



AFRICA 2009

3rd Regional Thematic Seminar Legal Frameworks for Protection of Immovable Cultural Heritage

Mutare, Zimbabwe
21 - 25 October 2002



SEMINAR REPORT

African Cultural Heritage Organizations in partnership with



3rd Regional Thematic Seminar Legal Frameworks for Protection of Immovable Cultural Heritage

The AFRICA 2009 Programme is a partnership of African Cultural Heritage Organizations ICCROM, the UNESCO World Heritage Centre, and CRATerre-EAG,

Support for the *Projet Cadre* of AFRICA 2009 comes from Sida, NORAD, the Italian Ministry of Foreign Affairs Department of Development Cooperation, the World Heritage Fund, and ICCROM. Support for individual *projet situé* have come from the World Heritage Fund, French Embassies, the World Monuments Fund, NORAD, local and national heritage agencies, and private firms.

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1: BACKGROUND

At various forums it has been pointed out that adequate legal frameworks are essential to the proper protection of immovable cultural heritage. Unfortunately, much of the legislation currently in force in Africa is that which was being used at the time of independence. This legislation is often inadequate and not equipped to meet the new concepts, definitions, and needs of heritage in contemporary African societies. Some countries have begun to rewrite their legislation, while others are thinking of doing so in future. The 3rd Regional Seminar of AFRICA 2009 was planned to look at these issues related to legal frameworks and explore their implications for heritage organizations in the region. The idea was to share ideas and explore ways of improving the way heritage is protected by law.

2: INTRODUCTION

Aims of the seminar

1. Evaluate the current state of legal frameworks for immovable cultural heritage conservation in Sub-Saharan Africa;
2. Identify key issues related to heritage legislation and possible strategies for dealing with them;
3. Identify key issues related to the links between formal and informal (traditional or religious) legislative frameworks and possible strategies for creating interactions between them;
4. Develop an action plan for follow-up activities including an eventual publication on immovable cultural heritage legislation in Sub-Saharan Africa.

Seminar working method

The seminar was in two parts. The first part was the presentation of papers by participants outlining either a specific topic or giving a case study related to the legislative framework in a particular sub-Saharan country. These presentations were then followed by plenary and small group discussions of the key issues related to implementation of legislative frameworks.

Working language

The working language of the seminar was English.

Participating Countries

Professionals were drawn from Botswana, Gabon, Nigeria Mauritius, Kenya, Tanzania, South Africa, Namibia, Uganda, Zambia and Zimbabwe

Seminar Venue and dates

The seminar was held in Mutare Zimbabwe from the 21st to 25th November 2002

3: SEMINAR PROCEEDING



OPENING

Session Chair: Dr. G. Mahachi. Executive Director National Museums and Monuments of Zimbabwe (NMMZ)

Introductory Remarks: **by Dr G. Mahachi** (NMMZ)

Dr Mahachi welcomed the participants to the seminar and to the town of Mutare and Zimbabwe. He then expressed the hope that the seminar would meet its started objectives. He went on to thank AFRICA 2009 for giving NMMZ the honour to host the seminar.

Introductory Remarks: **Dr C. Saunders** (Board Member NMMZ)

Dr Saunders remarks focused on the responsibilities of National National Museums and Monuments of Zimbabwe as a satutory body under the parent Ministry of Home Affairs. He outlined the structure of the organisation and responsibiliities of the five regions which make up NMMZ. He emphasised the role played by the Eastern region in forstering community participation in some of its outreach programes. His presentation ended by thanking the donor community in their continued support to NMMZ.

Introductory Remarks by **Joseph King**. (ICCROM AFRICA 2009 programme).

Joseph King began his presentation by expressing ICCROMs commitement in supporting cultural heritage programmes in Africa. This had began more than a decade ago with such programmes as

PRIMA. This commitment to the continent has continued through the AFRICA 2009 programme which was now entering its second phase of implementation. During this second phase of implementation the programme will continue with the familiar and successful projects pioneered during the first pilot phase. However new programmes will also be introduced. For example internship programmes will be introduced in order to increase the development of the capacity to manage the heritage..

Joseph King then outlined the main objectives of the present thematic regional seminar. The purpose was to help countries initiate the formulation and /or amendments of the legal provisions pertaining to the immovable cultural heritage. Several countries were undergoing some legal framework changes thus the seminar could play a role in helping realise and improve these reforms on protective legislation.

He finally thanked National Museums and Monuments of Zimbabwe and its staff for hosting the seminar and the donors of AFRICA 2009 for making the workshop a reality.

Address on Behalf of Africa 2009 **Dr. Mintsa mi-Eya J.** – Director
General of Culture, Gabon / Vice-
Chairman of AFRICA 2009
Steering Committee

She stressed the importance of the objectives of the seminar in addressing issues pertaining to heritage protection. This was the very bases of defining culture itself. However culture was actually under threat from man made developments. It was important to note that culture cannot be replaced. Thus we have to make sure that we have in place the frameworks to protect it. If properly designed and implemented, legal instruments can help retard the degeneration of culture. Dr Minsta on behalf of AFRICA 2009 Steering Committee thanked National Museums and Monuments of Zimbabwe and the government of Zimbabwe for hosting this important seminar.

Official Opening address by Guest of Honour: the Hon. Minister of
Home Affairs of Zimbabwe
K. Mohadi (represented by
the deputy Minister of Home
Affairs)

The minister on behalf of the Zimbabwe government welcomed the participants to Zimbabwe. He thanked the organisers of the seminar AFRICA 2009 for hosting the workshop in Zimbabwe. He pointed out that the country offered a range of cultural heritage resources. He reiterated the long history of relationships between ICCROM and Zimbabwe, particularly the fact that several workshops had been

hosted in the country by the same organisation through its various programme. More importantly that a number of Zimbabwean professionals had been trained by ICCROM over a number of years through the AFRICA 2009 programme

The minister outlined the crucial role played by culture in the new programme for African's Development (NEPAD). The programme NEPAD emphasises the need for an African initiative based on the continent's cultural environment. Culture should also be seen as a resource which will contribute to Africa's development. It is the responsibility of the workshop to come up with strategies to realise the goals of NEPAD.

He also pointed out the need for legal reform in relation to the protection of the heritage. The Zimbabwean legislation was one such legal instrument which needs revision. The legislation was made during the colonial times and has survived without any changes. This was despite the fact that the cultural context had changed. This workshop should therefore led to a positive development in Zimbabwe. The minister ended the presentation by declaring the seminar officially opened.

Vote of Thanks:

Osuagwu V Curator National Commission For
Museums and Monuments,
Nigeria

On behalf of the participants Ms V. Osuagwu thanked the minister, the government of Zimbabwe and National Museums and Monuments of Zimbabwe for hosting the workshop. She also expressed gratitude to the various organisations who had funded the hosting of the seminar.



FORMAL LEGISLATION

Session Chair. Madiba P. Chief Executive Officer, South Africa Heritage Resources Agency

Remarks legislation and practices, facts and figures-implications and the way ahead.

