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OF SOUTH WEST AFRICA

BITENGEWONE

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## Government Notice

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## Goewermentskennisgewing

### REPRESENTATIVE AUTHORITY OF THE HEREROS

### VERTEENWOORDIGENDE OWERHEID VAN DIE HERERO'S

No. 2 1987

No. 2 1987

### PUBLICATION OF ORDINANCE OF THE LEGISLATIVE ASSEMBLY OF THE HEREROS

### AFKONDIGING VAN ORDONNANSIE VAN WETGEWENDE VERGADERING VAN DIE HERERO'S

The following Ordinance assented to by the Administrator-General in terms of the provisions of the Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980), read with Section 29 (2) of the Proclamation for the Establishment of Legislative and Executive Authority for South West Africa, 1985 (Proclamation R101 of 1985), is hereby published in terms of Section 17 of the Representative Authority of the Hereros Proclamation, 1980 (Proclamation AG. 50 of 1980).

Die volgende Ordonnansie waartoe die Administrateur-generaal ingevolge die bepalings van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980), gelees met Art. 29 (2) van die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R101 van 1985), toegestem het, word hierby ingevolge Artikel 17 van die Proklamasie op die Verteenwoordigende Owerheid van die Herero's, 1980 (Proklamasie AG. 50 van 1980), afgekondig.

No. 4 of 1986: Cultural Council of the Hereros Ordinance, 1986.

No. 4 van 1986: Ordonnansie op die Kulturele Raad van die Herero's, 1986.

**Ordinance**  
**No. 4 of 1986**

**CULTURAL COUNCIL OF THE HEREROS**  
**ORDINANCE, 1986**

*(Assented to by the Administrator-General  
on 6 May 1987)*

*(Afrikaans text signed)*

**ORDINANCE**

**To establish a Cultural Council for the Hereros; to define its powers and duties; and to provide for incidental matters.**

BE IT ENACTED by the National Assembly, of the Hereros, as follows:-

Definitions.

1. In this Ordinance, unless the context indicates otherwise –

“council” means the Cultural Council of the Hereros established by section 2;

“Executive Committee” means the Executive Committee of the Hereros;

“headmen’s council” means the traditional headmen’s council of the Hereros;

“Hereros” means the Herero population group referred to in section 3 of the Representative Authorities Proclamation, 1980 (Proclamation AG 8 of 1980);

“institution” means the cultural institution of the Hereros referred to in section 3;

“Paramount Chief” means the person holding office as Paramount Chief of the Hereros;

“this Ordinance” includes the regulations made thereunder.

Establishment of  
council.

2. (1) There is hereby established a council, known as the Cultural Council of the Hereros.

**ORDONNANSIE OP DIE KULTURELE RAAD  
VAN DIE HERERO'S, 1986**

Ordonnansie  
No. 4 van 1986

*(Toegestem deur die Administrateur-generaal  
op 6 Mei 1987)*

*(Afrikaanse teks onderteken)*

**ORDONNANSIE**

**Om 'n Kulturele Raad vir die Herero's in te stel; om sy bevoegdhede en pligte te omskryf; en om vir bykomstige aangeleenthede voorsiening te maak.**

DAAR WORD VERORDEN deur die Wetgewende Vergadering van die Herero's, soos volg:-

1. In hierdie Ordonnansie, tensy uit samehang anders blyk beteken -

Woordomskrywing

“Herero's” die Herero bevolkingsgroep in artikel 3 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980), bedoel;

“hierdie Ordonnansie” ook die regulasies daarkragtens gemaak;

“hoofmansraad” die tradisionele hoofmansraad van die Herero's;

“inrigting” die kulturele inrigting vir die Herero's bedoel in artikel 3;

“Opperhoof” die bekleër van die amp van Opperhoof van die Herero's;

“raad” die Kulturele Raad van die Herero's ingestel by artikel 2;

“Uitvoerende Komitee” die Uitvoerende Komitee van die Herero's.

2. (1) Hierby word 'n raad, bekend as die Kulturele Raad van die Herero's ingestel.

Instelling van raad.

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(2) The council is a corporate body capable of suing and being sued in its own name and of performing all such acts as are necessary for or incidental to the attainment of its objects and the performance of its functions and duties in terms of this Ordinance.

