

ANNUAL REPORT

2007 - 2008

FREE STATE HERITAGE COUNCIL

INTRODUCTION

'Heritage Resources legislation aims to promote good management of the national estate, and to enable and encourage communities to nurture and conserve their legacy so that it may be bequeathed to future generations.

Our heritage is unique and precious and it cannot be renewed. It helps us to define our cultural identity and therefore lies at the heart of our spiritual well-being and has the power to build our nation. It has the potential to affirm our diverse cultures, and in so doing, shape our national character.

Our heritage celebrates our achievements and contributes to redressing past inequities. It educates, it deepens our understanding of society and encourages us to empathize with the experience of others. It facilitates healing and material and symbolic restitution and it promotes new and previously neglected research into our rich oral traditions and customs.'

The National Heritage Resources Act (Act No 25 of 1999), states that 'an MEC may establish a provincial heritage resources authority which shall be responsible for the management of the relevant heritage resources within the province, which shall be a body corporate capable of suing and being sued in its corporate name and which shall be governed by a Council constituted as prescribed by regulations published in the provincial Gazette: Provided that the members of the Council shall be appointed in a manner which applies the principles of transparency and representivity and takes into account special competence, experience and interest in the field of heritage resources.'

1. The Free State Heritage Council

1.1 Functions of the Council

The functions of the Council are to

- "a. Advise the Minister on matters concerning heritage resources management;
- b. be responsible and accountable for the implementation of the functions, powers and duties of SAHRA;
- c. advise and assist SAHRA in the performance of its functions, powers and duties;
- d. promote the co-ordination of policy formulation and planning for the management of the national estate at national and provincial levels; and
- e. furnish the Minister with such information as the Minister may require."

1.2 Constitution, function, powers and duties of heritage resources authorities

"A heritage resources authority must

- a. furnish information, advice and assistance to enhance public sensitivity towards and awareness of the need for management of the national estate;
 - b. maintain a list of conservation bodies which have, in accordance with regulations by the heritage resources authority concerned, registered their interest in
 - i. a geographical area; or
 - ii. a category of heritage resources;
 - c. regularly inspect heritage resources which are formally protected by the heritage resources authority concerned in terms of any provision of Part 1 of Chapter II;
 - d. endeavour to assist any community or body of persons with an established interest in any heritage resource to obtain reasonable access to such heritage resource, should they request it, and may for this purpose
 - i. enter into negotiations with the owner of such resource;
 - ii. facilitate the making of arrangements as may be required for the achievement of such access, including the execution of a heritage agreement under section 42; and
 - iii. if such negotiations are unsuccessful, refer the matter to the Minister or MEC, as the case may be; and
 - e. make arrangements to ensure the protection and management of all heritage resources and property owned or controlled by it or vested in it."
- [Extract from Chapter 1, Part 2, Section 25(1)]*

1.3 Information about the Council

Following the previous Council's expiry of a 3-year term of office in March 2007, a new Provincial Heritage Council was appointed by the then MEC responsible for Sport, Arts and Culture, Ms S Mnumzana.

Members of the newly appointed Heritage Council are:

- Morena L S Moloji : Member of the House of Traditional Leaders
- Dr Z L Henderson : Archaeologist & Anthropologist

Ms D J Moroka : Deputy Director: EPWP Program:
Department of Public Works and Finance Expert
Mr N S Thabana : Expert on Indigenous Knowledge
Ms K A Sekhabisa : Educator
Mr A Roodt : Architect and Town Planner
Mr C M Twala : Lecturer in History

In October 2007, Mr S J Monyobo, Head of Office of the MEC for Agriculture was also appointed as a member of the Council by Mr E S Magashule, MEC responsible for Sport, Arts and Culture and leader of the ANC in the Free State. Simultaneously, Mr Monyobo was appointed as representative of the Provincial Heritage Resources Authority of the Free State on the South African Heritage Resources Council. His appointment to the SAHRA Council was confirmed by the Minister for Arts and Culture, Dr P Jordan.

