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Editorial

The laws governing the protection of archaeological and cultural materials in Zimbabwe are woefully outdated. The National Museums and Monuments Act was first promulgated in 1972 and has had only occasional revision up to the present. Much of the current act is concerned with establishing the Board of Trustees and providing for their pensions with only a couple of pages dedicated to spelling out the core mission of the organisation created by the Act, the National Museums and Monuments of Zimbabwe (NMMZ). Preservation and registration of monuments – physical items – is at the forefront of the legal concerns at the expense of *inter alia* intangible heritage and community concerns. The latest revision to the Act is reviewed anonymously in this issue of the newsletter and is found wanting. The case for a completely new act, reflecting current heritage management concerns has been made repeatedly over the past two decades and I repeat this call here.

National Museums and Monuments By-Laws 2011 (S.I. 143 of 2011): A review

HOMO PROFUNDIS

This, the latest piece of legislation governing the National Museum and Monuments of Zimbabwe Act (CAP 25:11) has appeared almost unnoticed in the country. One reason may be the fact that it is almost impossible to obtain a copy from the government printers in addition to the spectacular lack of publicity to the first amendment to the country's heritage legislation in over two decades. The purpose of this short note is to summarise the main provisions of the by-law and discuss some legal and practical implications for archaeologists and heritage practitioners.

The first section deals with laws governing access to National Monuments and museum collections. It reinforces the current status quo, proclaiming that anyone over the age of seven is liable to pay an entrance fee unless they have special permission from the Executive Director or are camping in the grounds of a National Monument. There is mention of a “Season Ticket” valid for a year but inquires as to their availability were met with blank silence although page 1201 of the S.I. sets the fees for these tickets at US\$180 for locals and US\$360 for internationals. This is the price for a season ticket to all National Museums and, separately, “Zimbabwe Ruins National Monument” is the same and one wonders why they are separated. Are they mutually exclusive?

A more serious implication is contained in section 3, No 6 which states “No person shall have the right of access to the reserve or study collection in any unit. Provided that the Executive Director or director may at his or her discretion permit bona fide students or research workers to have access to such collections”. This is becoming a standard clause in many museums to safeguard irreplaceable collections from casual handling, theft and even misuse. Recently it has been my experience – personal and related – that this has become a useful excuse to proscribe admission to all museum collections in the country unless one is an NMMZ employee, creating an exclusivity of knowledge and access that is unhealthy for the growth of future research. The fees for accessing the collections as laid out on page 1200 are on the extortionate side for internationals at US\$300 and locals at US\$100, while permission to take photographs for research purposes are charged at US\$10 *each*. Usually one needs at least three or four pictures of any object to capture sufficient information, potentially adding



hundreds of dollars to already overburdened research budgets. With the global economic turndown, these charges will serve only to stifle any international interest in researching in Zimbabwe while cash-strapped locals will probably not even bother.

Page 1196 has what I feel is the most radical addition to the by-laws, Section 8.1.c.i stating that “No person shall without the prior written consent of the Executive Director or director publish for gain or otherwise use commercially any reproduction, copy, painting, image, sketch or photograph of any national monument, or fossil, relic, artefact or specimen”. With this simple sentence and Form F on pages 1208-1209, the NMMZ are trying to assume the copyright for any and all pictures and reproductions of anything that falls within their remit. Zimbabwean copyright law allows for this, stating copyright of architectural work and any work of artistic craftsmanship is protected and can be copyrighted. Zhangazha (2005: 12) in the *User's Guide to Copyright Law in Zimbabwe* states that this is a peculiar facet of the copyright law although there are mitigating factors in demanding economic benefits from holding copyright. As the architect you can copyright the design of your building and ask for royalties from the use of your designs in public forms but *not* as the tenant or owner.