Objects of council.

3. The objects of the council shall be to establish and control a cultural institution for the Hereros.

Purposes for which institution can be used.

4. Subject to the provisions of this Ordinance the institution shall be established and used for the purpose as provided hereunder:

- (a) It shall be utilized as a cultural centre for the Hereros;
- (b) It shall serve as the official residence of the Paramount Chief;
- (c) It shall serve as the official venue of the headmen's council;
- (d) It shall serve as the official venue of the three traditional cultural flag organisations or associations of the Hereros known as the Red flag, the Green flag and the White flag;
- (e) The traditional Holy Fire may, if so desired, be kept at the institution as part of the cultural treasures of the Hereros.

Control and management of institution.

5. (1) The council shall consist of at least three and not more than five members appointed by the Executive Committee after consultation with the Paramount Chief.

(2) A member of the council shall hold office for a period of five years, unless the Executive Committee has, after consultation with the Paramount Chief, upon the appointment of the member, determined a shorter period.

(3) Whenever a member of the council vacates his office before the expiration of the said period of five years, or the said shorter period, as the case may be, the Executive Committee may, after consultation with the Paramount Chief, appoint a person to fill the vacancy for the unexpired portion of the period of office of such vacating member.

(4) Any person whose period of office as a member of the council has expired by effluxion of time shall be eligible for reappointment as a member thereof.

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(2) Die raad is 'n regs persoon en is bevoeg om in sy naam as eiser en verweerder op te tree en om alle handeling te verrig wat nodig is vir, of in verband staan met, die bereiking van sy oogmerke en die verrigting van sy werksaamhede en pligte ingevolge hierdie Ordonnansie.

3. Die oogmerke van die raad is om 'n kulturele inrigting vir die Herero's in te stel en te beheer.

Doelstellings van die raad.

4. Behoudens die bepalings van hierdie Ordonnansie word die inrigting ingestel en aangewend vir die doeleindes soos hieronder bepaal:

Doeleindes waarvoor inrigting benut kan word.

- (a) Dit sal aangewend word as 'n kultuur sentrum vir die Herero's;
- (b) Dit sal dien as die amptelike woning van die Opperhoof;
- (c) Dit sal dien as die amptelike vergaderplek van die hoofmansraad;
- (d) Dit sal dien as die amptelike vergaderplek van die drie tradisionele kultuurvlag-organisasies of -verenigings van die Herero's bekend as die Rooivlag, die Groenvlag en die Witvlag;
- (e) Die tradisionele Heilige Vuur kan, indien verlang, as deel van die kultuurskatte van die Herero's, by die inrigting bewaar word.

5. (1) Die raad bestaan uit ten minste drie en nie meer as vyf lede nie wat deur die Uitvoerende Komitee, na oorlegpleging met die Opperhoof, aangestel word.

Beheer en bestuur van inrigting.

(2) 'n Lid van die raad beklee sy amp vir 'n tydperk van vyf jaar, tensy 'n korter tydperk by sy aanstelling deur die Uitvoerende Komitee, na oorlegpleging met die Opperhoof, bepaal is.

(3) Wanneer 'n lid van die raad sy amp ontruim voor vermeldde tydperk van vyf jaar, of, na gelang van die geval, vermeldde korter tydperk, verstryk, kan die Uitvoerende Komitee, na oorlegpleging met die Opperhoof iemand aanstel om die vakature te vul vir die onverstreke gedeelte van die ampstermyn van sodanige lid wat sy amp ontruim.

(4) Iemand wie se ampstermyn as lid van die raad weens tydsverloop verstryk het, kan weer as lid daarvan aangestel word.

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(5) A member of the council who is not an officer or employee in the government service shall be paid such allowances as the Executive Committee may determine.

(6) A member of the council shall vacate his office -

(a) if he signifies in writing his wish to resign and his resignation is accepted by the Executive Committee;

(b) if he has been absent from three consecutive meetings of the council without its leave;

(c) if his estate is sequestrated;

(d) if he is declared by a competent court to be of unsound mind; or

(e) if he is convicted of an offence and sentenced to a term of imprisonment without the option of a fine.

Chairman of the  
council.