By Munjeri. Deputy Permanent Delegate of Zimbabwe to UNESCO

Mr Munjeri's presentation focused on the need to move away from mechanical definition of the heritage in our legal instruments to one which recognises cultural values. The values are based on the meaning of heritage to society and have more meaning to the communities. He pointed out that the major problem of present legislations is that they miss represent the heritage by using narrow definitions which restrict us to terms like monuments, relics and sites. Cultural heritage is much more than these static terms. Part of the problem emanate from the fact that the community or the public in general is rarely consulted when legislation is being drafted or made. The definitions we use in our legal instruments should come from a broad spectrum of society rather than from a few individuals or one sector of society..

He pointed out that protective legislation related to cultural heritage will remain ineffective as long as it is not understood by the ordinary people and as long as we exclude them from the process of making it. This was so because a misunderstood legislation will be difficult to implement

He also pointed out that a good legislation is however not a panacea to good protection of the heritage. The legislation must be supported by an equally good organisational structure. These structures should be able to support the implementation of the legislation.

Overview of Formal Legislation

Negri V. University of Lyon (The presenter was not present and therefore the paper was read on his behalf by **King J.**)

His presentation was based on his observation on legislation from Francophone countries. However he has tried to include Anglophone countries particularly those present at the seminar.

First point was that the law does not seem to reflect reality on the ground. Most legislation was created during the colonial period and has not been changed since. Thus most legislations concerning cultural properties does not reflect the post colonial realities of Africa. Some attempts at cosmetic reforms can be noted in various countries, however these do not change the thrust of the laws. Most legislation base their definition of cultural heritage on a particular date or age. It also turns to emphasises monuments and buildings.

If heritage legislations are to be effective there was need to include environmental laws and also urban planning mechanism. In most African countries these issues are often fragmented and not coordinated.

Nigeria's Customary Laws and Practices in the Protection of Cultural Heritage with Special Reference to the Benin Kingdom of Nigeria

Dr. Eboreime J, National Commission for Museums and Monuments, Nigeria

Dr Eboreime's presentation was based on a case study of the Old Benin city in Nigeria. This was the core of the old Benin kingdom (1440-73 AD). The city was surrounded by high walls. Some sections of the wall still remain today as evidence of the mighty kingdom. These walls still have significance today to the people living in the city. However the conservation of the city walls is in bad state. The protection of the walls and the ownership is vested in the chiefs. However the modern heritage legislation has tried to protect the city walls without much success. The legislation does not recognise the role of the owners and the public. Although later an attempt was made to involve the community the legislation finally drafted seems to have had the interest of academics and researcher. The results clearly demonstrate the failure by western derived legislation to accommodate local values and voices. Here the presenter advocated the adoption of customary law as the way forward in protecting the heritage. These laws turn to recognise the role of communities in the protection of their own heritage. Customary laws also recognise the cultural values ascribed by the community.

Discussion

- It appears that very often customary practices are ignored in the final drafting of the heritage laws.
- There was need for national laws to recognise customary law.
- Heritage is not usually protected by one legal instrument. Usually multiple laws are required to protect heritage i.e environmental or urban planning laws might also impinge on cultural heritage
- There was need to find ways to fast track the formulation of heritage laws.

The Tanzania Cultural Heritage Legislation

Kamamba D Director General Antiquities
Department

His presentation focused on the Antiquities Act of 1974 of Tanzania and what it entails in terms of heritage protection. He outlined the definition of heritage as given by the Act. It was made clear that the minister was empowered by the Act to declare monuments. The Act forbids any action which can disfigure monuments. The Act also placed the duty on the discoverer of heritage places to report to the department of Antiquities. It also protected undiscovered heritage. His paper brought out issues concerning

- The need for multi disciplinary approach in order to protect the cultural heritage
- There is also need for research and development to ensure we know what we are protecting.
- Old legislation may not cope with the new development and there was need to continuously adapt to changes
- There was need for community participation before initiating reforms
- In Tanzania there was need to protect moveable objects such as the swahile doors
- It might also be necessary to make sure that International conventions are covered by the national heritage legislation. This will solve any confusion particularly with regard to World heritage places.
- There was need to include heritage professionals in the general Environmental Impact Assessment.

Discussion

As we make reforms we need to be careful. Not everything from the colonial legislation is bad. We need to take the good points and trough away the negative issues.

The Zimbabwean Cultural Heritage Legislation.

Chiwaura H, Curator NMMZ

Chiwaura's paper focused on Zimbabwe's heritage protective legislation. It was pointed out that the present legal instrument for cultural protection chapter 25/11 springs from the colonial period. It was formulated to address certain issues prevailing at the time. The law has had cosmetic changes since independence however, the thrust remains the same. The definition of heritage are also restricted to the monuments, relics and sites. The Act does not concern itself with the general community. The act focuses on establishing and administration of museums. However, there are other laws which impact on the cultural heritage in Zimbabwe. For example the Natural Heritage Act which is administered by National Parks and Wildlife. The recently promulgated Land Acquisition Act also has a bearing on the cultural heritage.

Discussion

It was pointed out that most of the case studies so far point to the need to get the laws to catch up with current thinking and practices. It appears most legislations have failed to keep abreast with current trends.

TRADITIONAL VS FORMAL LEGISLATION

Session Chair Dr. Eboreime J Director, Monuments and Heritage Sites,
National Commission for Museums and
Monuments, Nigeria

Link between traditional and Formal legal systems.

Mumma A. Faculty of Law, University
of Kenya Nairobi

Mumma started his presentation by defining the community. He pointed out how this varies from context to context. He then analysed the issues concerning State vs. Community based law systems. He pointed out that these do not always work hand in hand. The problem with customary law has always been to adapt to new changes in modern society. Whilst these practices have survived in places changes were inevitable. There is therefore need for the traditional systems to adapt to current practice. He also pointed out that current community practise would not necessarily be a traditional system. They will have changed with time. Present day communities can also be cosmopolitan and representing different traditions and customs. However, state laws try to cater for different communities within a state.

There is need for governments to give parameters for community based systems. Governments and state laws need to formally acknowledge communities and the customary laws and traditions.

Customary systems of heritage Conservation: The Barotse Land Experience.

Musonda S National Heritage Conservation Commission.
Zambia

He presented the unique case study of Barotse land. Here traditional systems seem to have survived. Within the state of Zambia the Barotse kingdom has survived with its rules and regulations governed by the traditional systems. The kingdom has a winter and summer capital. This necessitates the whole kingdom moving twice a year in a traditionally regulated ceremony. This involves the movement of the whole kingdom between the winter and summer places every year. This ceremony is triggered by the flooding of the Zambezi River. The Indunas (Chiefs Council) perform duties related to conservation of the palaces and the shifting of things. Looking after historic canals and forests, wildlife, birds, fisheries. The operations are focused on conservation but in a traditional system. The Indunas prepare the ceremony on behalf of the Kingdom.