As law firm Honey and Blanckenburg state on their website: “In general, ownership of copyright in a work is held by person who created or authored the copyright work... In order to enjoy copyright protection, a work must be original in the sense that the work is the product of the personal skill and labour of the creator/author thereof.” Therefore while NMMZ may be able to restrict the taking of pictures and charge for the privilege, they cannot own copyright for any pictures taken – this lies with the person who held the camera and actually took the picture under moral copyright laws which deal with authorship in the widest possible sense. “Moral Copyright is that which safeguards the creator's recognition as the creator” (Zhangazha 2005: 30).

The key here is economic gain and as the “owners” of the heritage, NMMZ can expect to make an income from it. The fees they expect are wholly unrealistic. A flat fee of between US\$500 to US\$20,000 is applicable followed by a usage fee of “10% of sales on an agreed usage period” (page 1202). What if authors, publishers and journalistic houses refuse on profit-sharing from sales? Will they abandon their projects or seek alternatives? The latter seems likely. For example instead of using a photograph of the Conical Tower at great Zimbabwe, a custom drawing could be made and used instead. Demanding payment for this infringes on laws about freedom of expression and speech, enshrined in the Article 20 of the Bill of Rights in the current Constitution. In the draft of the proposed bill of rights in the new constitution, there is also an access to information clause (section 4.13) that might conflict with this stance. As mooted, it will ensure that whenever information is required – regardless of whether is held by the State and its organs or by any other person – it has to be made available in order to give meaning to this right. In the case of information held by the State, the draft makes it clear that public accountability should be paramount in guiding the decision to release it.

One wonders how much thought went into making this a law since enforcing it may well-prove more expensive and difficult than anticipated. One wonders, for example, how NMMZ will demand payment for the dissemination of pictures of global icon Victoria Falls in advertising, branding and logos – and what can the organisation do if challenged in open court? In addition, there is a more fundamental question here of ownership of heritage. Many feel that as citizens or visitors, they should not have to pay anything more to take pictures of Zimbabwe's heritage, of which NMMZ is only the legal custodian for the country as a whole. As the Act says, NMMZ was created “to provide for the preservation of ancient, historical and natural monuments, relics and other objects of historical or scientific value or interest”. They are not the owners, but the custodians and guardians of our collective past for this and future generations, a point they seem to have missed.

The next section of the S.I. is concerned with stating the necessary rules regarding access to protected



sites and the rules by which visitors and researchers alike are expected to abide. This is followed by an outline on the various fees payable to NMMZ for services rendered. Some have been mentioned, but a few others are worth covering. There are several discrepancies in the list on page 1200 revealing a lack of proofreading and care. Great Zimbabwe Museum is listed separately to the rest of the site – does this foreshadow visitors having to pay to enter and look at the ruins and then to pay again to see the Museum? The listing of entrance fees for World Heritage Sites (Great Zimbabwe, Khami, Matobo Hills) does not have anything for international visitors – does this technically and legally mean they have free entry? Strangely, Victoria Falls is listed with an NMMZ entrance fee of US\$5 for locals, US\$15 for SADC residents and US\$20 for internationals which is incorrect since the whole area falls under the Zimbabwe Parks and Wildlife Management Authority. A similar argument can be made for the listing of “Matobo Hills World Site” [sic] the whole area of which falls under ZPWMA and only View of the World (Rhodes' Grave) and Pomongwe Site Museum have a NMMZ staff presence and separate entrance fee.

Fees for receiving an excavation permit are listed twice (pages 1200-1201), with different amounts. Locals are expected to pay either US\$300 or US\$50 and internationals either US\$250 or US\$500. A US\$125 charge for “Assessing Archaeological Impact Assessment Reports” (page 1201) has been introduced which is worrying. Where is the independent evaluation of reports? Who will oversee reports done by NMMZ? And why should there be a payment for a service demanded by law – is this not extortion? There is a need for an independent, non-affiliated body to deal with such matters, such as is done by the Association of Southern African Professional Archaeologists (ASAPA) in South Africa for the South African Heritage Resources Agency (SAHARA). If this is not done in Zimbabwe, this will certainly be a case of the fox guarding the henhouse.

