



Association of Professional Heritage Practitioners

CODE OF CONDUCT FOR PROFESSIONAL HERITAGE PRACTITIONERS

Background and Purpose

During the course of 2005 the Executive Committee of the Association of Professional Heritage Practitioners (APHP) adopted as one of its focus areas the development of a Code of Conduct. Two broad components form the basis of this code, a code of ethics and a code of competent conduct.

Development of the Code of Conduct has been complicated by the diversity of professions that fall under the broad ambit of heritage practice and the existence, or lack of professional codes of practice for these disciplines. In formulating this Code substantial use has thus been made of the Code of Conduct for Environmental Assessment Practitioners (IAIA SA 2005) which faced a similar range of issues and which has been the subject of a rigorous consultation process.

The intention is that the APHP Code of Conduct will serve as a sound basis for appropriate conduct by members of APHP and that it will be adopted by the APHP membership and serve as the basis for sanction of members by the APHP Executive Committee. Failure to comply with the requirements of the Code of Conduct may result in the termination of an individual's membership.

Definitions, acronyms:

APHP : Association of Professional Heritage Practitioners

ExCo: APHP Executive Committee

IAIA SA : International Association for Impact Assessment South Africa

IAPs : Interested and Affected Parties

NEMA : National Environment Management Act

NHRA : National Heritage Resources Act

PHRA : Provincial Heritage Resources Agency

SAHRA : South African Heritage Resources Agency

Unlawful act : In this context an unlawful act is defined as either an activity being undertaken without the requisite authorization, or a failure to comply with the conditions of any authorization.

1. Ethics

The APHP member shall conduct professional activities in accordance with emerging principles of heritage management and the highest standards of cultural heritage protection and enhancement.

Heritage practitioners shall at all times

- 1.1. adopt a broad and holistic definition of 'environment' and heritage resources to include both natural and socio-economic issues;

- 1.2. respect the environmental rights afforded to all South African citizens in the Constitution, the National Environment Management Act, the National Heritage Resources Act and other relevant legislation in the execution of their activities;
- 1.3. place the integrity of the cultural and natural environment and the health, safety and welfare of the wider public above any commitment to sectional or private interests;
- 1.4. conduct their activities in accordance with and 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;
- 1.5. not conduct professional activities in a manner involving dishonesty, fraud, deceit, misrepresentation or bias;
- 1.6. only undertake particular heritage work in a position of responsible charge where they have the relevant and appropriate experience and expertise (the 'values, knowledge and skills') to competently undertake such work;
- 1.7. be conscious of the diverse nature of the context and the many different potential attitudes towards the cultural landscape and the need to elicit the range of such interpretations;
- 1.8. must recognise all forms of knowledge, including 'indigenous', 'traditional' and 'scientific' knowledge, and all forms of communication, including written and oral. Recognise the intangible as well as the tangible components of heritage.

2. Conduct

The member shall:

- 2.1. actively discourage misrepresentation or misuse of work the member has performed or that which was performed under the member's direction;
- 2.2. not advertise or present the member's services in a manner that may bring discredit to the profession;
- 2.3. strive for transparency and social accountability, taking into account the interests, needs and values of IAPs;
- 2.4. ensure that stakeholder participation is undertaken in a fair and transparent manner with adequate provision for language requirements, varying degrees of literacy and different cultural requirements. Stakeholder engagement should be appropriate and inclusive and not merely tailored to minimum legal requirements;
- 2.5. give special planning attention to vulnerable or disadvantaged groups or communities;
- 2.6. pursue ways of optimising potential benefits of development without compromising its viability or the integrity of the cultural environment;
- 2.7. consider and address indirect and cumulative effects associated with a proposed action.
- 2.8. 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.
- 2.9. ensure public access to information is available and is easily understood, key considerations highlighting and/or acknowledging limitations or shortcomings.
- 2.10. inform a prospective client or employer of any professional or personal interests which may impair the objectivity of their work;

- 2.11. not knowingly take over the work of another APHP professional heritage practitioner or APHP member unless that practitioner confirms that they have been satisfactorily reimbursed for professional costs and informed of the transfer of responsibilities.