Villages cooperate in this process of shifting the capital using canals.

In the event of a violation, the code system traditional punishment is implemented. He who violates can be brought to the traditional court and fined, flogged, community service etc. The violation is conceived as a threat to authenticity and viability of the traditional system and to the kingdom. Thus the tradition is therefore communally protected.

Discussion

The Barotse case study indicates a strong example of community based conservation. But there are questions which need to be addressed for example how does it fit into the legal state system? This could be explained in relation to Barotse special status within the Zambian constitution. However, where traditional systems exist it might be better to encourage that they be given recognition within the state system.

Traditional legislation and heritage laws implementation and enforcement

Chipunza K.T. National Museums and Monuments Zimbabwe

Chipunza started his presentation by categorising heritage into various levels depended on consumptive intentions. He pointed out that the present Zimbabwe legislation turns to favour monuments, which are no longer in daily use i.e. uncontested. However heritage is always contested. Thus the legislation fails to recognise this dimension.

The Zimbabwe Act was meant for uncontested heritage and not cultural heritage (No mention of culture in the Act). Minister of Home Affairs can declare a site a monument. The declaration of a national Monument transfers ownership to state and takes away the heritage from communities. Thus the community loses in the process. He also pointed out that the Zimbabwean heritage legislation is weak because it is overridden by the Mining Act which is given more priority. Thus minerals are considered more useful than cultural places.

Chipunza then outlined the new, Traditional Leaders Act, which covers cultural heritage and values, elements which are missing in the National Museums and Monuments Act. The Traditional Leaders act focuses on the living heritage, places and values which are in use in present day communities. Thus the act appears to cater for the aspirations of the community.

He pointed out the need for NMMZ not to see itself as the only player in the preservation of the heritage in Zimbabwe. There are other players' e.g. traditional leaders. There are also other legal instruments, which can help in protecting the heritage.

Discussion

Concern was raised on the effects of land redistribution and its impact on the immovable cultural heritage. It was pointed out that land distribution in South Africa people were being returned to their original areas. In Zimbabwe, the land restitution is for the “landless” rather than the traditional owners. Thus cultural issues have not been taken on board in the Zimbabwean situation. In South Africa it is the cultural dimensions, which appear to determine the land claims.

There was need to bare in mind that heritage is not only about what happened long time ago. People create heritage everyday.

Formal Legislation and Traditional Heritage: A case of interdependence in Uganda

Dr. Kamuhangire E, Department of Antiquities and Museums of Uganda

Kamuhangire presentation focused on the case of the Kasubi Tombs particularly on the relationships between the traditional system and the modern state laws. He pointed out that like in most African countries, the Uganda Act emanated from a colonial situation. However, the government was now working on a new draft bill to repeal the present Historic Act. The bill which is aiming at a new umbrella Act will bring about a new heritage organisation. He pointed out that generally the financial assistance to conserve traditional places like Kasubi have come from central government. This is despite the fact that the tombs are under the traditional custodianship of the King of Buganda. Over the years Uganda has developed a system of interdependence between traditional and modern heritage. For example traditional ceremonies have been allowed to go on at a number of places. The management plans, for example the one for Kasubi have also taken into consideration the aspirations of a broad spectrum of views from stakeholders. At Kasubi Tombs the community is also responsible for the maintenance of the place.

Kamuhangire’s case study indicated that it is possible for the state laws to accommodate traditional systems.

KEY ISSUES

Inherited legislation

- Need to look at strengths and weakness
- State based/community based How can they work together? Legal reform is it necessary?
- International conventions not reflected in national Legislation
- Radical change? Amendments? Integrated approach? Which way do we go?
- Values expressed through legislation.
 - Whose values? Definition of terms.
 - People confuse policy with legislation. Things defined for specific purpose of operation of that Act.
- Process of Reform is usually slow,
 - The question is how can we speed up?
- Need for broad participation within the Legislation.
- Policy and legislation. How do they relate?
- Idea of interlinkages between frameworks.
 - Environmental, land, governance, heritage
- Cooperative governance between traditional systems
- Private vs Public- management of heritage ownership.
- Process for coming up of new or amendment to legislation.
 - Public participation /consultation.
- Language. Translation of people's aspirations into legal language is important.
- Dissemination of legislation after passage. Participation should continue after it becomes law.
 - Awareness- acceptance enforcement appreciation- of legislation.
- Enforcement. Laws do not always translate into action.
 - Traditional enforcement systems
 - Revitalising community in order to bring back community based systems.
 - What happens when two laws conflict?



NEW LEGISLATION

Session Chair

Munjeri D. Deputy Permanent Delegate of
Zimbabwe to UNESCO

New Legislation for Mauritius

Mahadeo P. National Heritage Trust, Mauritius

Mahadeo gave a historical background of Mauritius and its heritage. He pointed out that cultural heritage is very much concerned with roots and identities of a people, community or even a country. Recognition of each community past brings about unity and a rich cultural heritage. Heritage is not just about places but also about memories. New heritage should take cognisance of this. Tangible and intangible aspects of heritage are very important.

He then presented the legal system and its evolution in Mauritius.

- Laws derived from parliament.
- 1938 monuments Act promulgated to protect monuments
- 1944 advisory body set up to protect and preserved monuments
- After independence 1985 above Act repealed.
- Hopelessly ineffective law
- Many national monuments unknown
- Act is static allows only for limited maintenance of sites
- Up to 1997 there was no comprehensive strategy for heritage conservation and protection
- This Act also has weakness too.
- Purpose is to protect architectural and archaeological monuments only.
- Bill has been drafted to merge 1985 and 97 Acts in order to strengthen effectiveness of protection mechanism
- Work being done has incorporated community in general- including “lay people”

Initiating Review of National Heritage legislation. The South African experience: **Hall A.**, Department of Sport, Art, and Culture, Northern Cape Province, South Africa

Hall gave the evolutionary process of the present South African legislation. He pointed out that previously the legislation mainly centred on architecture, war memorials and archaeology. This was perceived to be narrow in scope and coverage of the diverse South African Heritage.

Changes paved in by the introduction of a new constitution in 1994. He then outlined the process, which South Africa undertook in order to bring in some new legislation, which embraced the new constitution. Outlined the process from a green paper to the final draft bill. The stakeholder meetings and consultations were outlined. The process was perceived to have had wide consultation.

Managing with borrowed laws? The manipulation of multiplicity of laws in cultural heritage management in Namibia.

Gwasira G., National Museums of Namibia

His paper started by emphasising the need to have structures to implement what ever protective legislation might exist in a given country. In Namibia the administrative structures up to now had not been established. He then outlined the historical background of the legislation evolution in Namibia. He pointed out the experience of Namibia in using the South African 1969 legislation for the protection of sites. This had led to confusion particularly that South Africa had chnged its legislation. However, this arose out of the historic fact that Namibia had been ruled by South Africa for many years.

