution; s 10 of the Local Government: Municipal Systems Act of 2000). Provision is made for the assignment of functions to local government by agreement, if local authorities have the necessary capacity and

are regarded as the most effective site from which these powers may be exercised. Exercise of such powers and functions is subject to national and provincial oversight. Inter-municipal co-operation may take various forms, including exchange of learning experiences, sharing of staff, technology and equipment, joint investment projects and collective purchasing agreements. The Intergovernmental Fiscal Relations Act 97 of 1997 promotes co-operation between the spheres of government on fiscal, budgetary and financial matters and makes equitable sharing of revenue possible. Considering the structures and processes of intergovernmental co-operation supported by this Act, “unfunded mandates” seem to indicate lack of planning and budgeting rather than lack of competency.

In the area of heritage management, the National Heritage Resources Act 25 of 1999 creates an integrated framework for the preservation of the cultural heritage, in so far as it caters for management, development, participation and access. It is designed to maximise co-ordination across all the fields of national heritage conservation by means of a three-tier system of heritage resource management on national, provincial and local government levels. The system distinguishes between categories that broadly correspond to national and provincial heritage authorities and local authorities. Section 42 NHRA utilises the in-built flexibility of contracts, so-called “heritage agreements”. The South African Heritage Resources Agency (SAHRA) or a provincial heritage resources authority may enter into an agreement with a provincial authority, local authority, conservation body, person or community in respect of the conservation, improvement and presentation of a heritage resource. The owner of the heritage resource must give his or her consent and may add or delete provisions. The agreement may regulate aspects such as maintenance, management, custody, occupation or use, restriction of rights, access, presentation, notice, financial assistance and payment of expenses. In principle, this mechanism ought to strengthen the capacity of, say, local spheres to manage their affairs.

Provincial heritage authorities have a general duty to co-operate with, co-ordinate with and assist local authorities. The NHRA does not prescribe formal processes to facilitate intergovernmental relations and responsibilities in respect of the national estate and provincial and local heritage resources. It does not establish a framework for the different spheres of government to co-operate. In fact, s 42 NHRA leaves provinces free to shape constitutional practice through heritage agreements that provide for the conservation, improvement or presentation of a clearly defined heritage source. As stated, SAHRA or a provincial heritage resources authority may enter into agreements with other authorities and bodies, persons or communities for purposes of the execution of a heritage agreement. SAHRA must consult with the NHC, heritage institutions, government structures, local authorities, the community and other bodies in the performance of its functions. Heritage authorities and local authorities must co-ordinate the presentation and use of places of cultural significance and heritage resources that form part of the national estate (s 44 of the National Heritage Resources Act of 1999).

The lack of attention on the part of government to local cultural policy initiatives attests to the underutilization of the current model of harmonized co-operative governance. The Minister and MECs ought to act as a collective with a consensus view in respect of all matters cultural; provincial arts councils and heritage authorities ought to promote mutual appreciation of other cultures or a true “meeting of cultures”; and local authorities need to plan and budget adequately. These organs of government should not become overly careful about interfering with one another's powers. If local authorities continue to doubt their own competency in the area of culture, the instruction in s 41(1)(f) of the Constitution to the effect that spheres of government must not assume any power or function except those conferred on them by the Constitution, will continue to be misinterpreted.

4. Conclusion

If effective guidelines are to be set for local authorities with a view to the adoption of local cultural policies, the ways in which the current legal environment supports policy development must be understood; sufficient content and structure must be given to co-operative relationships; structures underlying commitments must be strengthened; intergovernmental co-operation must be analysed and scrutinised; and procedures must be sufficiently clear and certain.

Local authorities within the same geographical area must be encouraged to co-operate in cultural matters, and to make use of contractual forms of co-operation. They must also be encouraged to insist that provinces create and regularly utilize formal advisory forums and the NCOP to facilitate intergovernmental co-operation and consultation. It may ultimately prove important to bring the local cultural policy framework under local government authority once the likelihood exists that it will be managed and implemented effectively.

Appendix 2 Examples of objectives, actions and principles

This is an adaptation of the exhaustive example of how Australia addressed cultural objectives, actions and principles specifically targeting its indigenous peoples.

Objective 1: to increase the economic benefits derived from cultural industries for indigenous artists.

Action 1.1*:* Give particular support to initiatives designed to increase the capacity of indigenous artists to be involved in commercial production of graphic art.

Action 1.2*:* Include professional support for those who receive early market recognition of their work, when training indigenous artists.

Action 1.3*:* Give support for increased production of high quality woodcraft enterprises, to meet expanded market demands for fine art and to replace imported replicas within the tourism market.

Action 1.4: Support fibre arts production primarily for the artists' contribution to cultural maintenance, and recognise the importance of arrangements for collecting natural source materials.

