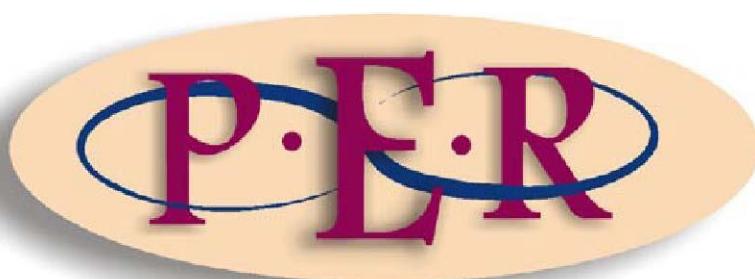**Author: M van Graan**

ORATIO:
A NON-LAWYER'S VIEWS ON THE REVISED WHITE PAPER ON ARTS, CULTURE AND HERITAGE OF 2013

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ORATIO: A NON-LAWYER'S VIEWS ON THE REVISED WHITE PAPER ON ARTS, CULTURE AND HERITAGE OF 2013[*]

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1   Introduction

The South African Department of Arts and Culture (DAC) recently published for comments a Revised White Paper on Arts, Culture and Heritage (the White Paper) dated 4 June 2013.[1] The White Paper contains a new vision of arts and culture and is intended to replace the existing White Paper on Arts, Culture and Heritage dated 4 June 1996 (the 1996 White Paper).[2] The publication of a revised white paper on cultural matters after 17 years is definitely not unwelcome but in this case a number of issues which need to be raised come to the fore.

The first question to ask about the review of the White Paper is why it is taking place now. Normally a policy document is constructed at the beginning of a ministerial appointment to guide the work of the ministry over the next five years, and not at the end of it, and certainly not nine months before the next election. The DAC has indicated that it wants this document to be adopted by parliament and cabinet before the end of the year but if history is anything to go by, it is unlikely that a new minister of arts and culture – even from the same party as the current minister – will adopt it, particularly if the current minister is seen as being from a camp opposing the president, as was the case at Mangaung. Depending on what happens in the election, the current minister, Paul Mashatile, will either lose his

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[*]   Revised White Paper on Arts, Culture and Heritage of 4 June 2013.
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[1]   Department of Arts and Culture 2013 http://www.bit.ly/1aLmfy7. The comments were due by 25 July 2013.
[2]   The author was involved in the drafting of the 1996 White Paper (Department of Arts and Culture 1996 http://www.bit.ly/18fpmAM).

position in cabinet if the African National Congress (ANC) suffers substantial losses or be given one more term commensurate with the victory achieved in Gauteng where he has served as the provincial chairperson of the ANC since 2007. So are we wasting our time, our effort in providing input into this White Paper? Maybe. Or maybe not. What it does, though, is provide us with a critical opportunity to interrogate current government thinking about the arts, culture and heritage and to provide alternatives where necessary and appropriate, whether they are for use now or in preparation for a future regime.

A second question is: "Should we care?" In other words, "Does policy actually matter?" Most arts practitioners couldn't really care about cultural policies, are largely oblivious to what funding and government structures do, and are concerned mostly about their own creativity, the distribution of their creative work and how this will help to pay the rent at the end of the month.

That's exactly why we as practitioners SHOULD care. Because, whether we are aware of it or not, whether we like it or not, decisions taken at a macro political level do have direct impact on what is funded, who may access funds, how funds are distributed and ultimately then on the viability and sustainability of artistic practice. When the National Arts Council (NAC) decides that it will no longer fund urban theatre and dance companies in favour of rural companies, this is a policy decision, and it might have huge implications for dance and theatre professionals. When government decides to focus on cultural and creative industries, it means that some sectors – like theatre, dance, opera, *etcetera*, that are deemed to be less likely to generate employment and add to the national fiscus will be neglected by officialdom. That is a policy decision.

So, it is in our direct interest that we as visual artists, theatre-makers, dancers, musicians, film-makers, novelists, *etcetera*. should care. We should take an interest in and we should try to impact on cultural policies and their implementation. The way we do that is through making our voices heard through written and verbal submissions for starters, but we also need to organise ourselves to have a strong,

clear, coherent voice to represent our collective ideas and interests so that individuals are not potentially victimised by what they say. This is for example what Arterial Network is trying to do.