New efforts to make heritage more relevent to communities by making sure they dirive some benefit from it. Basically borrowed from nature conservation.

There are new efforts to work on a bill which would led to a new act on heritage for Namibia.

Museum

She gave a historical background to the development of legislation in Botswana up to the present New Monuments and relics Act of 2002. The history was as follows:

- *1911 Bushmen relics and ancient ruins protection.*
- 1934 and historic monuments relics and antics proclamations
- 1935 bushman relics proclamation amends a section in which permission is obtained from community
- 1970 monuments and relics Act. - in use up to 2002

It was pointed out that the new Act has tried to address issues not dealt with in 1935, 51, and 58 amendments. The new act dealt mainly with:

- Compulsory evaluation prior to development (EIAs).
- Protection of outstanding cultural heritage or natural heritage defined
- Landowners rights to prehistoric property
- Application of research permits
- Evaluation of proclaimed national monument
- Repository of cultural material needs to be identified

The new Monuments Relics Act 2002 has addressed issues on

- Compulsory Archaeological impact assessments.
- Increased penalties to deter uncontrolled development
- Community involvement in management of monuments to enhance protection
- Protection of heritage or conservation areas

Discussion

The way we name our legislation also has a bearing on the values reflected. There was need for clear definitions and that the contents should be reflected in the title.

ENFORCEMENT, ADMINISTRATION AND IMPLEMENTATION

Session Chair: Dr. Kamuhangire E. Commissioner for Antiquities and
Museums of Uganda

Implementing South African new legislation

Madiba P South Africa Heritage Resources Agency

Madiba presented the present South African Act 1999. She explained how it has been implemented so far. She pointed out some of the values of the Act.

1. It upholds values of South African communities
2. it upholds the South African constitution for example the Bill of Rights shall be upheld
3. It defines heritage as referring to those things that have cultural significance.

The Act is considered as a transforming piece of legislation providing a management framework for conservation of cultural heritage. The act also outlines the role of The South African Heritage Resources Agency. Some of its functions are:

- Establish national policy for management
- Develop policies covering different types of heritage
- Promote and celebration of South Africa's heritage
- Provincial heritage conservation offices will provide management at regional level and are responsible for identification of grade 2 and 3 monuments

She pointed out some of the challenges the new Act has presented.

- Its structure is broad and complex and difficult to implement due to the size and diversity of the heritage.
- Implementation is still in its infancy
- New structures have been established and others yet to be established. E.g. some local heritage authorities are yet to be established
- It requires complex process of public participation which should not be underestimated
- The inherited system has a bias of conservation of certain types of heritage and there is need to make it reflective of South African society.
- There is however insufficient knowledge of the other heritage
- Resources are not enough to go around conserving all heritage
- There is need to balance between cultural heritage and development in general.

Discussion

- It is important to recognise that African heritage systems are complex.
- The only alternative is to empower ordinary people to look after their own heritage.
- There is need for a supportive structure in order to implement any legal instrument.
- Any legal reform and implementation will require resources and capacity.

Implementation and Enforcement of Legislation.

Osugwu V Curator National Commission For Museums and Monuments

She pointed out that Nigeria has had a series of legislations on heritage but nothing on immovable until the 1953 ordinance. The ordinance gave powers to establish museums and declaration of monuments.

The strong legislation was the 1979 Decree 77. Merits of the decree were that it gave powers to Antiquities Department to protect immovable heritage in the country. Before this decree little attention was given to immovable heritage.

It was indicated that in many instances partnerships with other stakeholders have helped in protection of heritage. However there are major constrains mainly:

- Ignorance on the part of community has led to some degree of destruction of heritage in some instances
- The penalties given in the Act are too low to deter people.
- Mining permit take precedent over heritage law
- Decree does not provide for traditional systems thereby alienate communities form heritage
- Commission cannot prosecute without going through the office of the prosecutor?

In the presentation she pointed out that the way forward for Nigeria was that:

- Existing legislation should undergoing review
- Awareness programmes for the public need to be undertaken
- Need for rapport with law enforcement agencies
- Need for good heritage inventories.

Legal Instruments Concerning Immovable Cultural Heritage Protection in Ghana

Amakudi K. Ghana Museums and Monuments Board.

The presenter outlined the role of the Ghana National Museums and Monuments Board in the protection of immovable Heritage. He pointed out the need for historic areas as protected conservation zones were highlighted.

A new draft legislation was made in 1991 it highlights:

- Recognition of the principle of private and /or commercial ownership for
 - Dwellings
 - Religious, institutional, educational, commercial, and industrial buildings
 - Shrines
 - Memorials
 - Cemeteries
 - Gardens and parks
 - Defined sites and open spaces.
- The Act defines the right of private owners
- Defines responsibilities of state agencies in the control of listed buildings and sites

The case of Elmina Cultural Heritage was highlighted as a case study. The case highlights the need to have strong legal instruments particularly when dealing with urban development and the heritage. It also stressed the need to incorporate heritage laws in the planning process.

Evaluation of the strengths and limitations of the enforcement and implementation of the Stone Town Conservation Legislation 1994 Act

Karume, S S Stone Town Conservation and Development Authority.

The presentation highlighted the implementation of the legislation in the Stone Town. She outlined the background to the planning and legislative framework. Three case studies of enforcement of the legal instruments were given. The cases reiterated the need for political will and need for trained staff to implement any legal instrument. The case studies highlighted the need for followup and emphasized the fact that a legislation reform is not necessarily a panacea to the protection of cultural heritage. Its a necessary step but only the beginning.

KEY ISSUES

- ❑ Relationship of constitution national policy and legislation need to be recognised
- ❑ Need for a clear process to follow in formulating legislation
- ❑ Inherited legislation- need to review strengths and weaknesses
- ❑ Nature and composition of society – reference to diversity eg language structures, organs, resources
- ❑ Need to capturing economic development and heritage celebration in legislation
- ❑ Need to express the mechanism to conserve and manage the heritage
- ❑ Reforms and implementaion not helped by lack of political will
- ❑ Its important to make heritage laws strong

4: FIELD VISIT

Field visit to Ziwa national Monument organised by National Museums and monuments Of Zimbabwe.



5: GROUP WORK



GROUP SOUTH REPORT

NATIONAL POLICY, LEGISLATION AND REGULATIONS:

Problem:

- a.) There is in most situations in Africa legislation without policy or policy without adequate legislation, ie: there is either no legislation or it is outdated and in need of replacement or revision.
- b.) Most of the legislation is based on outdated colonial philosophy that has not adapted to post-colonial changes.
- c.) In many situations there is conflict with other bodies of legislation, egg: heritage and environmental legislation both cover the same areas or processes.
- d.) Our legislation concentrates on monumentalisation and neither caters for the types of situation found in our countries nor incorporates modern methods of conservation

Solution:

- a.) Broad policy generation upon which legislation and regulations can be based is necessary before the process of drafting new legislation begins. It should look at the type of structure that is needed to deal with the situations it identifies and areas it believes need concentrating upon.
- b.) Re-evaluate legislation in terms of the environment in which heritage finds itself nationally, egg: in terms of broad heritage policy, the national constitution and national developmental and planning priorities. Only after this can it be determined what type of action regarding legislation is required, i.e.: a new Act, or amendment.