Action 1.5*:* Provide support for remote area textile artists wishing to develop outsourcing of production, with a view to developing expanded markets including export production*.*

Action 1.6: Support sharing of experience between communities involved in textile arts, through information networks and mutual visits*.*

Action 1.7: Provide support for indigenous performing arts on a basis which reflects their importance to appreciating a “municipality’s” cultural heritage.

Action 1.8: Provide specific assistance to notable indigenous musicians in achieving an overseas market profile.

Action 1.9: Support documentation and publication of language resources and traditional stories as a tool in cultural maintenance, without compromising the commercial targets of publishing houses*.*

Action 1.10: Provide support for the hosting of the International Indigenous Publishers' Conference, as an opportunity to showcase indigenous writing and other cultural industries.

Action 1.11: Provide training for potential contributors to the national indigenous arts magazine .

Action 1.12: Consider support for multimedia arts based on the merits of particular proposals for creating employment and developing new products.

Objective 2.1: to encourage the growth and prosperity of indigenous cultural industries by providing appropriate support,

Objective 2.2: to recognise the importance of indigenous cultural industries to the Australian economy, by protecting the rights of artists and the integrity of indigenous art, and

Objective 2.3: to remove obstacles to the participation of a given cultural group in mainstream cultural industries.

Action 2.1: Support cultural recovery and maintenance at the community level, including the development of cultural centres, museums, and keep places that can safeguard and strengthen cultural resources.

Action 2.2: Promote further liaison between traditional owners and their communities and museums, so that there can be appropriate access to heritage resources held by museums, as well as further repatriation of secret and sacred objects.

Action 2.3: Promote use and recognition of the national authenticity label through national and regional networks, and through educational materials directed at both tourists and the tourism industry.

Action 2.4: Promote industry best practice by providing awards and acknowledgement for commercial outlets providing appropriate royalties to artists.

Action 2.5: Introduce royalties to indigenous and other artists on resale of their works, pursuant to the Berne Convention.

Action 2.6: Encourage the use of localized imagery and regional themes as a replacement for images which suggest a single culture.

Action 2.7: Support development of regional identifiers or brands that can be used in conjunction with the national authenticity label.

Action 2.8: Support the formation and ongoing operation of indigenous cultural industry networks in regions which have a high level of industry participation.

Action 2.9: Encourage indigenous cultural industries to develop linkages to regional tourism organizations for promotional purposes as well as for information oriented to tourism.

Action 2.10: Develop and maintain an internet conference facility for each art form on which information about indigenous cultural industries can be exchanged between individuals and organizations.

Action 2.11: Support development of innovative arts training programmes for indigenous people in regional and remoter areas, including train-the-trainer programmes and Internet-based modules.

Action 2.12: Prepare a national arts training directory identifying courses directed to meeting the needs of indigenous artists within different art forms.

Action 2.13*:* As part of the development of particular enterprises, support training of participants in cultural knowledge, artistic technique and business skills.

Action 2.14: Support cultural exchange between artists to provide for skills transfer and extending artistic range.

Action 2.15: Encourage training of indigenous people to fill administrative and business co-ordination positions within indigenous communities and government programme areas.

Action 2.16: Provide advice about qualified consultants who can assist in the preparation of business plans.

Action 2.17: Prepare a list of potential business mentors including indigenous mentors for each municipality, together with advice on appropriate cross-cultural training where non-indigenous mentors are proposed.

Action 2.18: Provide support for business advisers acting locally, regionally and on a provincial / municipality basis to reduce the incidence of burn-out.

Action 2.19: Support the provision of incubator workspace for indigenous artists within major urban centres.

Action 2.20: Provide support for artists moving from ceremonial and other traditional art forms to more commercial production.

Action 2.21: Provide information about different production processes, including technical innovations and potential outsourcing arrangements, to cultural industry participants within particular art forms*.*

Action 2.22: Continue to assist cultural industry participants in developing their products and enterprises to achieve export readiness, where the artists involved want this.

Action 2.23: Provide information about potential funding sources to assist business development of indigenous cultural industries.

Action 2.24: Develop a funding framework that allows for financing incremental growth of businesses over a number of years, including continued training, as an alternative to one-off grants.

Action 2.25: Support the development of promotional literature for cultural industries, and distribution through tourism industry outlets*.*

Action 2.26: Continue to support the development of a national indigenous arts magazine.

Action 2.27: Continue to develop an Internet facility for indigenous cultural industries to market their products nationally and internationally.

Action 2.28: Develop an information and training package for indigenous cultural industry participants that advise on the options for development of effective sales and distribution facilities.

Action 2.29: Review the performance of existing distribution and marketing networks for indigenous arts with a view to encouraging systems which are more effective for the artists.