We should also care if we are serious about our democracy. In a democracy, government serves the people, is accountable to the people and governs by the will of the people. In a democracy the governed have a right to participate in formulating the policies and the structures that govern their lives. While the 1996 White Paper was drafted through extensive consultation with the arts, culture and heritage sector, and was drafted by people nominated by this sector, this revised White Paper has been created – thus far – with little input from the broader sector, and appears to be the product of consultants who have very little understanding of and experience in the sector. The first workshop to include a broader representation of the sector, which I attended, was held in Johannesburg last week,[3] and the overwhelming response of participants was that the current document was substantially flawed. Whether the DAC will take heed of these representations or not will to a large extent depend on us as the arts, culture and heritage sector and whether or not we allow them to ignore us. After these introductory remarks and preliminary questions, I now turn to a few general observations regarding the White Paper, which should explain some of my concerns with it.

2   General observations

I will begin with general observations about the White Paper, and will propose some alternatives in the light of the minister's invitation to submit such alternatives and his straightforward warning that they will not listen to those who criticise without offering reasonable alternatives.

The most fundamental problem with the White Paper is that it is premised NOT on a vision for the arts, culture and heritage sector but rather on a political imperative to:

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[3]   The Workshop on the Revised White Paper on Arts, Culture and Heritage was hosted by the DAC on 12 July 2013 in Sandton and was attended by only a select group of people.

> ... [develop] the cultural and creative industries and [increase] their contribution to addressing the country's triple challenges of unemployment, poverty and inequality.[4]

It states further that the 2012 FIFA World Cup showed, through the integration of the creative and cultural industries that, if correctly harnessed, they "can engender social cohesion, enhance nation building and contribute to economic growth and development".[5] These two goals are not ignoble goals; social cohesion, nation-building, economic growth, eliminating poverty, increasing employment and reducing inequality are highly commendable ends. But three questions immediately come to mind:

(a)   are these the primary roles and goals of the arts, culture and heritage sector;

(b)   what is the extent to which the arts, culture and heritage sector can actually contribute to such noble goals; and

(c)   would practitioners within the sector want to, or should they be obliged to do so in exchange for state patronage?

The emphasis on the creative and cultural industries as significant contributors to employment – and thus to decreasing inequality, less poverty, more social cohesion, *etcetera*. - ignores the fact that unemployment has grown from 16,9% in 1998 when the Cultural Industries Growth Strategy was first adopted by the Department of Arts and Culture to 25,7% 15 years later. South Africa has had an average growth rate of 3% since 1994, and yet we have a higher rate of unemployment now than in 1994. Similarly, the International Monetary Fund has shown that six of the fastest growing economies in the first ten years of this millennium were African, and yet in each of those countries unemployment remains stubbornly high. The point is that economic growth does not necessarily translate into employment, and an emphasis on the creative and cultural industries to this end will not necessarily provide employment

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[4]   See White Paper 6.
[5]   White Paper 12.

for those most in need of such employment, namely under-skilled, under-educated, inexperienced black Africans under the age of 35.

The White Paper is furthermore premised on a definitional mistake. It states that "Arts, Culture and Heritage or the *Cultural and Creative Industries* as [they are] now referred to …".[6] But this is not the case. Nowhere that I'm aware of is arts, culture and heritage equated with cultural and creative industries. Arts, culture and heritage generally include the creative and cultural industries, but they are not the same as these, and neither can any definition of the creative and cultural industries encompass the arts, culture and heritage sector which includes a large subsidised, not-for-profit, and in many countries, informal sector. The problem with this approach – that all arts, culture and heritage activities are creative and cultural industries – is that it does not make distinctions between different sectors, and within sectors, so that in the competition for funding and official support, there will be the danger of a one-size-fits-all approach. The value of a sector or a practice within a sector will be determined by its market viability, by the language and ethos of business and industry, rather than by a range of factors that include aesthetic quality, historical significance, *etcetera*.

