



**National Heritage Council**  
S O U T H A F R I C A

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**POSITION PAPER ON ETHICS AND PROFESSIONAL STANDARDS  
DISCUSSION DOCUMENT**

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*The NHC would appreciate any comment and inputs regarding the content of the document. Please contact Dr Helene Vollgraaff by March 2011 in this regard.*

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## **1. Introduction**

The South African heritage sector is mandated to conserve and protect our natural and cultural environment within a human rights oriented environment. This mandate is informed by international conventions, declarations, recommendations and policy documents as well as South African legislation and policies. In addition to our conservation mandate, the heritage sector is people-driven thereby requiring a service ethic informed by professional standards.

The purpose with this discussion document is to recommend guidelines to interpret the social role and professional ethics implied in heritage international and national policy guidelines and legislation. The NHC hope that the process started with circulation of this document for input and comment from heritage stakeholders and interested parties will result in a position paper that contains recommendations regarding a policy framework on ethics and professional standards. Such a policy framework should guide the actions of heritage institutions, whether government owned, government aided or in private ownership as well as heritage practitioners that provides a professional service to the public.

The ethical and professional standards contained in this document provide general principles and guidelines that provide a framework for ethical conduct. It does not aim to serve as a detailed Code of Ethics or Conduct for heritage practitioners. The heritage sector includes a number of disciplines, each with each own challenges and specific situations. A number of international and South African professional associations have developed Codes of Ethics or Codes of Conduct that respond to the specifics of their disciplines. This document should be read together with these Codes.

## **2. Proposed statement of intent**

The South African heritage sector consisting of organisations as well as individual practitioners, commit itself to protect and conserve our cultural and natural heritage, whether tangible or intangible, for the benefit of present and future generations.

The South African heritage sector commit itself to undertake its protection and conservation role in the spirit and intention of international and national conventions, declarations, recommendations, policy guidelines and legislation, namely:

**Defending Diversity:** Fostering the recognition of and respect for diverse social and cultural practices with the view to facilitate diversified societies and the inclusion of persons and groups from varied cultural and social backgrounds.

**Promoting Tolerance:** Encouraging the respect for human rights and fundamental freedoms for all, without distinction as to race, gender, language, national origin, religion or disability and to combat intolerance. Tolerance is the respect, acceptance and appreciation of the rich diversity of our cultures, our forms of expression and ways of being human. It is fostered by knowledge, openness, communication, and freedom of thought, conscience and belief. Tolerance is harmony in difference.

**Promoting Equality:** Ensuring that all persons, groups and communities have the right to equal opportunities to participate in cultural life and to conserve and develop their cultural heritage.

Confirming Non-racialism: Refrain from supporting or promoting any theory which involves the claim that racial or ethnic groups are inherently superior or inferior, thus implying that some would be entitled to dominate or eliminate others, presumed to be inferior, or which bases value judgements on racial differentiation, has no scientific foundation and is contrary to the moral and ethical principles of humanity.

Promoting freedom of expression: Ensuring that all persons are free to express opinions without interference or fear of victimisation with the understanding that the principles of diversity tolerance, equality and non-racialism should be protected.

Promoting Sustainability: Ensuring that the needs and interests of present and future generations are fully safeguarded.

### **3. Proposed governance guidelines for organisations**

Heritage organisations should have policies and professional standards that inform the operations of the institution.

- A heritage organisation should be guided by a written document that states the mission, objectives and policies of the organisation and the role and composition of its governing body.
- The policies and standards must be well articulated and processes should be place to ensure that employees know and understand these policies and standards.
- Structures and systems should be in place to ensure that prudent oversight is practiced.

Heritage organisations should operate in a legal manner. All policies and professional standards should comply with international and national conventions, agreements and legislation.

Policies and processes should be in place to ensure the economic, effective and efficient use of resources.

Revenue-producing activities that involve relationships with external entities should be compatible with heritage standards. A funding organisation may not influence the content and integrity of the heritage organisation's programmes and activities in exchange for funding. Income-generating activities should not compromise the standards of the organisation or its public.

The heritage organisation should act in a transparent and accountable manner. Transparency means that policies, rules and regulations exist and that these are followed. Information must be freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media.

Services must be provided impartially, fairly, equitably and without bias.