The Second Schedule, consisting of the forms required for various purposes has its own problems. There is an unacceptable degree of sexism on almost all of the forms, demanding the maiden name of any married women applying for a permit. Form E, a permit to permanently export any monument or relic has a section stating the period for which the permit is valid. Why? It also allows for the export of type specimens which is dubious at best. Form G (page 1210-1211) is a permit allowing one to make a reproduction or copy of any relic or monument has a section stating “at least two thirds of any deposit must be left in situ for future investigations,” a strange demand when receiving permission to photograph or copy an object.

There are several typos and spelling mistakes throughout the S.I. which reflects an obvious lack of care in its drafting and passage through Parliament. The sad fact is that this entire document seems to be focused on squeezing money from the private sector to make up for the deplorable lack of government funding support. This attitude will not win NMMZ any friends and will, more likely than not, lead to increased conflict with the public and private sector. That NMMZ is starved of the necessary income necessary to fulfill its duties is beyond doubt. That the organisation needs to become self-sustaining and largely self-financing has been recognised since 1991 (Collett 1991) but I feel that the provisions of S.I. 143 of 2011 are not in any way a solution.

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Ancient Human Relative Found by Accident in South Africa

Summarised from the *Sydney Morning Herald*: July 14, 2012

South African scientists claim to have uncovered the most complete skeleton yet of an ancient relative of man, hidden in a rock excavated from an archaeological site three years ago.

The remains of a juvenile hominid skeleton, of the newly identified *Australopithecus sediba* species, are the "most complete early human ancestor skeleton ever discovered", according to University of the Witwatersrand palaeontologist Lee Berger.

"We have discovered parts of a jaw and critical aspects of the body including what appear to be a complete femur [thigh bone], ribs, vertebrae and other important limb elements, some never before seen in such completeness in the human fossil record," Professor Berger said.

The latest discovery was made in a one-metre-wide rock that lay unnoticed for years in a laboratory until a technician saw a tooth sticking out of the black stone last month. It was then scanned to reveal significant parts of *A. sediba*, whose other parts were discovered in 2009 in the world-famous Cradle of Humankind, north of Johannesburg.

It is not certain whether the species, which had long arms, a small brain and a thumb, was a direct ancestor of humans' genus, *Homo*, or simply a close relative. "It appears that we now have some of the most critical and complete remains of the skeleton," Professor Berger said.

Other team members were equally enthusiastic. "It's like putting together the pieces of a puzzle," university laboratory manager Bonita De Klerk said.



The skeleton of the upright-walking tree-climber is thought to be about 2 million years old and would have been aged between nine and 13 years when it died.

Destruction in Timbuktu, Mali

IRINIA BOKOVA

Special for CNN.com

The Old Mostar Bridge, the giant Buddhas of Bamiyan, and now the Mausoleums of Timbuktu. Once again, culture is under attack. Militants from the Ansar Dine group, which controls much of northern Mali, have started to destroy Timbuktu's ancient tombs. In three days, half of the town's shrines have been destroyed in a display of fanaticism. In rebel hands since January, Timbuktu has been taken beyond the pale. Mali has gone from one of West Africa's most stable democracies to a country gripped by chaos, where over 300,000 people have been uprooted.



The destruction of Timbuktu's shrines adds a moral and cultural crisis to a desperate humanitarian situation. These are not accidents, nor the unfortunate side effects of conflict. This destruction is deliberate, undertaken in cold blood to catch the world's attention and destroy the last defenses of Malian identity and strength. This attack is led by a tiny armed minority, who violently imposes its interpretation of a faith on a distraught local community, spoiling centuries of tolerance and exchange.

