

Our Ref:



an agency of the  
Department of Arts and Culture

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CaseID: 12216

Date: Friday April 06, 2018  
Page No: 1

## Final Decision

### In terms of Section 32(19) of the National Heritage Resources Act (Act 25 of 1999)

Attention: Gillian Scott-Berning

P O Box 50227  
Musgrave Road  
4062 Durban  
KwaZulu-Natal

**Application from Gillian Scott-Berning, consultant South Africa for Christie's International, for the permanent export of two Thomas Baines' paintings: Brilliant meteor on the Zambezi River (1864) & Rev. Hahn addressing the Damara Commando (1864).**

The South African Heritage Resources Agency (SAHRA) regrets to inform you that your application to permanently export the artwork **Rev. Hahn addressing Damara Commando**, by **Thomas Baines (1864)** has been refused.

After careful consideration SAHRA has decided that [in accordance with Section 32 (24) and Section 3(3) of the National Heritage Resources Act (NHRA. Act 25 of 1999)], the painting

***(a) Is of outstanding significance by reason of its close association with South African history or culture, its aesthetic qualities, or its value in the study of the arts or sciences.***

During the preceding decade Thomas Baines had been commissioned by the British to accompany the British 74<sup>th</sup> regiment under General Somerset to document the Eighth Xhosa Frontier War, during which time he travelled with the Cape Corps, and maintained close ties to the British armed forces. He later, through his expeditions with David Livingstone and James Chapman, documented a large portion of the area and expanse with the intent of having his paintings returned to the Cape Colony for display there and subsequently back in Britain. Baines maintained a close connection to the British via the Cape Colony throughout his explorations and work within southern Africa. The subject matters of Baines' paintings covered documentation of significant historical events that shaped this history of South and southern Africa, important historical and cultural depictions of the various peoples he encountered, detailed scientific paintings of faunal and flora specimens collected throughout his travels and picturesque landscapes; all providing a window in 19<sup>th</sup> century South and southern African history. Thomas Baines is, by virtue of the above, considered to a key historical



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figure in South African history.

The painting, completed on 01 October 1864, was based on a sketch made by Thomas Baines depicting the events that took place on the 06<sup>th</sup> of June 1864 which currently resides in the Archives in Pretoria. This painting is a fine example of Baines' artistic style and aesthetic and provides a great deal of valuable information on the historical figures involved, a wealth of rare information on Damara and Herero culture and attire as well as the associated landscape. The event depicted within the painting was in many ways a turning point in trade and politics not only in the then South West Africa itself, but also for relations with the Cape Colony.

The artist, Thomas Baines, although British born, is regarded as a highly significant figure in the history of South Africa. His paintings form an important archival record of events in South and southern Africa and include depictions of the following events and subjects: The Eighth Xhosa Frontier War, depictions of southern African natural wildlife, some of the earliest depictions of Victoria Falls, as well as paintings of Zimbabwe and Namibia from exploration with David Livingstone and James Chapman; both men also being notable figures in southern African history in their own right.

Prior to the events at Dabbie Choup, notable trader C.J Andersson (an amateur naturalist and ornithologist) had employed Baines to paint images of ornithological specimens collected by himself and others. During this time (April/May 1864) Baines also completed some paintings of Victoria Falls from his expedition with James Chapman. This period was marked by an escalating conflict between the Damara/Herero and the Nama, one which disrupted Andersson's trade with the Cape Colony; he sought to bring a resolution to the conflict. Baines offered his services (10 May 1864) to Andersson as an advisor during this time, and between them they designed the flag under which the Damara, commanded by Andersson, would march. Andersson was able to rally several Damara/Herero chiefs to his cause, including the Herero chief Maharero. The conflict culminated in a decisive battle against the Nama (under Jan Jonker) on the 22<sup>nd</sup> of June 1864, although Andersson himself was severely wounded in the encounter.

The painting, depicting the events of 6 June 1864, shows the Reverend C.H Hahn addressing the assembled Damara, and their chiefs. The precise moment depicted is ostensibly the moment that Hahn stressed the importance of the flag under which they were to unite; notably this is the flag designed by Baines and Andersson. Hahn can be seen gesturing directly to the flag being flown above his head. It is interesting to note as well that Baines not only depicts himself in the painting (bottom right), but he also painted C.J Andersson seated beside the Reverend Hahn. This may have been artistic license on the part of Baines, as Andersson noted in his diary that: *"I have reason to believe Mr Hahn\* addressed the assembled chiefs, impressed upon them the necessity of clinging to me unflinchingly, explaining also the use of the flag"*. This

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would seem to indicate that Andersson was not in fact present, and that he may well have been absent due to his continued illness and fever.

**(b) is of such a degree of national importance that its loss to South Africa would significantly diminish the national heritage.**

The painting is a fine example of Baines' aesthetic and is technically among his better works. In instances such as the conflict between the Damara/Herero versus the Nama, the events that occurred were pivotal in shaping the political landscape of southern Africa. Furthermore, the events shaped relations between South West Africa and the Cape Colony.

The landscape and peoples of southern Africa as depicted by Baines in much of his work, this painting being a prime example thereof, are historically deeply intertwined with the history of South Africa in particular. The historical and social contexts that Baines' paintings provide are highly significant for understanding the history of the entire region, and indeed in the absence of photographic documentation, are frequently the only visual record of significant events, such as the one depicted here.

For the reasons stated above, SAHRA regrets to inform you that your application to permanently export the artwork **Rev. Hahn addressing Damara Commando**, by **Thomas Baines (1864)** has been refused.

You are now at liberty to exercise any right available to you in terms of the NHRA, including the right to appeal against this decision. Should you choose to do so, please see the appeal procedure (<http://www.sahra.org.za/sahris/sites/default/files/training/2015/05/12/PROHIBPR041208%20%281%29.pdf>), such an appeal must be made in writing within 14 days of receipt hereof.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

# Application for the export of two Thomas Baines Paintings

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Cuan Hahndiek  
Heritage Officer  
South African Heritage Resources Agency

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Regina Isaacs  
Manager: Heritage Objects Unit  
South African Heritage Resources Agency

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## ADMIN:

Direct URL to case: <http://www.sahra.org.za/node/488292>

## Terms & Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.