

# **CULTURE AND CULTURAL INSTITUTIONS**

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## ***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.

**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](#)).

**Regulations:** Regulations are authorised by section 15 of the Act, and section 17 includes a savings clause that applies to regulations issued under laws repealed by this Act. However, pre-independence regulations have not been researched.

## **Cultural Promotion Ordinance 9 of 1980**

**Summary:** This Ordinance ([OG 4159](#)) provides for the promotion of culture in relation to the “white population group”.

**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Ordinance 4 of 1981 ([Official Gazette 2 of the Representative Authority of the Whites](#)), which has since been repealed.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*

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**).