

NATIONAL HERITAGE

War Graves Control and Maintenance Ordinance 2 of 1927

Summary: This Ordinance ([OG 232](#)) provides for the control and maintenance of war graves. The Ordinance was extended to the Rehoboth Gebiet by Proc. 12/1930 ([OG 365](#)).

Regulations: The Ordinance makes no provision for regulations.

Notices: Proc. 17/1928 ([OG 284](#)) vests control of war graves in SWA in the Administrator of SWA.

GN 191/1960 ([OG 2276](#)) concerns the Graves Commission.

National Heritage Act 27 of 2004

Summary: This Act ([GG 3361](#)) provides for the preservation and registration of places and objects of national significance. It establishes a National Heritage Council and a National Heritage Register. It was brought into force on 1 September 2005 by GN 105/2005 ([GG 3490](#)).

Repeals: The Act repeals the *National Monuments Act 28 of 1969*, which repealed the Natural and Historical Monuments, Relics and Antiques Ordinance 13 of 1948 (as amended) in respect of SWA.

For the purpose of identifying surviving enactments, 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, but the SWA National Monuments Act Amendment Act 7 of 1979 ([OG 4015](#)) makes the *National Monuments Amendment Act 35 of 1979* applicable to SWA, with the exception of sections 14 and 15

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 sections 1, 4 and 7, deletes section 6 and substitutes section 18. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

The Abolition of Payment by Cheque Act 16 of 2022 ([GG 7995](#)), which was brought into force on 15 March 2023 by GN 47/2023 ([GG 8050](#)), amends section 20.

Savings: Section 69(2) of the Act contains a broad savings clause:

Any regulation or by-law made and anything done under a provision of a law repealed by subsection (1), and which may be made or done under a provision of this Act, is deemed to have been made or done under the corresponding provision of this Act.

Section 20(2)-(3) of the repealed *National Monuments Act 28 of 1969* constituted similarly-broad savings provisions:

(2) Any notice issued under any law repealed by this Act whereby anything has been proclaimed to be a monument, relic or antique shall be deemed to be a notice issued under this Act whereby any such thing has been declared to be a national monument.

(3) Any by-law made by any local authority under any provision of any law repealed by this Act, shall be deemed to have been made under the corresponding provision of this Act, and any reference in any such by-law to a monument, relic or antique shall be deemed to be a reference to a monument as defined in this Act.

Regulations: Regulations are promulgated under this Act in GN 106/2005 ([GG 3490](#)).

Pre-independence regulations made under this Act and regulations made under the various repealed laws that may survive pursuant to the chain of savings clauses have not yet been researched.

Declarations of national monuments and other protected areas: Designations of national monuments under the Natural and Historical Monuments, Relics and Antiques Ordinance 13 of 1948 have not yet been researched.

The following places were declared as national monuments under the *National Monuments Act 28 of 1969* prior to Namibian independence (note that it is possible that this list is not comprehensive):

Nautila Monument, Outjo	RSA GN 917/1971 (OG 3181)
Woermann House, Swakopmund	RSA GN R.2224/1971 (OG 3225)
Battlefield Area, Franke Tower, Omaruru	SA GN 615/1972 (OG 3248)
Rhenish Mission Church and Cemetery, Okahandja	RSA GN R.1282/1972 (OG 3273)
Moordkoppie, Okahandja	RSA GN R.1283/1972 (OG 3273)
Otjikoto Lake near Tsumeb	RSA GN 1621/1972 (OG 3280)
Railway Station, Swakopmund	RSA GN 1909/1972 (OG 3289)
Old Rhenish Mission Church, Walvis Bay	RSA GN 2087/1972
Dias Point Lighthouse, near Lüderitz	RSA GN 31/1973 (OG 3297)
Khorab Memorial, near Otavi	RSA GN 1739/1973
Prison Building, Erf 22, Swakopmund	RSA GN R.1471/1973 (OG 3352)
Old Barracks, Swakopmund	RSA GN R.2028/1973 (OG 3359)
Historical gateways or forts near Albrecht Street, Warmbad	RSA R.283/1974 (OG 3388)
Grave of Axel Eriksson at Urupupa near Grootfontein	RSA GN 451/1974 (OG 3394)
Christus Kirche, Windhoek	RSA GN R.2211/1974 (OG 3440)
[<i>Gazette</i> has missing pages]	RSA GN 2357/1974 (OG 3444)
Rhenish Mission Church, Otjimbingwe	RSA GN 355/1975 (OG 3454)
Martin Luther Steam Tractor, Swakopmund	RSA GN 519/1975 (OG 3458)
"Martin Luther" steam tractor, Swakopmund	RSA GN 520/1975 (OG 3458)
Erf 927, Swakopmund	RSA GN R.1777/1975 (OG 3491)
Magistrate's Residence, Lüderitz	RSA GN 1823/1975 (OG 3494)
"Prinzessin Rapprecht Heim", Swakopmund	RSA GN 2096/1976 (OG 3583)
Station Building, Lüderitz	RSA GN 2248/1976 (OG 3584)
Kramersdorf Building, Swakopmund	RSA GN 2567/1977 (OG 3584)
Regimental Badges of Second Battalions of Kimberley & Durban Light Infantry Regiments, Unregistered Farm Titbit 157, near 3705, Swakopmund	AG GN 6/1978 (OG 3706)
Regimental Badges of Second Battalion of Durban Light Infantry Regiment & First Battalion of Transvaal Scottish Regiment situate on the Unregistered Farm Badges 158, near Swakopmund	AG GN 7/1978 (OG 3706)
Okaharui War Memorial, District of Okahandja	AG GN 11/1978 (OG 3744)
Edward Cook's Commemorative Stone, Warmbad	AG GN 17/1978 (OG 3752)
Rhenish Mission Church, Keetmanshoop	AG GN 18/1978 (OG 3761)
Evangelical Lutheran Church Complex, Bethanie	AG GN 41/1978 (OG 3810)
Evangelical Lutheran Church, Lüderitz	AG GN 57/1978 (OG 3825)

