



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

POLICY

MEMORIALISATION (POLICY NUMBER 12777)

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STAD KAAPSTAD

Memorialisation Policy

City of Cape Town Memorialisation Policy

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PREFACE

Our heritage is unique and precious. 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. It celebrates our achievements and contributes to redressing past inequities. It educates, it deepens our understanding of society and encourages us to empathise with the experience of others.

National Heritage Resources Act, 1999 (Act 25 of 1999).

Heritage is about the interrogation of our society, about understanding the things that have made us what we are – as individuals and as a society. And by having that understanding, we no longer remain the passive victims of the time that we were born. Instead we can liberate ourselves and determine our own destiny.

Executive Mayor Patricia de Lille on the occasion of the renaming of NY1 to Steve Biko Road, 24 September 2012.

1. DEFINITIONS AND ABBREVIATIONS

In this Policy, unless the context indicates otherwise –

'NHRA' means the National Heritage Resources Act, 1999 (Act 25 of 1999);

'Memorialisation' means the concept of dedicating a memorial to the memory of a person, organisation or event;

'Memorial' includes, but is not limited to, objects such as statues, public artworks, memorial plaques, murals, memorial gardens, squares, walls and buildings; and once-off or annual commemorative events and memorial lectures aimed at memorialisation;

'City' means the City of Cape Town, a municipality established by the City of Cape Town Establishment Notice No. 479 of 22 September 2000, issued in terms of the

Local Government: Municipal Structures Act, 1998, or any structure or employee of the City acting in terms of delegated authority;

'Naming Committee' means the committee established by the City of Cape Town in terms of S80 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) to advise the Executive Mayor on all issues related to naming, renaming and memorialisation;

'Council' means the Council of the City.

2. PROBLEM STATEMENT

- 2.1. Requests for the creation of memorials and monuments on City land and memorial events using City funds, as well as memorialisation in memorial gardens in City cemeteries are currently dealt with in the absence of an approved policy. This potentially leads to ad hoc decision-making and uncoordinated responses as well as a possible unsatisfactory representation of the heritage and culture of the City.

3. DESIRED OUTCOMES

- 3.1. This policy provides a high-level, cohesive and robust framework to guide decision-making when requests are received for the consideration of a memorial. Such requests may come from the public, an organisation, or from within the City itself.
- 3.2. The City recognises the importance of memorials in celebrating Cape Town's history, culture, environment, people, organisations and events and is committed to:
 - 3.2.1. Appropriately commemorating and honouring people and organisations who have contributed significantly to our community or commemorating significant events and places in a fair and balanced manner;
 - 3.2.2. Maintaining and enhancing an awareness and appreciation of our diversity, culture, environment, heritage and creativity;

- 3.2.3. Encouraging residents to identify persons, organisations and events that played a significant part in the building of the City or specific communities which could be commemorated through memorialisation;
- 3.2.4. Guarding against the use of memorialisation for sectarian purposes or party political gain;
- 3.2.5. Ensuring that the physical condition of memorials on City land is monitored and maintained;
- 3.2.6. Ensuring that memorials are appropriately located in the urban context with appropriate interpretation;
- 3.2.7. Fostering partnerships across City departments to ensure an integrated organisational approach to the construction of new memorials;
- 3.2.8. Fostering partnerships in the community to ensure memorials commemorate the significant contribution of individuals, organisations and events;
- 3.2.9. Effectively managing public enquiries, requests and offers of gifts or donations in relation to memorials;
- 3.2.10. Applying a uniform, equitable and transparent process to assess all proposals for memorials;
- 3.2.11. Ensuring that the subject or theme of the proposed memorial demonstrates significance in relation to the specific location proposed for the memorial;
- 3.2.12. Ensuring the subject or theme of the proposed memorial reflects the values of the communities affected;
- 3.2.13. Ensuring the proposed memorial is sensitive to the local environment; and
- 3.2.14. Ensuring that the next-of-kin has been consulted with regards to the memorialisation of a person as well as the proposed memorial.

4. STRATEGIC INTENT

The Memorialisation Policy aligns with the Integrated Development Plan and strategies of Council:

4.1. Alignment with the Integrated Development Plan Strategic Focus Areas:

- 4.1.1 **The Opportunity City:** The Memorialisation Policy creates an opportunity for residents and organisations to propose new memorials, an opportunity that some were denied in the past. The policy creates an opportunity for residents to feel part of the process to commemorate their shared heritage.
- 4.1.2 **The Safe City:** Citizens need to be safe in their city. The Memorialisation Policy focuses on building partnerships with local communities to establish and care for memorials and ensuring that memorials are structurally safe.
- 4.1.3 **The Caring City:** In order to be a world-class city, Cape Town must be welcoming to all people. Memorialisation can make residents feel at home and allow them to feel connected with their shared past.
- 4.1.4 **The Inclusive City:** An inclusive city is one where everyone has a stake in the future and enjoys a sense of belonging. Memorialisation is one way to foster greater understanding and build cohesion within communities.
- 4.1.5 **The Well-run City:** A well-run city is essential for the success of all other government programmes. Citizens need to know that their government works for them and is accountable to them and answers to them at all times. The Memorialisation Policy ensures that there is a clear and transparent process whereby new memorials can be proposed and established and sustainably maintained.

