

CULTURE AND CULTURAL INSTITUTIONS

Cultural Institutions Act 29 of 1969, as amended in South Africa to January 1978  

Summary: This Act ([RSA GG 2344](#)) provides for the payment of government subsidies to cultural institutions. It repeals the *State-aided Institutions Act 23 of 1931* as amended.

Applicability to SWA: Section 18 states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including that part of the said territory known as the Eastern Caprivi Zipfel and referred to in section 38(5) of the South West Africa Constitution Act, 1968 (Act No. 39 of 1968).”

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (National Education) Transfer Proclamation (AG 1/1978), dated **11 January 1978**. There were two amendments to the Act in South Africa after the date of transfer and prior to Namibian independence – the *Cultural and Education Laws Amendment Act 11 of 1981* ([RSA GG 4524](#)) and the *Education and Culture Laws Amendment Act 28 of 1983* ([RSA GG 8628](#)) – neither of which was made expressly applicable to SWA.

Section 3(2)(d) of the transfer proclamation excluded section 16 of the Act from the operation of section 3(1) of the General Proclamation.

Amendments: The following pre-independence South African amendment was applicable to SWA –

- *Cultural Institutions Amendment Act 93 of 1974* ([RSA GG 4524](#)).

Savings: Regulations are authorised by section 15 of the Act, and section 17(2) contains a savings clause that applies to regulations issued under the repealed *State-aided Institutions Act 23 of 1931*:

Any regulation made or, subject to the provisions of this Act, any other thing done under a provision of a law repealed by subsection (1), shall be deemed to have been made or done under the corresponding provision of this Act.

Regulations: Regulations were issued under this Act prior to Namibian independence in RSA GN R.1671/1978 ([RSA GG 6133](#)), as amended prior to Namibian independence by RSA GN R.162/1988 ([RSA GN 11133](#)). However, these regulations were initially issued on 18 August 1978, *after the date of transfer*, and thus would not have been applicable to SWA.

This means that the set of regulations repealed in South Africa by RSA GN R.1671/1978 (regulation 32) would have remained in force in SWA. These previous regulations are contained in RSA GN R.1168/1969 ([RSA GG 2483](#)), as corrected by RSA GN R.3469/1969 ([RSA GG 2538](#)), and as amended by RSA GN R.853/1970 ([RSA GG 2721](#)). These regulations are still being processed for inclusion in the database.

RSA GN R.1168/1969 explicitly states that these regulations substitute for the regulations made in terms of section 7 of the *State-aided Institutions Act 23 of 1931*, as extended by section 17 (2) of the current Act.

No regulations have been issued under this Act since Namibian independence, meaning that the 1978 regulations remain in force.

Notices: In South Africa, RSA Proc. R.162/1969 ([RSA GG 2439](#)) assigned the general administration of the Act to the Minister of National Education. (Other South African notices concerning the Act’s administration – RSA Proc. R.259/1980 ([RSA GG 7335](#)) and RSA GN R.2807/1985 ([RSA GG 10041](#)) – *post-dated the date of transfer* and did not mention SWA specifically.)

Cultural Promotion Ordinance 9 of 1980

Summary: This Ordinance ([OG 4159](#)) provides for the promotion of culture in relation to the “white population group”. It is not included in the database of annotated statutes as it has been earmarked for repeal as an obsolete law by the Law Reform and Development Commission.⁴⁰

Amendments: This Ordinance was amended by the Libraries Ordinance 4 of 1981 ([Official Gazette 2 of the Representative Authority of the Whites](#)), which has since been repealed.

Regulations: Regulations are authorised by the Ordinance, but have not been researched given that this Ordinance is clearly obsolete in independent Namibia.

Notices: Permanent committees are established in GN 28/1981 ([OG 4456](#)).

National Art Gallery of Namibia Act 14 of 2000

Summary: This Act ([GG 2376](#)) establishes the National Art Gallery of Namibia and provides for its objects. It was brought into force on 10 September 2001 by GN 177/2001 ([GG 2603](#)).

Amendments: The State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends section 1, substitutes section 5 and deletes section 7.

Regulations: Regulations are authorised by section 23 of the Act, but none have yet been promulgated.

Notices: GN 178/2001 ([GG 2603](#)) sets 10 September 2001 as the date on which the National Art Gallery of Namibia must assume responsibility over the Government collection.

*National Arts Fund of Namibia Act 1 of 2005

Summary: This Act ([GG 3424](#)) establishes the National Arts Fund and a Council to control and manage the Fund. It is not yet in force.

Regulations: Regulations are authorised by section 20 of the Act, but none have yet been promulgated.

INTERNATIONAL LAW

†*Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), 1945*

Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972

Convention for the Safeguarding of the Intangible Cultural Heritage, 2003

Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005

Convention on the Protection of the Underwater Cultural Heritage, 2001

SADC Protocol on Culture, Information and Sport, 2001

⁴⁰ Law Reform and Development Commission, *Report on Repeal of Obsolete Laws: Phase 2* (LRDC 42), March 2021, pages 30-ff.

See also **CUSTOMARY LAW**.

See also State Repudiation (Cultura 2000) Act 32 of 1991 (**FINANCE AND DEVELOPMENT**).

See also **NATIONAL HERITAGE**.

See also Financial Intelligence Act 13 of 2012 (duties of persons or entities trading in art) (**FINANCIAL INSTITUTIONS**).