Comparative research on legislation and legal mechanism used elsewhere and in other areas of governance should take place.

Consultation and participation processes with stakeholders in the process of drafting or amending legislation are important and are strongly recommended. Stakeholders should include both proponents of heritage conservation at community and professional level and those opposed to it, e.g.: developers and landowners.

- c.) Areas of overlap and conflict with other bodies of legislation need to be identified and covered in new heritage conservation legislation. Thereafter heritage conservationists need to keep abreast of developments in areas of potential conflict and engage other departments and ministries in their processes of revision of legislation to avoid the development of new conflicts.

Publication of heritage legislation by pamphlets and other promotional material is a good way of avoiding conflicts between different legal instruments.

- d.) Legislation needs to provide for a variety of diverse methods of conservation that cater appropriately for different situations and types heritage, e.g.: conservation areas, inventories, landscapes, etc.

Existing monuments and sites need to be re-evaluated and re-allocated to the appropriate new forms of protection.

Way Forward:

In countries that show an interest in reviewing legislation there should be a detailed investigation and analysis of existing laws and the situations they have created conducted by relevant experts. This can be used to motivate legal reform.

In countries where there is a demonstrated political and national professional will to proceed with review of heritage legislation, Africa 2009 provide technical assistance necessary to achieving this.

STRUCTURES ORGANS AND RESOURCES (Adequate Information):

Problem:

- a.) The issues of combining museums and heritage conservation into a single administrative structure can pose problems around division of resources and professional emphasis.
- b.) Heritage authorities that are closely tied to a government department often suffer due to low funding and lack of ability to retain revenue generated or to rise independent funding. This restricts ability to function effectively.

Government run structures lack the type of connection to community structures and national society that independent structures reflect. This can

make the body less effective in dealing with community issues or being sensitive to them.

- c.) In some situations the requirement that property be expropriated in order to protect it can cause problems, by alienating the community that has interests in the site or limiting its use.

Solution:

- a.) The situation regarding museums vs. monuments needs discussion at national level and should be determined by availability of resources, capacity and policy.
- b.) Independent structures that get basic funding from government to cover salaries, basic running costs and some development funding, but which can retain income and raise funding from other sources is considered to be better than those that are closely tied to government.

Semi-independent heritage management structures should have governing bodies that broadly reflect national society.

- c.) Flexible situations should exist regarding property rights and ability to manage sites whether or not the heritage authority owns them should be assured. In some circumstances it may be advisable for the heritage body to own sites, but in other circumstances there should be other way of managing sites that are privately controlled.

Way Forward:

The issues raised here are one's that need to be carefully evaluated at national level in the process of research towards new legislation. What is best suited to a given country should be provided for in legislation, provided that by and large more flexibility is provided to heritage conservation bodies in the future.

PROCESS TO FOLLOW IN FORMATION OF LEGISLATION:

Problem:

- a.) The way that much present heritage conservation legislation works alienates communities who feel antagonistic towards conservation.

Solution:

- a.) Community consultation and participation needs to be a part of the process of revising legislation. Collaboration with communities will create acceptance of new principles and ensure that concerns about intervention are addressed.

Steps in producing a new statute:

- Green paper: Broad principles and ideas with consultation of stakeholders.
- White paper: Government policy extracted from the Green Paper. (What is actually possible given resources, etc?)
- Compilation of 'Draft Bill': Involve stakeholders and wide consultation.
- Submission to Minister
- Publication as Bill
- Parliamentary process: Reading of bill and standing committee deliberations.
- Passed as Act
- Signed by Head of State
- Commencement

Way Forward:

Financial assistance is needed for consultation processes, which can be expensive.

LACK OF POLITICAL WILL:

Problem:

- a.) The heritage sector is often not seen as a political priority.

Solution:

- a.) Politicians need to be sensitised to the issue of heritage conservation. E.g.: what it contributes to the economy (tourism, forex, and job creation), national identity, etc.

Way Forward:

Organise a programme of working through commonwealth and economic community parliamentary associations to sensitise parliamentarians. Using MPs in a country that has a positive experience to address international associations on the issue.

Training of heritage professionals in lobbying techniques. Funding community based organisations that need resources to lobby MPs (e.g.: bring people to Parliament to address heritage issues of concern to them, or taking MPs to sites to see situations and hear community and professional views.)

**STATE BASED / COMMUNITY BASED (Conflict? Complimentary?
Integrated? Co-existence):**

Problem:

- a.) State based authority systems are not always sympathetic to community needs. They can be prescriptive and alienating. Often local identity is often sacrificed in the interests of national unity.
- b.) Community based systems do not always provide the guarantees that make heritage professionals feel secure. Sanctions are often difficult to adapt to current situations. There are also problems with community structures not taking a holistic view of conservation, e.g.: focusing only on intangible.

Solution:

- a.) New legislation should provide for interactive systems for working with sites in which communities have an interest or where they have rights, and for recognition of community based system of protection and management.

Legislation should be flexible allowing for regulatory frameworks, or agreements drawn up to address particular circumstances. This should be aimed at reconciling the needs and interests of both the State and the community.

- b.) A community structure need not be a traditional or customary structure, but one that comes into being to deal with a conservation situation in which community involvement would be a positive situation, e.g.: creation of situations in which representatives of the community are placed in situations where they can play a prominent and positive role in conservation of a site.

The State should support or strengthen situations where traditional or community protections already exist and are playing a positive role in or are vital to continued conservation.

Way Forward:

It is important that efforts are made to revive community-based systems of conservation and to use them as partners in conservation.

In many situations co-existence is seen as the best option, i.e.: State legal protection is needed in order to protect sites from outside interventions and pressures, whilst communities continue to manage them. This idea is not only sensible from the perspective that community interest in the site is retained, but also it is also cost effective for the State.

Community abilities to protect sites need to be strengthened through provision of tools and other materials that assist in management of sites.

Case studies (*project situ*) of what has worked and what has not worked are also necessary to heritage professionals understanding of this area of their work. This could be assisted by exchange of expertise in this area and the initiation of trial projects on particular sites.

GENERAL SUGGESTIONS:

Heritage conservation can be an important aspect of sustainable community development. Case studies (*project situ*) in this area could also be very useful, as could developmental models. It is necessary that there be an investigation into how powers to become involved in this area might be given to national heritage authorities, because it is submitted that if heritage conservation cannot contribute to the improvement of people's living conditions it cannot succeed.