The newly appointed Council was officially announced as per Provincial Notice No. 98 of 20 April 2007, published in Provincial Gazette no 30 on Friday, 20 April 2007.

On Tuesday, 15 May 2007, the official launch of the Council took place at the Provincial Archives Building in Universitas, Bloemfontein.

Ms K A Sekhabisa was elected as chairperson.

1.4 Voted funds

A grant of R157 500 is annually received from the Department. This grant is appropriated towards

- payment of honoraria
- transport
- presentation of workshops
- consultancy fees
- interdicts etc
- contracting of independent auditors etc.

1.5 Annual Financial Statements

The Annual Financial Statements compiled by independent auditors, are attached as *Appendix A*.

1.6 Performance

1.6.1 Achievements

According to objectives stipulated in the Annual Performance Plan of 2007/08 – 2009/2010, a certain number of declarations, permit issues and public awareness workshops needs to be reached.

This expectation is unrealistic due to the following main reasons:

- i. It is impossible to determine a specific number of permits to be issued. The reason for this being that consideration of applications is determined by the amount of applications received.
- ii. Declaration of a heritage site is an intricate and lengthy process and is done in cooperation with SAHRA.

i. Heritage Awareness Workshop

The workshop was hosted by the Free State Heritage Council in cooperation with the South African Heritage Resources Authority, Free State.

It was decided at a meeting of the Free State Heritage Council held on Friday, 22 June 2007, that:

“During September (Heritage Month) the Council will embark on a heritage-awareness initiative in the community.

- A heritage imbizo, in partnership with SAHRA will form the main focus point.
- The imbizo will not have an academic character but will be people-friendly.
- Dates should be decided on well in advance in order to have the MEC present to open the day.
- It was suggested that Mapikela House be declared symbolically as part of the imbizo.
- Stakeholders: SAHRA (South African Heritage Resource Authority)
House of Traditional Leaders
Local governments
Department of Education
Department of Tourism
National and provincial museums
Media

Task team: Mr Twala – University of the Free State and Council member
Ms Sekhabisa – Chairperson of the Council
Dr Henderson – Head of Department Anthropology and
Archaeology: National Museum and Council
member
Mr Khetha – Manager: SAHRA Free State
Mr M Sefo – Senior Manager and Head of Office: Office of the MEC

2. Budget
A total budget of R50 000 was decided on of which R25 000 each was contributed by SAHRA and the Council.
3. Invitations
Invitations were sent to:

All municipalities in the Free State: Executive Mayor
Speaker
Municipal Manager
Councillor responsible for Arts, Culture
& Heritage

All Heads of Department
Senior Management of the department
Museum personnel of the department
Language personnel of the department
SPCA
Provincial Arts and Culture Council
Geographical Names Committee
Interested individuals
House of Traditional Leaders
Youth Commission
Youth groups
Cultural groups

Venue

Indaba Auditorium and Rose Hall in the Bram Fischer Building.

Sponsorship

A sponsorship of conference material was obtained from Absa Bank.

Marketing

Advertisements in SeSotho, English and Afrikaans appeared in the Daily Sun and Volksblad.

(Copy of advertisement attached as Appendix B)

Speakers

Speakers invited were all experts in their field and it was endeavored to cover as wide a range of heritage aspects as possible.

(Copy of program attached as Appendix C)

- Mr P Buthelezi, CEO of the South African Heritage Resources Agency (SAHRA): "The Challenges Facing Heritage Resources Management in South Africa"
- Mr Thabo Kgomommu, SAHRA: "The Role of Local Authorities in Heritage Resource Management". Dr Kgomommu had to cancel his attendance at the last minute and forwarded his input to Dr Z L Henderson, Council member, who presented the input.
- Kgosi L S Moloi, House of Traditional Leaders: "Traditional Leaders' Perspectives on customary practices, African Renaissance and the New Constitution"
- Mr Thabo Manetsi, SAHRA: "Towards Safeguarding of Living Heritage"
- Mr C M Twala, Council member: "Heritage declaration".
- Ms P de Wet, Khoisan Society: "Revival of the Khoisan Language in the Free State"
- Mrs M Sehlabo: "Animal rights and traditional rituals"
- Mr A Msibi, Department of Sport, Arts and Culture: "Motheo Museums for All"

- Prof P Nel (CAS), UFS: The SANPAD Project: South Africa Netherlands Research Programme on Alternative Development.