Heritage organisations should aspire to conduct heritage practice according to internationally accepted standards and will create opportunities for and encourage employees to keep up to date with current heritage practice standards.

Heritage organisations should treat all users and clients of its services fair and strive for excellence in service.

#### **4. Proposed personal conduct for heritage practitioners**

The practitioner shall conduct professional activities, as far as a possible, in accordance with emerging principles of heritage management and the highest standards of cultural heritage protection and enhancement.

Heritage practitioners shall carry out their professional activities in accordance with the requirements of the prevailing legislation and policy.

- Practitioners should at all times conduct their activities in terms of the spirit and intention of the relevant policy and legal frameworks and not seek to exploit lacunae or possible anomalies between different sets of policy/legislation.
- Practitioners should be conversant with relevant international, national and local legislation related to their discipline.
- Practitioners should respect the sanctity of the law and the heritage protection it affords and must notify the relevant authorities if and when they become aware of any unlawful act irrespective of whether the perpetrator is their client or not.

Heritage practitioners should not conduct professional or affiliated activities in a manner involving dishonesty, fraud, deceit, misrepresentation or bias.

- Practitioners shall ensure that their qualifications, experience and authorship is stated accurately
- Practitioners should not seek not seek employment, grants or gains, or attempt to injure the reputation or opportunities for employment of another heritage practitioner by fake, biased or undocumented claims or accusations or by any other malicious action.
- Practitioners should refrain from unethical bidding for contracts.
- Practitioners should accept payment for a particular service from one source only, except with the full knowledge and consent of multiple parties.

Heritage practitioners should act in accordance to the generally agreed upon professional standards set by their discipline.

- Practitioners should understand that professionalism implies that maximum use will be made of resources, knowledge and competencies with honesty and integrity.
- Practitioners should take on tasks only if they have the necessary experience and expertise.
- Practitioners should ensure that, in all communication, full and proper credit is given to, and misrepresentation is avoided of, the work and ideas of others.

Heritage practitioners should avoid circumstances that may be in conflict, or be viewed as being in conflict, with heritage practice and/or the interests of their employer.

- Practitioners should avoid any private activity or pursuit of a personal interest that may conflict or be perceived to conflict with the public interest
- Practitioners should inform their employer or prospective client of any professional or personal interests which may impair the objectivity of their work.

- Practitioners should refuse to solicit from any person or body, and turn down if offered, any personal gift that might subsequently be interpreted as constituting improper influence on the practitioner and/or constitutes an attempt to influence the practitioner in the performance of his/her duties.

The Heritage Practitioner should refuse to draw on status or position at his/her organisation for personal gain or advancement without prior permission. A heritage institution must have a policy in place and procedures so that private work undertaken by employees is approved in advance and does not conflict with the organisation's interest or wider public interest.

- The Practitioner may not use the position entrusted to them, to enrich themselves improperly or improperly benefit any other person.
- The Practitioner may not use information received in confidence in the course of their duties otherwise than in connection with the discharge of their duties.

## **5. Relationships with interest groups, individuals and communities**

Heritage organisations and practitioners will build and maintain relations of cultural understanding and mutual respect with the communities they serve.

Heritage organisations and practitioners will provide an efficient and effective service and aspire to serve all people within a reasonable timeframe.

Heritage organisations and practitioners will aspire to improve the quality of experience of all users of their services.

Heritage organisations and practitioners will consult with and involve interested and affected individuals and groups where possible. Use of advisory and support groups may be made, but care should be taken not to exploit them. The status and influence of advisory and support groups must be made clear to their members, their views treated with respect and confidences protected.

Heritage organisations and practitioners will recognise, respect and protect where necessary, the knowledge of local and affected communities.

Heritage organisations and practitioners will respect the confidentiality requirements of stakeholder communities, e.g. initiation sites, ceremonies, burial rites and sacred artefacts and localities of these affected.

Heritage organisations and practitioners will recognize the diversity and complexity of society and uphold the principle of equal opportunities for all. They will:

- Develop and promote interest and support for heritage to an ever broader and more varied audience.
- Respond to the diverse requirements of different cultural groups.
- Take into account of individuals' differing educational experiences, learning styles, abilities and ways of understanding.
- Respond to the needs and wishes of people with disabilities.