GROUP NORTH REPORT

- Nature and composition of society.
- Diversity, language, definitions and express values
- *Law for the people by the people. This represents that the law should acknowledge diversity in and hence highlight the values of the different segments of society*
- *How do this?*

*Adequate knowledge of nature of society's composition ie **identifying** exercise of its constituent parts, values .*

- *Through **consultation**. Which should be broad in nature as pre-requisite to drafting of the law.*
- ***Public participation** –*

Values expressed through legislation.

- Values are the meaning to the heritage. They should be defined expressly and explicitly, to capture the essence of the values embodied in the heritage ,
- *Broad categories of values. Also these should be looked at in terms of levels which may be universal, national, regional, and local.*
 - *eg economic,*
 - *Social,*
 - *Spiritual*
 - *Historical*
 - *educational*
 - *political etc.*
- *legislation should capture both intangible tangible attributes of the heritage it seeks to protect.*
- *legislation should provide mechanism of dealing with conflict resolution. It should be a document of reconciliation where conflicts of value judgements exist.*

Awareness appreciation acceptance.

- How do we ensure awareness of the existence of the heritage law?
 1. Accessibility- for the public to know the law and therefore awareness should be articulated at policy level.

2. Distribution of legislation after passage. Participation should be continued.

Management and ownership: Private vs Public

- Legislation pre supposes that there is an organ or some one who is tasked to implement the provisions of the act e.g. NMMZ SAHRA etc.
 - Circumstances shall determine what sort.
 - The ideal one is a situation that is an organisation that is sensitive to the ideals and aspirations of society. It should be in empathy to society with regards to the values of society.

This calls for thorough consultation at the appropriate level, meaning that it is imperative for organisation structures not come draft before the consultation process is exhausted to ensure an empathetic organ that takes care of community values and aspirations.

Ownership

Act should recognise legal ownership and guarantee property rights as long as the state and condition of the property is not precarious.

There should be a distinction between ownership and management.

ENFORCEMENT- traditional and state based system

- It was recognised that enforcement does not always translate into action.
- That penalty on their own may not be adequate to bring about the desired protection.
- So there is a compelling need for the states to *train judicial officers* on matters of heritage to enable them appreciate the importance of enforcing heritage law.
This is a policy issue!
- Where applicable traditional enforcement systems shall be used for the protection of cultural heritage.
 - *Funds emanating from damage to heritage sent to heritage institutions for capacity building. E.g. Botswana Act.*
- The enforcement section of the law should provide for adequate penalties and should allow for such penalties where they involve fines to be given to the heritage institution for capacity building.

Revitalising community in order to bring back community based systems- policy.

Follow up practical activities

- It is recommended that there should be a follow up to train judicial and heritage officer by way of short courses instead of workshop to ensure awareness and enforcement of heritage law.



WEST GROUP REPORT

- To provide meaning to terms and concepts contained in the Act
- To establish the parameters for protection/conservation
- To limit and delimit to define the context
- To minimize ambiguities, uncertainties
- To facilitate consistency
- To present specific choices
- To explain in a holistic and dynamic way in relation to the values applicable to a society
- To link the past and the present thus define identity and serve and explanatory models

INHERITED LEGISLATION

(Weaknesses)

- Narrow scope
- Presented Euro centric values in an African context
- Typical of colonial legislation and systems
- Artifacts were removed from the site thus put out of context hence the TITLES Monuments/Sites and Museums
- Monuments were class-related
- Divorced natural from cultural heritage
- Ignored the applicability of customary law and traditional systems of management
- Provided for centralised system of management
- Top-bottom approach

(Strengths)

- Conserved historical sites (as archaeological....)
- Provided a legislative and administrative framework.

INTERNATIONAL CONVENTIONS

- Relevant international conventions should be incorporated into national legislation

INTERLINKAGES AMONG ENVIRONMENT- LAND for COOPERATIVE GOVERNANCE in HERITAGE

- Provide for creation of structures representative of the affected sectors within government and civil society including traditional institutions in policy, administrative and advisory positions
- Provide for the recognition, acceptance and preservation of specific local community values
- Provide for collaboration among different stakeholders within the framework of shared heritage -public, private and the community partnerships

CAPTURING ECON DEVELOPMENT OF HERITAGE IN LEGISLATION

- Should provide for rights of local communities and individuals to derive socio-economic benefits from heritage development (thru Cultural tourism, incentives, adaptive living)
- Provide for ongoing inventory and evaluation of cultural heritage for sustainability

HERITAGE LEGISLATION STATUS - OVERIDING ALL OTHER ACT WITH HERITAGE

- Should specify areas of possible conflict and provide for how it should be resolved.

RECOMMENDATIONS

As inadequate as they may be, inherited legislation could serve as points of departure and resource base for new legislation that:

- Provides for community values, customary rights and traditional practice
- Provide for protection, preservation, conservation of move/immovable,

tangible /intangible aspects of heritage

- Provide for mandatory cultural as well as environmental impact assessment
- Provide for mandatory proactive survey and inventory of heritage all communities
- Provide for creation of appropriate channels for local communities/interest groups to facilitate communication, cooperation and partnership.
- African Customary practices in the management of heritage need to be documented and codified. It is therefore imperative that Management Plans for the conservation of Heritage Properties should be exhaustive enough in reflecting various norms and practices relating to ownership and use rights over Cultural Landscapes.
- Participants of this Seminar should present a Report to the relevant Heritage Institution to facilitate revision of existing Legislation.
- Africa 2009 may consider facilitating the establishment of a forum of Ministers and Permanent Secretaries of Culture and Directors of Heritage Institutions to discuss legislation and use the report of this Seminar as a reference document.
- This Forum should set time frames for the implementation of the recommendations agreed upon.

6: RECOMMENDATIONS

The following were adopted as the seminar recommendations.

Introduction

In the framework of the AFRICA 2009 Programme, the 3rd Thematic Seminar was organized from 21 – 25 October 2002 in Mutare, Zimbabwe. The seminar brought together the x participants from x countries in sub-Saharan Africa as well as staff from ICCROM, secretariat for the AFRICA 2009 programme.

The main objectives of the seminar were to:

- Evaluate the current state of legal frameworks for immovable cultural heritage conservation in Sub-Saharan Africa;
- Identify key issues related to heritage legislation and possible strategies for dealing with them;
- Identify key issues related to the links between formal and informal (traditional or religious) legislative frameworks and possible strategies for creating interactions between them;
- Develop an action plan for follow-up activities including an eventual publication on immovable cultural heritage legislation in Sub-Saharan Africa.

Taking into account:

- The importance of the AFRICA 2009 programme for the conservation and promotion of immovable cultural heritage of sub-Saharan Africa;
- The desire of the participants of this seminar to continue their collaboration in the implementation of the objectives of the AFRICA 2009 programme.
- And recognizing the importance of having good legislative frameworks for the protection of immovable cultural heritage as demonstrated by the presentations during this seminar, participants of the AFRICA 2009 Seminar on Legal Frameworks for the Protection of Immovable Cultural Heritage in Sub-Saharan Africa have developed the following recommendations.