The member shall not:

- 2.12. have a conflict of interest, or vested interest in working in the field of heritage assessment. Payment for work undertaken should not in any way be conditional on approval or authorization of the proposed development;
- 2.13. seek employment, grants or gains, or attempt to injure the reputation or opportunities for employment of another heritage assessment practitioner by fake, biased or undocumented claims or accusations or by any other malicious action;
- 2.14. discriminate against stakeholders on the basis of sex, creed, religion, race, colour, national origin, economic status, cultural movements or organizational affiliations.

3. Practice

In undertaking their activities as heritage assessment practitioners APHP members shall endeavour to comply with the following code of ethical and competent practice:

- 3.1. provide information which is truthful, complete, unbiased, given appropriate emphasis, reliable, consistent, and explicit about assumptions made, sourced and stated in such a way that it can be understood by people with a non-technical background;
- 3.2. provide information that is easily understood, that key considerations are highlighted and that limitations or shortcomings are acknowledged;
- 3.3. ensure that the validity of all data collected, analysis performed, or plans developed by or under the direction of the member is accurate and correct;
- 3.4. adequately reference work i.e. previous studies;
- 3.5. clearly differentiate between facts, opinions and inferences in their work;
- 3.6. ensure that their recommendations are based on, and substantiated by, the analysis conducted and included in the assessment reports;
- 3.7. upon request by any rightful petitioner, give evidence of qualifications, professional training, publications and experience;
- 3.8. within a reasonable time, provide ready access to all information upon which their investigations and assessments are based;
- 3.9. in any form of communication, give full and proper credit to and avoid misrepresentations of the work and ideas of others;
- 3.10. take all reasonable steps to ensure that proponents are aware of the legal obligations emanating out of any legal process and that the proponent is guided with respect to the appropriate mechanism(s) to ensure compliance with these obligations.

4. Disciplinary process

- 4.1. APHP expects members to abide by the professional codes of conduct of their respective disciplines. However, such professional codes of conduct do not exist for all the disciplines falling under the broad ambit of heritage assessment.

- 4.2. Professional heritage practitioners and members are required to act in accordance with the APHP Code of Conduct, as amended from time to time.
- 4.3. The ExCo is empowered to initiate any form of investigation and to take any disciplinary action against any member it may deem advisable for an alleged breach of the Code of Conduct.
- 4.4. Allegations or complaints regarding such a breach may be lodged with the ExCo by any interested or affected party, and should be accompanied by a written description of the details and a description of the alleged breach, specific clauses of the Code(s) which have been transgressed, as well as the relationship between the complainant and the member.
- 4.5. The ExCo will undertake to investigate and adjudicate allegations or complaints of a breach in the Code of Conduct, and may obtain specialist or legal advice should it be deemed necessary.
- 4.6. The ExCo will undertake to deal with the alleged breach of the Code within a limited time period as agreed with the complainant.
- 4.7. As part of the investigation into an alleged breach of the Code, the accused member will be informed of the complaint, provided with copies of related correspondence, and given an opportunity to respond in writing to such a complaint within 30 calendar days.
- 4.8. The ExCo shall give the complainant the opportunity to submit written comment on the defendant's response to the alleged breach unless there is a justifiable reason why this is not appropriate. Thereafter the defendant shall be given a final opportunity to respond in writing, after which no further documentation shall be entertained by the ExCo. Allowance shall be made for oral interviews, if requested.
- 4.9. Having undertaken an investigation, the ExCo will decide an appropriate action. Disciplinary action may take the form of a reprimand, suspension or termination of certified status or membership.
- 4.10. The ExCo will inform both the complainant and the accused member of the outcome.
- 4.11. Depending on the nature and severity of the breach, the degree of public interest and the findings of the ExCo, the outcome of the disciplinary investigation may be made known to other members, to the relevant statutory authorities (including, inter alia SAHRA and PHRAs) and/or any other professional associations to which the member may belong.

References

Code of Conduct for Environmental Assessment Practitioners in South Africa (Draft). A.I.A S.A. November 2005

Guidelines for involving heritage specialists in EIA processes: Edition 1, Winter, S and Baumann N, 2005. CSIR Report No. ENV-S-C 2005 05BE.

Republic of South Africa, Provincial Government of the Western Cape, Department of Environmental Affairs and Development Planning in Cape Town.

Cultural Heritage Strategy for the City of Cape Town (IMEP), Environmental Management Branch Heritage Resources Section, City of Cape Town 2005.