

# NATIONAL HERITAGE

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## War Graves Control and Maintenance Ordinance 2 of 1927.

**Summary:** This Ordinance provides for the control and maintenance of war graves.

**Amendments:** The Ordinance is amended by Proc. 17/1928. It was extended to the Rehoboth Gebiet by Proc. 12/1930.

**Regulations:** GN 191/1960 concerns the Graves Commission.

## *National Monuments Act 28 of 1969*, as amended in South Africa to January 1978.

**Summary:** This Act establishes a National Monuments Council and provides for the preservation of certain property as National Monuments and the maintenance of certain burial grounds.

**Applicability to SWA:** Section 1 defines “Republic” to include “South West Africa”. Section 21 states “This Act shall apply also in the territory, including that portion of the territory known as the Eastern Caprivi Zipfel and defined in the Eastern Caprivi Zipfel Administration Proclamation, 1939 (SA Proclamation 147 of 1939).”

The wording of section 21 did not make amendments to the Act in South Africa automatically applicable to SWA, although they may be applicable by virtue of the definition of “Republic” in section 1. None of the amendments to the Act in South Africa prior to Namibian independence were made specifically applicable to SWA.

**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.

Section 3(3) of the transfer proclamation provided that the reference to the Minister of National Education in sections 5(1)(j) and (l) and section 5(4) of the Act (which relate to certain powers and functions of the National Monuments Council) shall be construed as a reference to the Administrator-General, notwithstanding section 3(2)(b) of the General Proclamation. The other provisions of the Act relating to the National Monuments Council were excluded from transfer by section 3(2)(b) of the General Proclamation, which exempted from the operation of section 3(1) of the General Proclamation “those provisions of any law ... which provide for or relate to the institution, constitution or control of any juristic person or any board or any other body of persons that may exercise powers or perform other functions in or in respect of both the territory and the Republic”.

None of the amendments to the Act in South Africa prior to Namibian independence were made expressly applicable to SWA.

**Amendments:** Act 7/1979 makes the *National Monuments Amendment Act 35 of 1979* applicable to SWA, except for sections 14 and 15.

**Appointments:** Councils are appointed in GN 76/1991 (GG 232), GN 318/1996 (GG 1462), GN 270/2000 (GG 2444) and GN 20/2003 (GG 2915).

**Declarations of national monuments:** Heroes Acre is designated as a national monument in GN 144/2002 (GG 2801).

## **National Heritage Act 27 of 2004**

**Summary:** This Act provides for the preservation and registration of places and objects of national significance. It establishes a National Heritage Council and a National Heritage Register. The Act replaces the *National Monuments Act 28 of 1969*. It will come into force on a date set by the Minister.

**Regulations:** Regulations, appointments and declarations made under the previous law survive under the new law:

Councils are appointed in GN 76/1991 (GG 232), GN 318/1996 (GG 1462), GN 270/2000 (GG 2444) and GN 20/2003 (GG 2915).

Heroes Acre is designated as a national monument in GN 144/2002 (GG 2801).

## **INTERNATIONAL LAW**

***Convention Concerning the Protection of the World Cultural and Natural Heritage, 1972***  
accession: 6 April 2000 (source: [www.epi.freedom.org/whtrty.htm](http://www.epi.freedom.org/whtrty.htm))

***World Heritage Convention, 1975***  
accession: 6 April 2000 (source: [www.unesco.org/whc](http://www.unesco.org/whc))