General

The public's participation was very active and lively through comments and questions. Some of the aspects effectuating particular interest, were municipalities' responsibilities regarding heritage and heritage declaration.

Heritage preservation in the townships was another point that raised a lot of interest and much information was given to the public in this regard.

After a very successful workshop, the day was concluded with a Safari Dinner hosted by the National Museum.

ii. Declaration of Heritage Sites

During a meeting of the Council, it was decided that a 'Declaration Review Committee' would be established in order to review nominations for declaration received before declaration is recommended to SAHRA. This committee only functions when the need arises to consider nominations for the declaration of heritage sites. After submission to the Council, the Review Committee to date has met on two occasions in order to review declaration. The following sites are currently under consideration:

- Mochochonono Road, Qwaqwa
- Matsoakeng - Morena Koos Mota's Kraal, Qwaqwa
- Graveyard of the Batlokoa Royalty, Qwaqwa
- Batlokoa Monument, Qwaqwa
- Nkhooe Cave, Qwaqwa
- Oldest house in Jacobsdal
- Request to build a monument for Thabure in Qwaqwa
- First school at Viljoensdrif
- Graveyard of those fallen in battle during the 1st World War
- Stone quarry from which stones were taken to build the Union Building, Viljoensdrif
- Maphikela House
- Winnie Mandela's House
- Z Mahabane's House
- Moroka House

Extensive research was done on the Maphikela, Mandela, Mahabane and Moroka houses by Mr C M Twala, lecturer in history.

(A Copy of the document is attached as Appendix D)

iii. Distribution of a legal document addressing heritage issues

The Permit Committee recently had to deal with incidents of illegal demolition of heritage structures and structures older than 60 years. This kind of incident is occurring more and more frequently. One of these incidents left the Permit

Committee with no alternative but to start a process to have an interdict served on the party concerned.

In an attempt to limit legal action against institutions or individuals in the future and to enlighten the public, the following resolution was reached at a Council meeting on Friday, 23 November 2007:

"Advocate Swanepoel, Chief Legal Advisor, will be requested to compile an informative document explaining the legal process and consequences in terms of the National Heritage Resources Act No 25 of 1999 (eg Sections 48 -51) in case of alterations to, or the demolition of a heritage structure or a structure older than 60 years without the required permit issued by the Permit Committee.

"Issues such as townscapes, historic landscapes etc should also be addressed in the document.

This document will be sent to Government departments, district and local governments and the community and will be issued with every permit application."

Such a document will certainly go a long way in enlightening the public regarding heritage and heritage preservation.

2. The Permit Committee

"The Council may establish committees to assist it in the performance of its functions and, in addition to any members, it may appoint to such committees persons whom the Council considers competent or who possess specific skills and expertise."

2.1 Functions of the Permit Committee

"On application by any person in the manner prescribed under subsection (1), a heritage resources authority may in its discretion issue to such a person a permit to perform such actions at such time and subject to such terms, conditions and restrictions or directions as may be specified in the permit"

The main function of the Permit Committee is protection of buildings older than 60 years as well as buildings declared as heritage sites. The Committee may decline or grant a permit for the alteration, restoration and partial or total demolition of a building older than 60 years. Landscaping around buildings declared as heritage sites calls for the authority of a permit as well. The Committee may also advise on a design or enforce its decision regarding the design of a building

Should an applicant not concur with the Committee's refusal to issue a permit, he or she may lodge an appeal to be heard by "an independent tribunal, consisting of three experts, having expertise regarding the matter".

The tribunal, in considering the appeal, must have due regard to –

- a. the cultural significance of the heritage resources in question;
- b. heritage conservation principles; and
- c. any other relevant factor which is brought to its attention by the appellant or the heritage resources authority."