We must realize what is really going on. There is much more at stake than a handful of structures made of mud and wood -- as valuable as they are. Timbuktu is no ordinary town. The fabled "City of 333 Saints," is an ancient desert crossroads and a historic seat of Islamic learning and faith.

The attack on Timbuktu's cultural heritage is an attack against this history and the values it carries -- values of tolerance, exchange and living together, which lie at the heart of Islam. It is an attack against

the physical evidence that peace and dialogue is possible. This is condemned uniformly by religious leaders across the world. The International Criminal Court calls this a war crime. We call it an attack against humanity. This is an attempt to isolate and exclude, to sever the ties that bind peoples together.

There is no justification for such a wanton destruction. Beyond universal condemnation, we must act to protect our common heritage as one of our most precious assets to build peace and foster mutual understanding in a globalized world. Protecting culture is not a luxury -- it is a security issue. Attacks against cultural heritage are attacks against the very identity of communities. They lead to devastation that can be irreparable, with an impact that lasts long after the dust has settled. Attacks on the past make reconciliation much harder in the future.

We know also the power of World Heritage to bring together divided communities and promote international cooperation in difficult contexts. I saw this personally in south-east Europe, for instance, when UNESCO helped rebuild the Old Mostar Bridge in Bosnia Herzegovina, destroyed during the war in the 1990s. UNESCO is also engaged today in restoration work in the Bamiyan Valley of Afghanistan.

As globalization accelerates, people feel ever more the need to protect their identities and sense of belonging. Culture has today a central role in peace building and conflict prevention. This is why it is such an easy target for fanatics. Forty years ago, the world's nations came together behind the World Heritage Convention, inspired by the idea that we share a heritage that is universal and that draws all cultures together. Fanatics across the planet will always try to counter this idea. These attacks call on us



to renew our commitment to protect culture. Just as 40 years ago, we need a new leap of global solidarity today, starting in Timbuktu.

Editor's note: Irina Bokova is a Bulgarian diplomat and politician who has been Director-General of UNESCO, since 2009. She is the first woman elected to head the organization, and lists her priorities as working to foster the values of dialogue, diversity, human dignity and human rights.

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Statement on Destruction in Mali

WORLD ARCHAEOLOGICAL CONGRESS

Media Statement, July 9, 2012

The World Archaeological Congress condemns the current religiously-motivated destruction of World Heritage sites in Timbuktu, Mali. Heritage sites in northern Mali have been placed on UNESCO's List of World Heritage in Danger. Historic and spiritual sites in Gao also are under threat.

"Mali's World Heritage sites are great symbols of the country and of significance to the world at large" said Professor Claire Smith, President of the World Archaeological Congress and Professor of Archaeology at Flinders University Australia. "Once lost, they can not be replaced."

"The targeted attack on historic mausoleums and other heritage sites in Mali is distressing," said Professor Smith. "This is not inadvertent. Cultural heritage is the target, not collateral damage, as in most conflicts."

"This is comparable to the much-lamented destruction of the Buddhas of Bamiyan in Afghanistan. An attack on cultural heritage is an attack on another group's source of pride, cultural strength and, ultimately, identity. This is unusual because it is an attack on Muslim heritage by Muslim people, albeit from different religious factions. However, using cultural heritage as a weapon of war is self-defeating—the other side is likely to hit back by destroying your heritage sites. Thus begins a circuit of destruction."

The former president of Mali, Alpha Korare, is an archaeologist and former Chairman of West African Archeologists' Association.

"We condemn the destruction that took place in Tumbuktu. It is a crime against humanity," said Professor Caleb Adebayo Folorunso, and Vice-President of WAC and Professor of Archaeology at the University of Ibadan, Nigeria.

"The people of Mali are being deprived of their right to preserve their cultural heritage by an uninformed armed group. The international community should ensure that the perpetrators are brought to book quickly to avoid the spread of such destruction to other West African countries that may house similar religious extremists."