The revised White Paper is also ideologically confused. On the one hand it emphasises the constitutional right to freedom of expression;[7] on the other hand it states that final approval for funding decisions will be vested in the minister and deputy minister of arts and culture.[8] There can be no better invitation to self-censorship and the curbing of freedom of expression than this flagrant disavowal of the principle of arm's length funding advocated in the 1996 White Paper.[9] Another example of the confusion is the emphasis on delivering arts, culture and heritage to all, on creating a better life for all, which in reality requires massive state intervention to provide the necessary infrastructure such as community arts centres, the upskilling of arts managers to run such centres, and the funding of centres,

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6   Emphasis added. See White Paper 10.
7   White Paper 14 & 19.
8   White Paper 39.
9   This approach means, in essence, that state agencies (boards and councils) and not government *per se* have operational autonomy in cultural matters.

etcetera.[10] The creative and cultural industries thrust of the document, however, places these imperatives on the market, and in a country where nearly 50% of our population lives below the poverty line of less than R600 per month, there is little market incentive to "provide access to all". In practice, then, the doors of culture shall be open to the elite, largely the 20% of our population who earn 70% of the national income.

One of the fundamental differences between the 1996 White Paper and this revised version is that the first was premised on a human rights approach, namely that everyone should have the right to participate in the cultural life of the community and to enjoy the arts, while this one emphasises a market-driven, cultural industries approach that limits access to a few, or an elite.

Many of the major recommendations made at the end of the White Paper could fundamentally impact the sector and initiate another round of institutional and individual trauma, without such recommendations being rooted in substantial research or convincing arguments. For example, there is a section on "transformating (a new word which probably refers to 'transformation') all levels of the cultural and creative industries" because of the "insufficient and slow pace of transformation to date" so that government will have to play a "more proactive and leading role in transforming the creative and cultural industries and the approach to the delivery of ACH to all".[11] Yet there is no research to show that transformation of the cultural sector has indeed been insufficient or slow, or at which levels of the value chain and in which sectors this is the case. And neither is there any research to show how superficial demographic transformation within particular state-subsidised institutions has negatively impacted on the ability of such institutions to deliver on substantial transformation because of the limitations of skills and experience that often accompanied demographic transformation.

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[10]   White Paper part IV.
[11]   White Paper 35.

Another example is the recommendation to reduce the number of institutions for which DAC is responsible by merging a number of institutions in much the same way that tertiary institutions were amalgamated before and museums were brought into a northern and southern flagship. The rationale provided is that the DAC is held responsible when these different entities get qualified audits. Somehow, the thinking is that if institutions are combined they will achieve better audits or fewer qualified audits, which would impact on the DAC less negatively. But there is no research to show that this was indeed the case with previously amalgamated institutions. What it might mean is that whereas, for example, three of the six nationally subsidised theatres received clean audits and three did not, if they are amalgamated the poorly performing institutions will ensure that the new entity responsible for all six theatres will receive a qualified audit.

A third example is the proposed establishment of a super Creative and Cultural Industries Fund that will replace the NAC, the National Heritage Council (NHC) and the National Film and Video Foundation (NFVF), because of the apparent failings of some of these. There is no analysis of what these failings are and no concomitant building of capacity to correct such failings. This is one of the chief weaknesses of the revised White Paper. It fails to articulate what has been achieved, what remain as challenges, how the current institutional framework is working or not, what the primary challenges within the arts, culture and heritage sector are, and thus why this White Paper is necessary from an arts, culture and heritage perspective rather than from a political, National Development Plan perspective. Not a single criterion for funding by the CIF refers to artistic merit, creativity or freedom of expression. The criteria are all aligned to broader political imperatives such as increasing the number of people that participate in cultural industries, building social cohesion and redressing past imbalances.

Six of 64 pages are allocated to six main and sub-sectors of the cultural and creative industries grouped as Cultural and Natural Heritage, Performance and Celebration, Visual Arts and Craft, Languages and Publishing, Audio-visual and Interactive Media and Design, Creative and Arts, and Culture and Heritage Technical Support Services.

If one were to look for vision and strategy to develop these particular sectors, one would not find them in these 64 pages. If one is looking for the links between these sectors and the earlier stated goals of social cohesion, economic growth, poverty eradication, *etcetera*, one would also not find them in these pages. The policy statements in this section, such as they are, are generally bland, generic and superficial.

The White Paper genuflects to international emphasis by institutions such as United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations (UN), the European Union (EU) and other supra-national structures on culture as an integral component of development, but it does not indicate how this will be pursued and managed, namely by integrating culture into the pursuit of health, housing, town planning, and similar priorities.