2.2 Information about the Permit Committee

The Permit Committee was officially appointed during the Council's first meeting on 15 May 2007.

The following people were appointed as members:

Ms D J Moroka	:	Council member
Dr Z L Henderson	:	Council member
Mr C M Twala	:	Council member
Mr C K Lebona	:	Architect & Town Planner
Prof B Britz	:	Architect & Town Planner
Mr J L du Preez	:	Lecturer and Architect & Town Planner

Mr Kobus du Preez was elected as chairperson of the Permit Committee at their first official meeting on 12 June 2007.

2.3 Voted funds

No voted funds are received by the Permit Committee as such. Any funds needed for interdicts, court cases etc. are accessed from the grant of R157 000, with the Council's approval.

2.4 Achievements

Permit Committee meetings are held once a month in order to consider applications for permits received. Apart from these meetings, committee members are regularly approached by members of the public with requests of advice, inspection of a building and other issues regarding heritage preservation.

i. Permits

A total of 53 permit applications have been received.

Permits granted for renovation, alteration or demolition	:	47
Permits refused	:	6

ii. Preservation of a building

Demolition of Ehrlich House, Elizabeth Street, Bloemfontein
House Vergelegen, Markgraaff Street, Bloemfontein
Houses at 89 & 91 Charles Street, Bloemfontein

It was learnt that demolition of 89 Charles Street had commenced on the morning of 16 October (An application for demolition of the above-mentioned houses was only received after demolition had commenced. The Permit Committee was scheduled to meet that afternoon to consider the application for demolition of the building). This left the Permit Committee with no alternative but to apply for an Interdict to be served against the department involved.

After refusal of a permit to demolish the abovementioned houses (The Department of Public Works, Roads and Transport was requested to submit properly completed application forms as well as plans of the houses in question for the application to be considered) and a request by the Permit Committee for a site inspection with officials from the Department of Public Works and the responsible architect, a meeting was held on site on Thursday, 25 October 2007. The meeting was attended by members of the Permit Committee, officials of the Department of Public Works, Roads and Transport, the responsible architect, Mr R V Mabulu, and officials from his firm.

On conclusion of the site meeting, the Public Works department requested a re-consideration of their application before the next Permit Committee meeting, which was scheduled for 13 November 2007. The Chairperson of the Permit Committee, Mr Kobus du Preez, consented to their request and an extraordinary meeting of the Permit Committee was convened for Thursday, 1 November 2007.

On 1 November 2007, at the extraordinary meeting of the Permit Committee, permits were issued for the demolition of House Vergelegen as well as the houses at 89 and 91 Charles street. The application for the demolition of Ehrlich House was refused. The architect was also requested to incorporate Ehrlich House in the new design for the Provincial offices complex in such a way that the two buildings are in a sympathetic relationship with one another. One of the requirements stipulated that as many of the old trees as possible around Ehrlich House should be retained.

Another of the permit stipulations was that certain materials, fittings and other features in the houses to be demolished, should be identified and then kept by the National Museum for future restoration projects. An agreement was reached by the National Museum, the architect and the contractor that all identified fixtures would be transported by the contractor to the Museum's materials bank for safekeeping. The rest of the useable materials and fixtures will be salvaged by Palace Consulting Engineers to be used in the restoration of the Ramblers Club.

It needs to be mentioned that the significance of Ehrlich House is on a par with that of Fichardt House. Its significance is not only that it is pre-war and is associated with a prominent historical figure in Bloemfontein and the country, but also because it is architecturally significant. The fact that only a few similar houses in

Bloemfontein have survived, emphasizes that it is of the utmost importance that these buildings are protected and preserved.

Illegal actions such as these can have tremendous repercussions and the Council, along with the Permit Committee, should endeavour to prevent such actions from happening in the future. Although cooperation between the Council and SAHRA is important, prevention of illegal actions such as these and the required actions to prevent them, are the Council's responsibility and not those of SAHRA.

Annual Report 07 – 08 compiled by Jeanne Nel