"Sites in Africa are particularly vulnerable", said Professor Folorunso. "The communications systems in Africa are not as developed as in other parts of the world, so it is more difficult to mobilise support from the international community".

"This incident also highlights the need for low-income countries to have greater assistance with the protection of their World Heritage Sites", said Professor Smith. "The responsibility for caring for such sites is that of the Member States, but countries with low-incomes often do not have adequate funding to manage and protect their sites."

The World Archaeological Congress calls for the people involved in the conflict to desist from further damage to the sites. It calls for international support for local people who are mobilising to protect the sites. WAC welcomes the special fund that has just been created by UNESCO to assist Mali to



conserve its cultural heritage.



Editor's Note: Information from Kevin MacDonald of University College London states that it is the great mosque (the first mosque) of Timbuktu Djingereber. However, perhaps only two saints shrines stuck to a side of the mosque have actually been destroyed. Yet, once all the saints shrines are gone (9 of 17 now totally destroyed) he fears the mosques, or the tomb of Askia Mohammed in Gao, may indeed be next.

The Destruction so far:

- Mausoleum of Alpha Moya
- Mausoleum of Sidi Mohamoud
- Mausoleum of Cheick Sidi Moctar
- Mausoleum of the three Saints
- The northern gate/ mausoleum of the Mosque Sidi Yehia
- Mausoleum of Sheikh Mohamed Tamba Tamba
- Mausoleum of Sheikh El Kebir
- Two Mausoleums of Djingereber Mosque

ASAPA 2013 Conference, Botswana: Call for Papers

Theme: Thirty years on: reflections and retrospections on southern African archaeology since 1983

You are invited to participate in the 2013 ASAPA conference to be hosted by the Archaeology Unit, University of Botswana, Gaborone, Botswana from July 3-7 2013. The Local Organising Committee invites you to suggest themes and organise sessions for the conference. The deadline for proposing new sessions is August 30, 2012 and organising sessions is September 30, 2012.

Enquiries: Dr Morongwa Nancy Mosothwane. Email: asapa2013@moipipi.ub.bw



New Publications on Zimbabweanist Archaeology

King, R. 2011. Archaeological naissance at Mapungubwe. *Journal of Social Archaeology* 11 (3): 311-333.

The centerpiece of this essay is a southern African board game known as *mufuvha* at the site of Mapungubwe (AD 1220–1290), an object that visitors closely identify with their relationships to the site but which has largely eluded the attentions of both archaeologists and recent publicity campaigns. She argues that archaeological practice at Mapungubwe and the political packaging of South African heritage have created narratives of Mapungubwe incongruous with experiences of local publics. Further, the *mufuvha* board is implicated in a process whereby archaeology, both as material and as social process, is vernacularized. She attempts to develop a method for understanding how the archaeological past is constituted, in terms of both popular imaginaries and the creation (or omission) of archaeological assemblages.

Muralha, V.S.F., Rehren, Th. & Clark, R.J.H. 2011. Characterization of an iron smelting slag from Zimbabwe by Raman microscopy and electron beam analysis. *Journal of Raman Spectroscopy* 42: 2077-2084.

A sample of archaeological iron slag from Northern Zimbabwe was characterised by Raman microscopy (RM) and electron beam analysis (EBA). The phases identified in a slag found at an ironmaking site not only reflect the chemical composition of the slag but can also provide crucial information regarding the reconstruction and interpretation of the metallurgical operations, such as the prevailing redox conditions in a furnace at the time of cooling. This sample in particular allowed the authors to follow different stages of cooling of the slag. A slow cooling slag reveals diverse mineral phases that crystallise during the cooling process. These analyses are of particular significance for the reconstruction of process parameters in ancient furnaces. The results are encouraging and suggest that this will provide an independent and quantifiable criterion to distinguish smithing slags (more oxidising) from smelting slags (more reducing), and to understand better the actual smelting process that transforms highly oxidised iron ore to fully reduced iron metal.

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