6. (1) The members of every newly constituted council shall at its first meeting out of their number elect a chairman of the council and the chairman shall hold office during the term of office of the council.

(2) If the chairman of the council vacates his office before the expiration of the period for which he was appointed as a member of the council, another member of the council shall, subject to the provisions of subsection (1), be elected as chairman of the council.

(3) If the chairman is absent from any meeting of the council or not able to preside thereat, the members present shall elect any other member to preside at the meeting and the person so elected may, during that meeting and until the chairman resumes duty, perform all the duties of the chairman.

Functions of the  
council.

7. (1) The functions of the council shall be -

(a) to maintain and exercise control over the institution;

(b) to hold and preserve all specimens, collections or other movable property kept at the institution or placed in the care of the council or loaned to the council;

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(5) Aan 'n lid van die raad wat nie 'n beampte of werknemer in die regeringsdiens is nie word die toelaes betaal wat die Uitvoerende Komitee bepaal.

(6) 'n Lid van die raad ontruim sy amp -

(a) as hy skriftelik kennis gee van sy wens om te bedank en sy bedanking deur die Uitvoerende Komitee aanvaar word;

(b) as hy sonder toestemming van die raad van drie agtereenvolgende vergaderings van die raad afwesig was;

(c) as sy boedel gesekwestreer word;

(d) as 'n bevoegde hof verklaar dat hy in sy geestesvermoë gekrenk is; of

(e) as hy aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word.

6. (1) Die lede van elke nuutaangestelde raad kies op sy eerste vergadering uit hul midde 'n voorsitter van die raad en die voorsitter beklee sy amp gedurende die ampsduur van die raad.

Voorsitter van die raad.

(2) Indien die voorsitter sy amp ontruim voor die verstryking van die tydperk waarvoor hy as lid van die raad aangestel is, word 'n ander lid van die raad, behoudens die bepaling van subartikel (1), as voorsitter van die raad gekies.

(3) Indien die voorsitter van 'n vergadering van die raad afwesig is of nie as voorsitter daarop kan optree nie, kies die aanwesige lede 'n ander lid om by daardie vergadering voor te sit, en die persoon aldus verkies, kan gedurende daardie vergadering en totdat die voorsitter sy ampspligte hervat, al die pligte van die voorsitter verrig.

7. (1) Die werksaamhede van die raad is -

Werksaamhede van raad

(a) om die inrigting in stand te hou en beheer daarvoor uit te oefen;

(b) om alle monsters, versamelings of ander roerende goed wat by die inrigting bewaar word, of wat aan die sorg en beheer van die raad toevertrou of aan die raad geleen is, in sy besit te hou en te bewaar;

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- (c) to manage and control the moneys received by the council and to utilize such moneys for defraying expenses in connection with the performance of its functions;
- (d) to keep a proper record of the property of the institution, to submit to the Executive Committee any returns required by it in regard thereto and to cause proper books of account to be kept;
- (e) generally to carry out the purposes and objects of the council.

(2) The council may, subject to the approval of the Executive Committee, determine -

- (a) the hours during which and the conditions and restrictions subject to which the public or any group of persons may visit the institution or portion thereof; and
- (b) the admission charges which shall be payable.

Executive Committee may place property under care of council.

**8.** Any collection or other movable property which has been given or bequeathed to the Representative Authority, or given or bequeathed on condition that the gift or bequest shall be for the use or benefit of the Hereros, or any portion of any such collection or other property, may, unless the donor or testator has made other provisions for the care thereof, be placed by the Executive Committee under the care and management of the council.

Bank account and financial assistance to council.

**9. (1)** The council shall open an account at a banking institution approved by the Executive Committee into which all moneys received by the council shall be deposited and from which all expenditure incurred in connection with the functions of the council shall be defrayed.

(2) The Executive Committee may, out of moneys appropriated by the Legislative Assembly of the Hereros for such purpose, grant financial assistance to the council for such purposes and on such basis and subject to such conditions as the Executive Committee may determine.

Donation of immovable property to council.

**10.** The Executive Committee may donate and transfer to the council any immovable property owned or acquired by it in order to the council to establish the institution thereon.