Evangelical Lutheran Church, Swakopmund	AG GN 58/1978 (OG 3825)
Ovikokorero War Memorial, Okahandja	AG GN 18/1979 (OG 3918)
Hoba Meteorite, Farm Hoba West 322, District of Grootfontein	AG GN 27/1979 (OG 3948)
Rösemann Building facade, Hauptstrasse, Karibib	AG GN 115/1979 (OG 4060)
Krabenhöft & Lampe Building, Corner of Bismarck and Berg Streets, Liideritz	AG GN 116/1979 (OG 4060)
Two Historic Dwellings [Troost Houses], Erf 652, Berg Street, Liideritz	AG GN 117/1979 (OG 4060)
Grave of Kahimemua Nguvauva, Okahandja	AG GN 6/1980 (OG 4786)
Deutsche Afrika Building, 12 Bismarck Street, Liideritz	AG GN 7/1980 (OG 4786)
Kreplin House, Lüderitz	AG GN 108/1983 (OG 4786)
“Hohenzollern” Building, Swakopmund	AG GN 109/1983 (OG 4786)
Roman Catholic Cathedral, Windhoek	AG GN 110/1983 (OG 4786)
Kubas Station Building, Karibib	AG GN 111/1983 (OG 4786)
Ship wrecks	RSA GN 537/1984
Prisoner-of-war camp site, Aus	GN 31/1985 (OG 5084)
Old German school building, Klein Windhoek	GN 67/1985 (OG 5105)
Ship wrecks	RSA GN 641/1985
Remaining portion of Erf 269, Liideritz	GN 2/1986 (OG 5158)
Rhenish Mission House, Omaruru	GN 8/1986 (OG 5162)
Old Prison Building, Windhoek	GN 53/1986 (OG 5187)
Four building (E. Halbach & Co) Erf 46, Karibib	GN 54/1986 (OG 5187)
Three historical sites, Karibib [Woll buildings, former Hotel Zurn Grünen Kranze, and former “Proviantamt”]	GN 89/1986 (OG 5210)
Elizabeth Haus, Windhoek	GN 92/1986 (OG 5210)
Kaiserbrunnen, Karibib	GN 126/1986 (OG 5224)
Ten Man House, Windhoek	GN 154/1986 (OG 5241)
Old Post Office, Keetmanshoop	GN 22/1987 (OG 5314)
Second Director’s House, Tsumeb	AG GN 12/1990 (OG 5895)
Otavi Minen und Eisenbahn Gesellschaft (Omeg) Minenbiro, Tsumeb	AG GN 13/1990 (OG 5895)
German Private School Building, Tsumeb	AG GN 14/1990 (OG 5895)
Roman Catholic Church Building, Tsumeb	AG GN 15/1990 (OG 5895)
Herero graves and ring-wall, Okahandja	AG GN 26/1990 (OG 5916).