4.2. Alignment with City Development Strategy

The memorialisation policy supports the City Development Strategy, particularly in so far as using memorialisation to develop social capital and celebrating the Cape Town spirit through a communal sense of pride,

celebrating cultural diversity and encouraging social cohesion through the creative use of public spaces and places where citizens can meet and exchange ideas.

4.3. Alignment with OneCape2040

The Memorialisation Policy supports the OneCape 2040 vision of Connecting Cape, in particular the cultural transition, removing barriers to local and global connectivity in so far as language, identity, distance and individual attitudes are concerned.

4.4. Alignment with the Social Development Strategy:

The Memorialisation Policy promotes and fosters social inclusion through promoting social interaction, fostering diversity and inclusivity and facilitating public participation while ensuring the recognition of marginalised voices, in support of the Social Development Strategy.

4.5. Alignment with Economic Growth Strategy

The Memorialisation Policy is aligned with the Economic Growth Strategy insofar as the maintenance requirements and impact on City resources must be considered before new memorials are established.

4.6. City of Cape Town Cultural Heritage Strategy

The City is committed to ensuring that the diverse cultural heritage of the City is protected and enhanced. This includes recognising the rich cultural history of the City, recognising all cultures and religions represented within the City and including cultural values, sites and landscapes of historic significance, areas of scenic beauty and places of spiritual importance in planning and decision-making.

5. PARAMETERS

5.1 This policy relates to applications for the establishment of the following types of memorials and commemoration:

- 5.1.1. Objects, sculptures or structures that are explicitly commemorative in nature, that have a designer or artist in the development of the work and which are to be located on land either owned or managed by the City;

- 5.1.2. Interment or memorialisation in memorial gardens in City owned cemeteries;
- 5.1.3. Specific areas of the City in public ownership that are enhanced, redeveloped or proclaimed through memorialisation;
- 5.2. The policy does not address the following:
 - 5.2.1. Civic Honours that are conferred in terms of the City of Cape Town Conferment of Civic Honours Policy.
 - 5.2.2. Naming of streets, places and public spaces which are dealt with in the Naming Policy of the City of Cape Town;
 - 5.2.3. Heritage interpretative signage, heritage site place markers, family memorial benches, memorial trees and roadside accident markers.
 - 5.2.4. Grave memorialisation in a cemetery.
- 5.3 The City will consider the establishment of memorials for the following purposes:
 - 5.3.1 Memorials which honour or commemorate history, events, memories or a cultural practice of relevance to the people of Cape Town;
 - 5.3.2 Memorials commemorating deceased persons or past events that have contributed significantly to the history or development of Cape Town or South Africa; and
 - 5.3.3 Memorials which promote the cultural diversity of Cape Town and strengthen community identity.
- 5.4 The City will not support the establishment of memorials in the following instances:
 - 5.4.1 Memorials which honour living persons or existing organisations, with the exception of residents or organisations of Cape Town or South Africa that have achieved international recognition of the very highest kind;
 - 5.4.2 Memorials which may be deemed to be insensitive, offensive or hurtful;
 - 5.4.3 Memorials that separate or divide communities;
 - 5.4.4 Memorials that may be used for sectarian purposes or party political gain;

5.4.5 Duplication of memorials to people, events or organisations already represented within the city unless with special motivation; and

5.5.5 Memorials which may be construed to be largely for commercial advertising.

5.5 This policy has transversal application to all City functions and is applicable within the City's geographical boundaries.

6. STAKEHOLDERS AND ROLE PLAYERS

Stakeholders and role players included, but not limited to:

STAKEHOLDERS	POWERS, DUTIES AND RESPONSIBILITIES
Residents Communities and community-based organisations Non-governmental organisations Political parties	May submit a proposal for a new memorial May provide input during public participation processes
National Department of Arts and Culture South African Heritage Resources Agency	Responsible for implementation of the NHRA at National level May be consulted in the establishment of new memorials
Western Cape Provincial Department of Cultural Affairs and Sport Heritage Western Cape	Responsible for implementation of the NHRA at Provincial level May be consulted in the establishment of new memorials
City of Cape Town Arts and Culture Department	Responsible for repair and maintenance of current memorials
City of Cape Town City Parks Department	Responsible for the management of cemeteries, including memorial gardens
City of Cape Town Environmental Resource Management Department City of Cape Town Spatial Planning and	Provide professional advisory services in the establishment of new memorials in respect of heritage, urban design and related functions.

Urban Design Department	
City of Cape Town Events Department	Responsible for management of events linked to the unveiling of new memorials and commemorative events
All other City of Cape Town line departments	May provide input to requests for new memorials where their services may be affected by decisions in terms of this policy.

