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Mandela for sale

BY

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Are Nelson Mandela's personal belongings sellable family heirlooms or heritage artifacts of national significance?

Among the almost 100 items up for sale in the now-halted Nelson Mandela auction, the appearance of his identity document stunned South Africans aware of the history behind this modest green booklet. Hosted by his eldest daughter, Makaziwe Mandela-Amuah, and the Guernsey Auction House in New York City, the auction contained a range of personal possessions belonging to the struggle icon. Mandela was issued the ID a year before the country's inaugural democratic elections, which he'd go on to win as a first-time voter and the president of the African National Congress (ANC). For over 30 years, Mandela had no paperwork connecting him to the land of his birth. Less than a week after the Sharpeville Massacre on March 21, 1960, where the apartheid police opened fire on demonstrators challenging laws that forced black South Africans over the age of 16 to carry a passbook (a mandatory type of ID), he threw his own passbook into a pot of fire outside his house in an act of protest. It was the last form of identification Mandela would own before being sentenced to life imprisonment on Robben Island. When he received the green ID booklet in 1993, it was not only a symbol of the freedom for which he was prepared to die, but a sign of the old regime going up in the flames he'd helped to ignite decades before.

But for Mandela-Amuah and Guernsey's, the document was a commodity purchasable by anyone with \$75,000 to spare. In total, Mandela's personal possessions were expected to fetch around \$2 million to \$3 million. In addition to his ID, Mandela's trademark patterned shirts, his walking sticks, his personal sketches, gifts from foreign dignitaries, the Robben Island prison key (provided by his former warden Christo Brand), and his hearing aids were some of the items on offer in the auction, which was to be held both in-person and online. Mandela-Amuah

insisted that all proceeds would be used to erect a memorial garden and museum for her father in his birthplace of Qunu in the province of the Eastern Cape. In an interview earlier this January, she told the *New York Times* that Mandela was passionate about attracting tourism to the province, which she was certain the memorial garden and museum would accomplish.

The latest cancellation was another setback in a two-year conflict between Mandela-Amuah, Guernsey's, and the South African Heritage Resources Agency (SAHRA). Originally slated to take place on January 28, 2022, the auction was suspended after SAHRA queried the sale, arguing that some of the objects, particularly Mandela's prison key, were heritage artifacts that required exit permits to leave the country. In December 2023, the North Gauteng High Court denied SAHRA an interdict to prevent the sale of 29 items that they had identified as "heritage resources of national significance" according to the National Heritage Resources Act (NHRA). A description of the auction on Guernsey's website, which has since been removed, stated that it was "almost unthinkable" to "imagine owning an artifact touched by [the] great leader." Those words would prove to be prophetic as the auction date, rescheduled to February 22, was canceled yet again amid public outrage on social media.

For South Africans who opposed the auction, there was shock and disgust that Mandela-Amuah would seemingly pawn off pieces of her father's legacy to line her pockets, preventing future generations from interacting with Mandela items that are part of their history. In a country where corruption is the language and currency of the rich and powerful, South Africans were skeptical about Mandela-Amuah's assertion that proceeds would be used to build a memorial garden and museum in Qunu. Given all the buildings, parks, facilities, statues, and amenities bearing the Mandela name, it seemed odd that Mandela-Amuah would choose to raise funds through an auction instead of approaching the public and private sector for financial assistance. Both parties are no strangers to pouring millions into "Brand Mandela"—especially if they stand to profit from it. And if reviving tourism in the Eastern Cape was the primary motive behind the auction, then why hadn't she consulted the Eastern Cape Parks and Tourism Agency (ECPTA), the Department of Tourism, South African (SA) Tourism, and the Tourism Business Council of South Africa (TBCSA) to assist with the administration and logistics of the commemorative project?

Nonetheless, the pushback against the auction has revealed the paternalistic dynamic that still characterizes the relationship between South Africa and the Father of the Nation. While perceptions of the struggle hero have undergone different phases since the giddy years of early democracy, there is a sense of ownership that South Africans continue to feel over their most famous citizen. During his first and only term as president, he was deified as a prophet with the Midas Touch. His ability to lead a country whose divisions ran deep and often turned violent inspired the highly marketable term "Madiba Magic," deployed to celebrate any triumph that substantiated South Africa's tenuous status as a "miracle" democracy. Madiba Magic became

associated with sporting wins like the Rugby World Cup in 1995 and the African Cup of Nations (AFCON) in 1996, heralding the country's return to the world stage after decades of isolation. It was also used to bolster the concept of the "Rainbow Nation" coined by the late Archbishop Desmond Tutu, which Mandela used to encourage social cohesion and nation-building in the so-called New South Africa. However, the term has since been denounced for prioritizing sunny multiculturalism over lingering racial and economic inequality, segregation, unemployment, and crime.