The following place was declared as a national monument under the *National Monuments Act 28 of 1969* after Namibian independence:

Heroes Acre	GN 144/2002 (GG 2801).
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The following places were declared national monuments or heritage places under the current Act:

Grave No 171 (the Mass Grave) in the Old Location Cemetery and Omugulugwombashe are designated as national monuments in GN 118/2006 ([GG 3679](#)).

An area in and around Swakopmund is designated a conservation area by General Notice 260/2006 ([GG 3688](#)), and the demolition of any building situated for 50 years or more in this area is prohibited by General Notice 79/2008 ([GG 4022](#)).

Note that the original [GG 3688](#) was replaced by a subsequent corrected version. The corrected version states at the top: “*This Gazette replace [sic] Gazette No. 3688 of 1 September 2006*”.

Betholdt Himumuine Primary School is declared to be a heritage place by General Notice 298/2006 ([GG 3714](#)).

Dorslandtrekker is declared to be a heritage place by General Notice 299/2006 ([GG 3714](#)).

Twyfelfontein is declared to be a conservation area in General Notice 20/2007 ([GG 3788](#)).

A number of places are designated as heritage places in GN 155/2011 ([GG 4787](#)):

Mataratara, Rundu, Kavango Region
Farm AAR, Karas Region
House of the First Native Commissioner of Kavango, Kavango Region
Monument of the PLAN Unknown Soldiers-Outapi, Outapi, Omusati Region
Eenhana Shrine, Eenhana, Ohangwena Region
Ozombu Zovindimba near Otjikorondo village, Otjinene Constituency, Omaheke Region
Ombalantu Baobab, Erf 1123, Outapi, Omusati Region
Monument of the PLAN Unknown Soldiers-Ondeshifiilwa, Ondeshifiilwa village, Engela Constituency, Ohangwena Region
Omhedi Cultural Landscape, Omhedi Village, Engela Constituency, Ohangwena Region
Okahao Baobab Erf 206, Okahao Constituency, Omusati Region
Onelungo Ponds near Outapi, Omusati Region.

A number of places and objects are designated as heritage places and heritage objects in General Notice 393/2013 ([GG 5306](#)):

House Gluck, Lüderitz, Karas Region
King Lipumbu ya Tshilongo Memorial, Uukwambi, Omusati Region
Blue Files, in Windhoek, Khomas Region; Omaruru, Karibib, Usakos, Erongo Region and Lüderitz, Karas Region (heritage objects).

The Omandongo Mission was declared to be a heritage place by General Notice 273/2014 ([GG 5533](#)).

The Equestrian Statue Monument was *removed* as a national monument from the National Heritage Register by General Notice 274/2014 ([GG 5533](#)).

The King Lipumbu ya Tshilongo Memorial Site was declared to be a heritage place by General Notice 275/2014 ([GG 5533](#)).

Shark Island in Luderitz (//Kharas Region) and Driedoornvlagte Fossil Reef (Hardap Region) are declared to be heritage places by General Notice 23/2019 ([GG 6844](#)).

Several places are designated as heritage places by General Notice 293/2022 ([GG 7839](#)):

Witbooi Einde !Amab /Unis, 125 km east of Keetmanshoop, //Kharas Region
House of Hendrick Witbooi !Nanseb /Gabemab, Gibeon, Hardap Region
House of Samuel Hendrick Witbooi (!Gae-nub !Nagamab !Nansemab), Gibeon, Hardap Region
House of Rev. Markus and Mrs. Lea Witbooi, Gibeon, Hardap Region
Farm House of Samuel Hendrick Witbooi (!Gae-nub !Nagamab !Nansemab), Gibeon, Hardap Region
ELCRN Churchm Gibeon, Hardap Region.

Fees: General Notice 291/2022 ([GG 7839](#)) sets the fee payable for a certificate under section 38 of the Act at N\$ 250.00.

General Notice 292/2022 ([GG 7839](#)) determines the fees payable in respect of inspection of the Namibian Heritage Register.

General Notice 559/2023 ([GG 8206](#)) determines the fees payable for admission of members of the public to certain protected places, replacing General Notice 294/2022 ([GG 7839](#)) with effect from 1 April 2024 to 30 April 2025.

Appointments: Council appointments under the previous Act were announced in GN 76/1991 ([GG 232](#)), GN 318/1996 ([GG 1462](#)), GN 270/2000 ([GG 2444](#)) and GN 20/2003 ([GG 2915](#)). Council appointments under this Act were announced in GN 82/2009 ([GG 4260](#)) and GN 94/2011 ([GG 4747](#)).

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

See also **CULTURE AND CULTURAL INSTITUTIONS**.