## 6. Research

Researchers employed by heritage organisations should ensure that research undertaken is related to their organisational mandate.

Heritage practitioners conducting research should ensure that they are up to date with highest standards of scholarship and research.

- They must apply highest possible standards of objectivity to the research undertaken and distinguish clearly between fact opinion and inferences.
- They should specify limitations, constraints and knowledge gaps and clearly indicate aspects that could not be investigated, and the reasons for these omissions.
- They should not conduct research work for which they do not have the necessary expertise or experience.
- They should involve specialists where appropriate.

Heritage practitioners employed by heritage organisations have an obligation to build and maintain collegial relationships with other heritage researchers.

- They have an obligation to share their knowledge and experience with colleagues, scholars and students in relevant fields.
- They should respect and acknowledge those from whom they have learned and should pass on such advancements in techniques and experience that may be of benefit to others.
- They must respect the research areas of other bona fide researchers.
- They should allow access to bona fide researchers to sites/objects in their care, even if it overlaps with their own research interests.

Heritage practitioners conducting research have an obligation to build and maintain relationships with the communities and individuals based on respect.

- They will inform fully communities and individuals involved in their research regarding the objectives with and use of the research project.
- They will respect the confidences of communities and individuals consulted.
- They will inform fully communities and individuals involved in their research on how information will be used, will respect ownership of local and traditional knowledge and will obtain permission to make information obtained public.
- They will represent ideas, personalities, events and communities with sensitivity and respect and recognise the humanity of all people.

Heritage practitioners conducting research should acknowledge all forms of knowledge production.

Heritage practitioners conducting research on behalf of public bodies should make their research as widely known as possible in formats accessible to experts as well as the general public.

Human remains are acknowledged as special collections. Research on human remains may be allowed only on approval of an Advisory Committee that represents the interests of all interested and affected parties, including descendent and source communities. The Advisory Committee is responsible for drafting, implementing and monitoring access to collections of human remains.

## **7. Conservation and maintenance**

Heritage organisations and practitioners have an obligation to safeguard the long-term public interest in the collections

- They act as guardians of the long-term interest in collections.
- They protect all items from loss, damage and physical deterioration. They maintain appropriate standards of protection against hazards such as theft, fire, flood, vandalism and deterioration resulting from adverse environmental conditions.
- They should put proper security measures in place.
- They value and protect natural and human environments. They prevent abuse of places of scientific, historic or cultural importance. They are sensitive to impact of activities on natural and human environments in terms of best use of resources, responsible use of energy and materials and minimise waste.
- They should balance their duty of maintaining and enhancing collections for future generations with that of providing appropriate services to today's public. They should reconcile security and conservation requirements with users' rights of access.

Heritage organisations and practitioners should enable and encourage communities to nurture and conserve their legacy so that it may be bequeathed to future generations. They should assist communities to maintain and safeguard their continuing intangible culture.

Heritage organisations and their employees should assume full responsibility for the health and well-being of live botanical and/or zoological specimens in their collection. Special consideration should be given to the natural and social environment from which the specimens derived as well as any local, national, regional or international law or treaty relating to wildlife protection or natural history conservation. The organisations should implement a safety code for the protection of its personnel and visitors, as well as for the animals that has been approved by an expert in the veterinary field. Genetic modification should be clearly identifiable.

## **8. Heritage objects collecting and ownership**

Heritage collections are held in trust and for the benefit of society and its development and may not be treated as a realisable asset.

Heritage collections should be acquired honestly and responsibly. Heritage organisations should:

- Every effort must be made before acquisition to ensure that any object or specimen offered for the purchase, gift, loan, bequest or exchange has not been illegally obtained in, or exported from its country of origin or any intermediate win which it might have owned illegally.
- Reject any item if there is any suspicion that it was wrongfully taken during a time of conflict, unless allowed by treaties or other agreements.
- Reject any item if there is any suspicion that it has been stolen unless, in exception circumstances, this is to bring it into the public domain, in consultation with the rightful owner.
- Reject items illicitly traded.
- Reject any item that lacks secure ownership history.



- Reject biological or geological specimens that have been collected, sold or otherwise transferred in contravention of local, national, regional or international law or treaty relating to wildlife protection or natural history conservation.