Fundamental concepts

Legislation should be for the people and by the people, reflecting the values of all the different segments of society. These values should be documented and well defined within the heritage legislation. Central to achieving this is a need for the law to provide for community values, customary rights, and traditional practices including those that relate to ownership and the right to use cultural landscapes.

Legislation should cater for the interrelationship of tangible / intangible, and movable / immovable heritage.

Legislation needs to provide for a variety of diverse methods of conservation that cater appropriately for different situations and types of heritage (e.g. conservation areas, inventories, landscapes, community based systems, etc.)

There is a need to move beyond monuments, taking a broader view of cultural heritage and its relevance in a variety of contexts.

Process for review of legislation / drafting new legislation

It is noted that many countries in sub-Saharan Africa have legislation that does not reflect the reality of contemporary situations for heritage conservation. In countries that show an interest in reviewing their legislation, there should be a detailed investigation and analysis of existing laws and the situations they have created in order to build on strengths and eliminate weaknesses. This review should be conducted by relevant experts from both within the institution and from outside, and can be used to motivate legal reform.

The process of review and drafting of new or amended legislation should be a participatory exercise. Financial assistance is needed for consultation processes, which can be expensive.

Provisions within legislation

Legislation should address diverse ways of protection of the immovable cultural heritage including, amongst other things, cultural and environmental impact assessment, and proactive survey and inventory of heritage.

References to relevant international conventions should be included in heritage legislation.

Heritage legislation should specify areas of possible inconsistency with other legislation and provide for methods of resolution.

Legislation should provide, where possible, mechanisms for conflict resolution through appeals processes, mediation, etc.

While recognizing that the best way of ensuring the protection of immovable cultural heritage is through cooperation and partnership with stakeholders, it is also recognized that strong penalties should be provided for within heritage legislation. The legislation should provide for easy adjustment of financial penalties to ensure their continued effectiveness. Ways should be explored to encourage governments to allow revenue from sanctions to accrue to the appropriate heritage institution.

Appropriate administrative structure

The appropriate forms of administrative framework need to be carefully evaluated at the national level in the process of research towards new legislation. What is best suited to a given country should be provided for in the legislation, given that, by and large, maximum flexibility is advantageous to the functioning of heritage conservation bodies.

New or revised legislation should provide for the rights of local communities and individuals to derive social and economic benefits from heritage development (through cultural tourism, incentives, adaptive reuse, etc.) Case studies in this area could be very useful, as could developmental models. It is necessary that there be an investigation into how powers to become involved in this area might be given to national heritage authorities.

New or revised legislation should provide for the creation of structures representative of affected sectors within government and civil society, including community institutions, in policy, administrative, and advisory positions. These structures should ensure effective communication, cooperation, and partnership.

Funding

The financial implications of new legislation must be examined as part of the process of adoption of new legislation.

Relevant ministries should provide adequate sources of finance in order to ensure the effective implementation of the legislation.

Sensitisation of decision-makers

Recognizing that review and implementation of legislation requires the good will of politicians and other decision-makers, it would be useful to organize a programme through existing forums to sensitise parliamentarians to the importance of effective heritage legislation. Legislators in a country that have a positive experience could be useful in this context.

Other useful techniques for sensitisation would include training heritage professionals in lobbying and funding community based organizations who need resources to lobby legislators (e.g. bringing people to Parliament to address heritage issues of concern to them, or taking legislators to sites to see situations and hear community and professional views).

State based / community based protection systems

It is important that efforts are made to revive community-based systems of conservation to ensure that communities are effective partners in conservation.

Where appropriate, community based enforcement systems should be used in the protection of immovable cultural heritage.

Community abilities to protect sites need to be strengthened through provision of tools and other materials that assist in management.

In many situations coexistence is seen as the best option (i.e. State legal protection is needed in order to protect sites from outside interventions and pressures, whilst communities continue to manage them). This idea is not only sensible from the perspective that community interest in the site is retained, but also it is also cost effective for the State.

Concrete follow-up

Participants of this seminar should present the final Seminar Report to the staff of relevant departments, institutions, and members of boards of trustees, or councils to facilitate support for the revision of heritage legislation.

Within the AFRICA 2009 programme, the following types of activities may be carried out.

- AFRICA 2009 should establish a working group on the issue of heritage legislation.
- AFRICA 2009 should institute a research and publication programme on issues pertaining to all aspects of heritage legislation in sub-Saharan Africa. This should include case studies of successful/unsuccessful redrafting of legislation and cooperation between communities and state institutions.
- AFRICA 2009 should consider a programme of exchange of expertise and the initiation of pilot projects (*Projects Sites*) in particular countries and at specific sites.
- When requested, AFRICA 2009 could facilitate outside expertise to assist countries in the review of their heritage legislation.
- AFRICA 2009 may encourage forums for relevant Ministers accompanied by Permanent Secretaries and the Directors of heritage institutions to discuss the issue related to heritage legislation in Africa.
- AFRICA 2009 may initiate training activities for judicial and heritage officers to ensure awareness and enforcement of heritage law.

AFRICA2009

Undertook to:

- a) Publish and distribute the papers and discussion from this seminar
- b) To establish a working group which will work towards developing reference material for those undertaking legal reforms.
- c) Develop other programmes aimed at improving the legislation governing protection of cultural property.

7: CLOSING

Session Chair Rogers T. , National Museums and Monuments of Zimbabwe

Address on Behalf of Africa 2009 Dr Mintsami-Eya J.

She thanked the government of Zimbabwe and National Museums and Monuments for Zimbabwe for hosting the Workshop. She also extended thanks to the financial support from the donors which made the seminar possible.

Address on Behalf of the NMMZ Dr. Mahachi

Thanked ICCROM and Africa 2009 for giving NMMZ the opportunity to host the seminar and invited the Governor of Manikaland Muchinguri O. to close the seminar.

Closing Address Governor of Manikaland

Thanked the various players in making the workshop a success and particularly the NMMZ and ICCROM. She also thanked the organisers for hosting it in the province and hoped that the deliberations will bear fruits. She challenged all participants to implement the resolutions and recommendations of the seminar.

Karume S gave vote of thanks on behalf of the participants.

8: ACKNOWLEDGEMENTS

MOTIONS OF THANKS

The participants of the 3rd Thematic Seminar of the AFRICA 2009 Programme would like to thank the authorities of Zimbabwe and the organizers of the seminar (The AFRICA 2009 programme and the National Museums and Monuments of Zimbabwe) for the excellent organization of the seminar and the hospitality given to participants.

The participants would like to recognize the hard work carried out by the staff of the National Museums and Monuments of Zimbabwe, both in Harare and Mutare, the staff at ICCROM, in particular Marie-France Adolphe, and the Steering Committee of AFRICA 2009 towards the implementation of this seminar.