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- (c) om die gelde deur die raad ontvang, te bestuur en te beheer en daardie gelde aan te wend vir die bestryding van onkoste in verband met die verrigting van sy werksaamhede;
- (d) om behoorlik boek te hou van die eiendom van die inrigting, om aan die Uitvoerende Komitee enige opgawes deur hom in verband daarmee vereis, voor te lê en om toe te sien dat behoorlike rekeningboeke gehou word;
- (e) om in die algemeen die doeleindes en oogmerke van die raad te verwesenlik.

(2) Die raad kan, met die goedkeuring van die Uitvoerende Komitee, bepaal -

- (a) gedurende watter ure en op watter voorwaardes en onderworpe aan watter beperkings die publiek of enige groep persone die inrigting of gedeelte daarvan kan besoek; en
- (b) watter toegangsgelde betaal moet word.

8. Die Uitvoerende komitee kan 'n versameling of ander roerende goed wat aan die Verteenwoordigende Owerheid geskenk of bemaak is of wat geskenk of bemaak is op voorwaardes dat die geskenk of bemaking vir die gebruik of tot voordeel van die Herero's staan, of 'n deel van so 'n versameling of ander goed, aan die sorg en beheer van die raad toevertrou, tensy die skenker of erflater vir die bewaring daarvan ander voorsiening gemaak het.

Uitvoerende Komitee kan goed aan sorg van raad toevertrou.

9. (1) Die raad open 'n rekening by 'n bankinstelling deur die Uitvoerende Komitee goedgekeur, waarin alle gelde wat deur die raad ontvang word, gestort word en waaruit alle uitgawes aangegaan in verband met die raad se werksaamhede bestry word.

Bankrekening, en finansiële hulp aan raad.

(2) Die Uitvoerende Komitee kan uit gelde wat die Wetgewende Vergadering van die Herero's vir die doel bewillig aan die raad finansiële hulp verleen vir die doeleindes en op grondslag en onderworpe aan die voorwaardes wat die Uitvoerende Komitee bepaal.

10. Die Uitvoerende Komitee kan enige onroerende eiendom wat aan hom behoort of deur hom verkry is aan die raad skenk en oordra ten einde die raad in staat te stel om die inrigting daarop in te stel.

Skenking aan raad van onroerende eiendom.

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Regulations.

**11. (1)** The Executive Committee may make regulations in relation to -

- (a) any matters which by this Ordinance are required or permitted to be prescribed;
- (b) the safety and good custody and preservation of the property of the council;
- (c) the management, control, utilization and disposal of all moneys received by the council;
- (d) the keeping of records and the times when and forms in which, and the persons to whom, financial accounts and reports shall be rendered in respect of the institution;
- (e) any other purposes, in addition to those mentioned in section 4, for which the institution may be utilized; and
- (f) generally, all matters for which it deems it necessary or expedient to make regulations in order to achieve the objects of this Ordinance.

(2) Regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of one hundred rand.

Short title.

**12.** This Ordinance shall be called the Cultural Council of the Hereros Ordinance, 1986.

**ORDONNANSIE OP DIE KULTURELE RAAD  
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**11.** (1) Die Uitvoerende Komitee kan regulasies maak aangaande - Regulasies.

- (a) aangeleenthede wat ingevolge hierdie Ordonnansie voorgeskryf moet of kan word;
- (b) die veiligheid en goeie bewaring en behoud van die eiendom van die raad;
- (c) die bestuur, beheer, aanwending van en beskikking oor, alle gelde deur die raad ontvang;
- (d) die hou van aantekeninge en die tye wanneer, die vorm waarin en die persone aan wie, finansiële state en verslae ten opsigte van die inrigting verstrek moet word;
- (e) enige ander doeleindes, benewens dié genoem in artikel 4, waarvoor die inrigting benut kan word;
- (f) in die algemeen, alle aangeleenthede waarvoor hy dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Ordonnansie te verwesenlik.

(2) Regulasies kragtens hierdie artikel uitgevaardig, kan strawwe, wat 'n boete van eenhonderd rand nie te bo-we gaan nie, voorskryf vir 'n oortreding daarvan of versuim om daaraan te voldoen.

**12.** Hierdie Ordonnansie heet die Ordonnansie op die Kulturele Raad van die Herero's, 1986. Kort titel.