Objective 3: to provide opportunities for indigenous cultural industries to gain maximum benefit from development of tourism.

Action 3.1: Encourage tourism development where it can be linked to development of commercial arts and crafts industries.

Action 3.2: Encourage the development of performing arts for marketing to tourists in such a way that performers recognise the need for individual and group commitment, and the performance price that the market will support.

Action 3.3: Encourage market research and innovation in developing products for the tourism souvenir market.

Action 3.4: Encourage cultural industries to use tourism promotion agencies as a means of promoting their products.

Action 3.5: Encourage cultural industries seeking to benefit from tourism to take account of the specific demands of the tourism market, in terms of size and type of products, presentation and packaging.

Action 3.6: Provide information and advice to indigenous communities about the options for development of cultural centres, and the models that exist, so that informed choices can be made.

Action 3.7: Encourage the establishment of cultural centres as commercial operations where the local indigenous community has made a firm commitment to catering for tourists.

Objective 4: to promote cultural industries within prisons, as a means of developing self-esteem in addition to assisting rehabilitation through teaching economically viable skills.

Action 4.1: Encourage introduction of a prison art program as a permanent feature of all correctional institutions having a significant number of prisoners.

Action 4.2: Establish an information network that can assist prison authorities to obtain information on best practices and experienced people who can assist in conducting prison art programmes.

Action 4.3: Support involvement of traditional elders as trainers in prison art programmes.

Action 4.4: Ensure that non-indigenous trainers are aware of the cultural constraints applying to artistic expression by people.

Action 4.5: Encourage prison authorities to recognise artists' copyright and intellectual property in relation to artwork produced by prisoners**.**

Action 4.6: Encourage prison authorities to seek the formal agreement of prisoner artists to contributing to the cost of running prison art programmes from

the sale of artworks, so long as there is clear support for this by the prisoner artists.

Action 4.7: Encourage the formation of associations with spokespersons amongst prisoner artists, who can negotiate with prison authorities on the terms of sale of artworks.

Action 4.8: Encourage prison authorities to supplement prison art programmes with vocational training in employment and business skills.

Action 4.9: Encourage prison authorities to include in prison art programmes an extension service that can provide support to prisoners entering the workforce as artists.

Action 4.10: Encourage prison authorities to establish prison-based art industries as an extension of prison art training programmes, particularly to benefit longer term prisoners.

Appendix 3 Examples of cultural goals

- To expand the cultural policy community to encompass local cultural interests, and culturally specific organizations;

- To engage leaders of such groups in policy work within and beyond their communities and to involve local political leaders in cultural policy;

- To inform both public and corporate policies by including more diverse community voices;

- To identify the most important policy issues to grassroots organizations and interpret them through seminars;

- To provide organizations with an introduction to the Centre's interactive portal site, Cultural Commons; to bring their concerns and ideas to the policy community; to learn from others, and to enrich the discussion; and

- To form partnerships between local policy centres and scholars at tertiary education sectors and local cultural organizations, so that the policy discussion can be informed and sustained.

PART 8: GLOSSARY

Creative industries

Creative industries include the following; (1) advertising, (2) crafts, (3) design, (4) fashion, (5) film, (6) music and songs, (7) performing arts such as pre-colonial and modern theatre, opera, dance (indigenous and modern), ballet, (8) publishing, (9) research and development, (10) software, (11) toys and games (indigenous and modern), (12) television and radio, (13) video games, (14) architecture and (15) art.

Cultural industries

Cultural industries include, but are not limited to, film, television, music recording, publishing and multimedia.

Cultural plan/ planning

A cultural plan or planning means an end product (e.g. a written document) or the process of collecting and analysing appropriate data to guide the formulation and delivery of cultural development services.

Cultural planner

A cultural planner is an administrator or manager of a number of activities that relate to the conceptualization, planning, co-ordination, implementation and monitoring of artistic and cultural programmes, projects and venues.

Regeneration

Regeneration refers to subjecting a spatial area to radical change for the better. It entails producing a new or replacing the old/worn-out parts by new growth. It is essentially aimed at restoring or adding to original strengths or properties.

Foundational values

Foundational values constitute an order of magnitude improvement achieved in current performance and in preparation for future requirements: social responsibility, respect for the individual, integrity and honesty, innovation, customer orientation, accuracy, commitment, enthusiasm and responsiveness are examples of the above.

Service features values

Service features values are quality attributes that are embedded in service provision such as creativity, reliability, responsiveness, and efficiency.

Resultant benefit values

These are further outcomes of service quality and include customer service, excellence, empowerment, community benefit, achievement, competitive edge and market leadership.

Legacy values

These include credibility, consistency and accessibility.

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