The interests of people who made, used, owned, collected or gave items in the collections have to be recognised.

Competing claims of ownership that may be asserted should be handled openly, seriously, responsively and with respect for the dignity of all parties involved.

The unique and special nature of human remains and funerary and sacred objects is recognized as the basis of all decisions concerning such collections. It is generally accepted that human remains should be managed according to different legal, ethical and moral standards than heritage objects. All decisions and practices regarding human remains should recognise:

- The dignity and humanity of the deceased.
- The continuing relationship between genealogical and cultural descendents and the spirit of the deceased. This includes the responsibility of the living to arrange for a culturally appropriate burial or rite of passage ceremony for the deceased.

In addition:

- In institutions with mixed collections, for example museums, human remains should be housed separately from other collections.
- Advisory Committees consisting of interested and affected parties should be established to co-manage human remains in collections. The Advisory Committee should be representative of all interested and affected parties including cultural descendents, source communities and the scientific community. The Advisory Committee should be consulted regarding ethical concerns, repatriation claims, repatriation programmes initiated by the relevant institution, the management of collections for example access and storage facilities.

Staff, the governing body, their families, close associates or others should not be permitted to expropriate items from the heritage collections, even temporarily, for any personal use.

## **9. Education and public programmes, including heritage tourism**

Heritage organisations should create conditions for cultures to flourish and to freely interact in a mutually beneficial manner. They should:

- Encourage dialogue amongst cultures with a view to ensuring wider and balanced cultural exchanges in the world in favour of intercultural respect and a culture of peace.
- Protect and promote the diversity of cultural expressions.
- Respect pluralistic values, traditions and concerns.
- Cultivate a variety of perspectives to reflect the diversity of communities, striking a balance between diverse views over time.

Heritage organisations should be sensitive to the needs of cultural and social communities. They should:

- Acknowledge and respect community views of the cultural heritage value of objects and sites.
- Ensure that an object that is put on display is done in accordance with the practices of the source community.

- Respect the interests of the originating communities with regard to elements of their cultural heritage present or represented. In so doing, they should involve originating communities, wherever practical, in developing exhibitions and programmes.

Conservation requirements should be adhered to regarding heritage objects on exhibition and sites accessible to public. The heritage organisation should:

- Develop a visitor management and a risk management plan to ensure the safety of the heritage resources on display or accessible to the public.
- Objects on display must be treated with care to ensure that the possibility of damage is minimised.
- No object may be put on display if the opinion of the curator/conservator or other relevant professional is that the condition of the object would be seriously impaired.
- Where an object is not original, it should be appropriately identified.

Exhibition and public programmes should be based on sound research methodology and marked by intellectual integrity.

Heritage tourism facilitates contact and dialogue between different groups of people. Heritage tourism programmes and projects should be underpinned by the following ethics and professional standards:

- Sustainable tourism is built on mutual respect between the visitor and the host community.
- Tourists and the tourism industry have to respect the sanctity of spiritual places, practices and traditions related to heritage resources.
- The participation of the host community, property owners and relevant indigenous peoples who may exercise traditional rights or responsibilities over their own land and its significant sites should be respected in tourism product development and management.
- Tourism should benefit the host community. Therefore, a significant portion of the income derived from tourism activities should be ploughed back into the maintenance of the heritage resource and for skills development amongst the host community.
- Heritage resources are long-term assets in themselves and care should be taken to avoid making it subservient to needs of tourism.
- Lesser known heritage resources should be marketed to ensure equitable access to the benefits of heritage tourism.
- Using heritage resources as tourism destinations have to be supported by heritage management plans to ensure that tourism activities are within the carrying capacity of site. The heritage management plans must establish appropriate limits for acceptable change, particularly in relation to the impact of visitor numbers on the physical characteristics of the site, ecology and biodiversity of the place, local access and transportation systems and the social, economic and cultural well being of the host community.
- Heritage resources must be managed within its environmental, social and cultural context. This includes the creation of buffer zones and safeguarding the character of nearby destinations.
- Tourists are entitled to high quality information based on accepted research methodologies. Interpretations should have integrity, must reflect diversity and must be intellectually/emotively accessible.
- Authenticity must be retained.

## SOURCES

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