The vision, as set out in the White Paper, is "to transform and position South Africa's cultural and creative industries at the core of social and economic justice, security, growth and development, moral regeneration and national consciousness".[12] If anyone can tell me what this means, I'd be delighted to know. From a first reading, it places huge responsibility and a great burden on the arts and culture sector that would be largely unattainable.

Considering the heavy cultural and creative industries approach of this document, there is much attention to structural and supply side arrangements with little emphasis or attention on demand side – creating sustainable markets – strategies.

Finally, the document is simply poorly structured and written. At times, it reads more like a mediocre essay on creative industries than as a high-level policy document.

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12   White Paper 28.

3   Recommendations

In the light of the above and other elements, these are some recommendations which could be considered in improving the contents of the White Paper. First of all, in order to ensure the legitimacy and credibility of the policy document, the DAC should ensure that extensive consultation with the arts, culture and heritage sector takes place, that our concerns are heard and that the process be slowed down if necessary to ensure the support of the sector, particularly as we approach the celebration of 20 years of democracy in 2014. It will be a poor reflection on the DAC if a policy document arises in an essentially undemocratic manner.

Secondly, there is no use in re-inventing the wheel. The DAC could use Arterial Network's *Adapting the Wheel: Cultural Policies for Africa* template as a basis for the White Paper.[13] In this way all the important elements of a national cultural policy will be covered, and there are excellent and clear definitions of key terms. We have already forwarded this document to the DAC but if it is going to be consulted remains to be seen.

Thirdly, it is necessary to read and incorporate the best elements of all existing international and African policy documents, especially those which the South African government ratified and endorsed, for example the African Union Plan of Action on Cultural and Creative Industries, the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, the UNESCO Recommendation on the Status of the Artist, the Charter on the African Cultural Renaissance, and so forth.

Fourthly, it is important do further research into transformation within the cultural sector, especially into the existing institutional arrangements, and into progress made since 1996, and then to locate the revised White Paper in the context of the research outcomes. It would also be necessary to overlay the White Paper with

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13   The template is accessible at Arterial Network 2011 http://www.bit.ly/13IhGCP.

relevant information from the diagnostic study underpinning the National Development Plan.

Fifthly, there simply has to be better and more detailed discussion with each sector, perhaps starting with a SWOT analysis in each of the key sectors that comprise the Arts, Culture and Heritage sector, and to define more clearly the creative industry components – if any – of these sectors and their capacity and ability to contribute to economic growth, employment, *etcetera*.

Sixthly, consideration should be given to the establishment of a unit within the DAC whose job it is to understand and work with other departments like health, sport, transport, education, *etcetera* to ensure that culture is integrated as a transversal phenomenon across all sectors of social, economic and human development.

Finally and most importantly, there should be a radical revision of the emphasis on the creative and cultural industries in favour of an approach articulated by Arterial Network, and that is to recognise a variety of broad and different practices of the arts, all of which are valid in their own right depending on the context and communities to be served, and each requiring its own funding mechanism. First of all, there is art for human development, art for its own sake, art which is about freedom of expression and the pursuit of truth and beauty as the artist understands it, and art for catharsis whether there is a viable market for such art or not. These arts, culture and heritage practices requires a National Arts Council type structure, the funding of non-profit artistic practice, or for heritage of historical and national significance. In the second place, there is art for socially good ends: art for development, for social cohesion, for intercultural dialogue, for health education, for nation building. The beneficiaries of such practices are often people without disposable income. For this, a funding structure with funds gleaned from the health department, education department, foreign affairs department, *etcetera* is necessary to support work that is less about artistic value than social value. Lastly, there is art for economic development, art for profit, and the creative and cultural industries, for which a funding mechanism like a Creative Industries Fund is necessary and which does not get confused with funding non-profit artistic activity, but which instead

recognises and supports entrepreneurial activity with start-up grants, low interest loans, micro-finance, *etcetera*.

Once we accept this typography we can then assess the human capacity needs, the resources required and the necessary institutional arrangements, after which we can then devise a policy that seeks to deliver, and does in fact deliver, arts, culture and heritage to all, as is the fundamental right of all citizens.

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