7. REGULATORY CONTEXT

The following legislation and policies have direct bearing on the establishment of new memorials:

7.1. The Constitution of the Republic of South Africa, 1996

The Constitution recognises the injustices of our past, honours those who suffered for the justice and freedom in our land and respect those who have worked to build and develop our country. Consistent with the supreme law of the Republic, the Memorialisation Policy must aim to heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights, lay the foundations for a democratic and open society and build a united and democratic South Africa.

7.2. National Heritage Resources Act, 1999 (Act 25 of 1999)

Government and civil society are empowered through the Act to nurture and conserve their heritage resources so that they may be bequeathed to future generations through formal protections and directives for management of heritage resources.

7.3. National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977)

The establishment of a new memorial may require the preparation and approval of building plans.

7.4. National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations

The establishment of a new memorial may require an environmental impact assessment in terms of the National Environmental Management Act Regulations.

7.5. Provincial Roads Ordinance, 1976 (Ordinance 19 of 1976)

No structure may be placed within the statutory width of a proclaimed road or within 5m of the boundary of such proclaimed road except in accordance with the plans, standards and specifications approved by the road authority.

7.6. City of Cape Town Cemeteries, Crematoria and Funeral Undertakers By-Law, 2011

The provisions relating to memorial gardens in cemeteries are applicable.

7.7. City of Cape Town By-law relating to Streets, Public Places and the Prevention of Noise Nuisances Bylaw, 2007

No person shall make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a public road except with the written permission of the City and in accordance with the requirements prescribed by the City.

8. POLICY DIRECTIVES

8.1. Any person, community or organisation may submit a proposal for a new memorial.

8.2. All nominations or proposals must be submitted to the office of the Executive Mayor on the prescribed form and must contain a description of the proposed form or design of the memorial.

8.3. Nominations must be accompanied by a motivation that sets out the levels of relevance and significance as well as the proposed location for the establishment of the memorial.

8.4. The proposer must provide evidence of public support for the memorial in the community most affected. This includes proof of consideration of local interests which may include oral evidence, documentary evidence, cost

- implications and other relevant factors. Such support may include verifiable petitions, referendums or similar instruments.
- 8.5. Proposals for new memorials must be tabled for consideration to the City of Cape Town Naming Committee or its successor.
 - 8.6. The Naming Committee or its successor will advise the Executive Mayor on all issues related to memorialisation and the implementation of this policy so as to enable the Executive Mayor to make recommendations to Council.
 - 8.7. The Executive Mayor may authorise public participation in relation to the creation of new memorials.
 - 8.8. Except for interment in memorial gardens in cemeteries, the final decision on a new memorial or memorialisation event remains with full Council.
 - 8.9. Council may delegate decisions relating to interment or memorialisation in memorial gardens in cemeteries, including the development of guidelines in this respect.
 - 8.10. The Executive Mayor may on recommendation of the Naming Committee appoint internal or external specialists onto a panel of experts to provide assistance and advice on memorialisation issues on an ad-hoc basis.
 - 8.11. The Naming Committee may request the City Manager to circulate proposals for new memorials to relevant internal line departments for technical comment. The use of this discretion is to be exercised if the location, nature, complexity, or significance of the nomination for memorialisation raises concerns in respect of its: technical feasibility, implementation costs, operational funding for maintenance and management, or any other impediment.
 - 8.12. Recommendations to Council must indicate whether aspects of city-wide and local significance have been considered.
 - 8.13. Recommendations to Council must confirm that a capital and operating budget for the memorial is available and that a maintenance plan has been prepared.

- 8.14. Recommendations to Council must confirm which line department will lead the design and installation as well as the line department responsible for future maintenance.
- 8.15. Recommendations to Council must indicate that the financial, social and environmental sustainability of the memorial has been considered in the design and placement of the memorial.

9. IMPLEMENTATION ARRANGEMENTS

- 9.1. The stipulations contained in this policy shall apply with immediate effect.
- 9.2. All nominations for memorialisation will be submitted via the office of the Executive Mayor after which it will be forwarded to the City's Naming Committee for processing.
- 9.3. The Naming Committee may request the City Manager to identify a line department that can take the lead to investigate the proposal and collate line department technical comments for tabling to the Naming Committee.
- 9.4. The Naming Committee will advise and make recommendations to the Executive Mayor who may require public participation and input from the panel of experts.
- 9.5. The inputs from the aforementioned processes will enable the Naming Committee to make a final recommendation to the Executive Mayor, but the final decision on memorialisation resides with full Council.

10. MONITORING, EVALUATION AND REVIEW

- 10.1. The Memorialisation Policy will be reviewed by the Naming Committee or its successor in title, from time to time as required on instruction from the Executive Mayor.
- 10.2. The Naming Committee may request the City Manager to report from time to time on new memorials approved under this policy.