The participants further thank the financial and operational partners of the AFRICA 2009 programme including Sida, NORAD, the Swedish National Heritage Board, the Ministry of Foreign Affairs of Finland, the Ministry of Foreign Affairs of Italy, ICCROM, the UNESCO World Heritage Centre, and CRATerre-EAG for having made this seminar possible through their support of the programme.

Finally, the participants would like to thank the authorities of Mutare and its population for making participants feel welcome throughout their stay.

**Mutare, Zimbabwe
25 October 2002**

APPENDIX

1: LIST OF PARTICIPANTS

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2: SEMINAR PROGRAMME.

AFRICA 2009
3rd Regional Thematic Seminar

Legal Frameworks for Protection of Immovable Cultural Heritage

Mutare, Zimbabwe
21 - 25 October 2002

PROGRAMME

Seminar Coordinators: **Dr G. Mahachi, National Museums and Monuments of Zimbabwe**

C. Chauke, National Museums and Monuments of Zimbabwe

T. Rogers, National Museums and Monuments of Zimbabwe

J. King, ICCROM/Africa 2009

Sunday 20 October 2002

18:30-20:30 Registration at the Holiday Inn, Mutare

Monday, 21 October 2002

09:00 Registration

OPENING

CHAIR: **Mahachi G.** Executive Director National Museums and Monuments Zimbabwe

09:30 Introduction Remarks

Dr. Mahachi G. National Museums and Monuments of Zimbabwe

09:40

Introductory Remarks

Member, Board National Museums and Monument of Zimbabwe

10:00

10:20	Introductory remarks	King J , ICCROM Africa 2009 programme.
10:30	Address on Behalf of Africa 2009	Dr. Mintsa mi-Eya J. – Director General of Culture, Gabon / Vice-Chairman of AFRICA 2009 Steering Committee
10:45		
11.45	Opening address:	Guest of Honour the Hon. Minister of Home Affairs of Zimbabwe K. Mohadi
	Vote of thanks	Participants
11:10-11.30	TEA/COFFEE	
	FORMAL LEGISLATION	
CHAIR	Madiba P. Chief Executive Officer, South Africa Heritage Resources Agency	
11:30-12.00	Remarks Legislation and practices, facts and figures - implications and the way ahead	Munjeri D , Deputy Permanent Delegate of Zimbabwe to UNESCO
12:00-12:20	Overview of Formal Legislation	Negri V. , University of Lyon (read on his behalf by King J)
12:20-12:40	Nigeria's Customary Laws and Practices in the Protection of Cultural Heritage with Special Reference to the Benin Kingdom of Nigeria	Dr. Eboreime J , National Commission for Museums and Monuments, Nigeria
12: 40-13:00	The Tanzania cultural heritage Legislation The Zimbabwean cultural heritage legislation	Kamamba D Director General Antiquities Department Chiwaura H , Curator National Museums and monuments of Zimbabwe
13:00	LUNCH	
14:00-14:30	Discussion	
	TRADITIONAL vs. FORMAL LEGISLATION	
CHAIR:	Dr. Eboreime J Director, Monuments and Heritage Sites, National Commission for Museums and Monuments, Nigeria	
14:30-15:00	Link between traditional and Formal legal systems. Customary systems of heritage Conservation: The Barotse Land	Mumma A. Faculty of Law, University of Kenya Nairobi Musonda S National Heritage Conservation
15:00-15:20	Traditional legislation and heritage laws implementation and enforcement	Chipunza K.T. National Museums and Monuments Zimbabwe
15:40-16.00	TEA/COFFEE	

15:40-16.00

TEA/COFFEE

16:00-16.30

Formal Legislation and Traditional Heritage: A case of interdependence in Uganda

Dr. Kamuhangire E, Department of Antiquities and: Museums of Uganda

16:30-16-50

Discussion
Key Issues

Participants
Participants

16:50-17:20

17:20-18.00

END OF DAY ONE

Tuesday, 22 October 2002

NEW LEGISLATION

CHAIR

09:00-09:30

Munjeri D. Deputy Permanent Delegate of Zimbabwe to UNESCO
New Legislation for Mauritius

Mahadeo P. National Heritage Trust,
Mauritius

09:30-10:50

Initiating Review of National Heritage legislation The South African experience

Hall A., Department of Sport, Art, and Culture, Northern Cape Province, South Africa

10:50-11:10

11:10-11:30

11:30-11-50

TEA/COFFEE

Managing with borrowed laws? The manipulation of multiplicity of laws in cultural heritage management in Namibia.

Gwasira G, National Museums of Namibia

11:50-12-10

Botswana's new legislation

Mmutle M. Botswana National Museum

DISCUSSION

12-10-12.30

12.30- 13.00

ENFORCEMENT, ADMINISTRATION AND IMPLEMENTATION

CHAIR

14:00-14.30

Kamuhangire E. Commissioner for Antiquities and Museums of Uganda

Implementing South African new legislation

Madiba P South Africa Heritage Resources Agency

14.30-14.50

Implementation and Enforcement of Legislation.

Osuagwu V Curator National Commission For Museums and

Legal Instruments Concerning Immovable Cultural Heritage

Amakudi K. Ghana Museums and Monuments Board.

14.50-15:10

14.50-15:10	Immovable Cultural Heritage Protection in Ghana	Monuments Board.
15:10-15:30	TEA/COFFEE	
15:30-15:50	Evaluation of the strengths and limitations of the enforcement and implementation of the Stone Town Conservation Legislation 1994 Act	Karume, S Stone Town Conservation and Development Authority.
	Discussion	
15:50-16.10		
16:10-17.30	Key Issues	
	END OF DAY TWO	

Wednesday, 23 October 2002

7.30 Visit to Ziwa National Monument and related Nyanga Complex hosted by the National Museums and Monuments of Zimbabwe

Thursday 24, October 2002

	GROUP WORK	
9:00-10-30	Group Work TEA/COFFEE	Working Groups
10:30-11.00	Group Work Preliminary Report and Discussion	Working Groups Participants
11.00-12.30	Conclusion of Group Work END OF DAY FOUR	Working Groups
12:30-13.00		
13.00-14.00		
14.00-16.00		

Friday 25.October 2002

CHAIR: **J. Mintsa mi-Eya** – Director General of Culture, Gabon / Vice-Chairman of

AFRICA 2009 Steering Committee

09:00-09:30	Report of Group One	Group One
09:30-10:00	Report of Group Two	Group Two
10:00-10:30	Report of Group Three	Group Three
10:30-11:00	Discussion of Group Reports	Participants
11:00-11:30	TEA/COFFEE	
11:30-12:30	Reading and Discussion of Seminar Recommendation	Participants
CHAIR	CLOSING CEREMONY	
12:30-12:45	T. Rogers, National Museums and Monuments of Zimbabwe Address on Behalf of Africa 2009	J. Mintsa mi-Eya
12:45-13:00	Address on Behalf of the NMMZ	G. Mahachi
13:00-13:15	Closing Address	Guest of honour Governor of Manikaland
13:15-13:20	Vote of Thanks	Participants