After his term in office, Mandela ventured into philanthropy while reducing the scope of his public life as his health began to decline. Though he faced criticism over his management of the HIV/AIDS epidemic and handling of the transition to democracy, he remained an instrumental part of South Africa's national identity and global standing. Brand Mandela reached its pinnacle when Madiba played a crucial part in securing South Africa's bid to host the 2010 FIFA World Cup. Before the institutionalized corruption within FIFA and the World Cup bidding process was exposed in the 2014 Garcia Report, the triumphant image of a smiling Mandela holding the World Cup trophy appeared to be the cherry on top of a lifetime of service to his country.

Following his passing in December 2013, Mandela's legacy suffered the kind of assaults common to leaders considered martyrs while they're alive. He was called a sellout and a puppet interested in appeasing the interests of "white monopoly capital" rather than improving the lives of the black majority who had voted the ANC into power. Yet for all the post-mortem critiques leveled at him, Mandela has proven to be far more principled than the cadres in the party he once led, triggering some to yearn for the country that could have been, but never was. This is one of the reasons why the auction struck a raw nerve with South Africans. Not even Mandela's image is safe from the growing decay within South African society. Not even his own children can resist the urge to exploit his legacy as opportunistically as those who used his name for personal and political gain. The dilapidated condition of the formerly stately Mandela home in the upmarket suburb of Houghton in Johannesburg, where some members of the family have lived, came to symbolize the corrosion of the state and the entitlement of his offspring, who have blamed the trustees of the Nelson Mandela Trust (NRM) for failing to pay the bills. Consequently, they've come to be viewed as spoiled political nepo babies, battling to crawl through the doors the Mandela name has opened for them.

In a statement from January 31, 2024, Minister of Sport, Arts and Culture Zizi Kodwa commended the decision to postpone the auction, promising that the government would challenge the "unpermitted export" of the items. Yet the High Court ruling and ensuing disagreement between Mandela-Amuah, Guernsey's, and SAHRA has revealed the challenge of applying the various legislation relevant to the items within the Mandela auction. Not only do the courts have to account for statute and case law relating to South African heritage artifacts, but they also have to factor in legalities around trusts, succession, wills, and identification

documents. Drafted in 1999, the National Heritage Resources Act created an “integrated and interactive system for the management of the national heritage resources.” To facilitate the running of the system nationally, SAHRA was established “to protect heritage resources of national significance” and “to control the export of nationally significant heritage objects,” among other directives.

While a number of the auction items fit the NHRA’s broad definition of a heritage resource of national significance, these were moveable assets housed in the Houghton property, which falls under the family trust that Mandela established for his heirs. In an interview with the news broadcaster eNCA, Mandela’s grandsons Mbuso and Ndaba Mandela claimed that Mandela-Amuah, who is their aunt, had “emptied” the Houghton property back in 2019, failing to inform the family of her intention to auction their grandfather’s belongings. The extensive legal disputes around Mandela’s estate prevented the brood from apportioning the patriarch’s possessions among themselves, a custom practiced in many black South African cultures. And despite one of the Mandela grandsons initiating a case to recuperate the items from Mandela-Amuah, she was ultimately granted the right to keep and sell the items as one of the beneficiaries of the trust.

It remains to be seen who will emerge victorious in the ongoing saga over the Mandela auction. With the support of the Department of Sport, Arts and Culture and the Robben Island Museum, SAHRA has lodged an application for leave to appeal the High Court ruling. The suspension will provide them with enough time to present a stronger case for why some of the items are heritage artifacts that belong to South Africa. However, should they prove unsuccessful, SAHRA would have to plead with Mandela-Amuah to call off the auction. As the oldest Mandela heir and the sole remaining child from his strained marriage to first wife Evelyn Mase, Mandela-Amuah has been open about the uneasy dynamic with her father, by whom she often felt neglected throughout her life. It falls on the South African government to convince her why a country that has also had its own fraught relationship with Mandela deserves to own items that represent their complex heritage and difficult history.

About the Author

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