LESOTHO

The Historical Monuments, Relics, Fauna and Flora Act, Act n° 41 of 1967

(Date of Assent: 13th December, 1967)
(Date of Commencement: 22nd December, 1967)

To provide for the preservation and protection of natural and historical monuments, relics, antiques, fauna and flora and for connected matters. Enacted by the Parliament of Lesotho

1. This Act may be cited as the Historical Monuments, Relics, Fauna and Flora Act, 1967.

2. In this Act unless the context otherwise requires—
   "antique" means an object proclaimed as such by the Minister under the provisions of section 8;
   "commission" means the commission established by section 3;
   "fauna" means any wild animal, any reptile (other than a poisonous snake), bird, fish or bee proclaimed as such by the Minister under the provisions of section 8;
   "flora" means any plant or tree growing without cultivation in or which is indigenous to Lesotho, but does not include the flower or seed of any such plant or tree unless it is expressly provided in a notice issued by the Minister under section 8 that the flower and seed of the flora described in such notice is also protected;
   "Minister" means the Minister of the Government for the time being responsible for education and includes an Assistant Minister to the extent that he is authorised by the Minister to perform the duties and exercise the powers of the Minister under this Act;
   "monument" means an area or object proclaimed as such by the Minister under the provisions of section 8;
   "relic" means an object proclaimed as such by the Minister under the provisions of section 8.

3. (1) There is hereby established a commission to be known as the "commission for preservation of Natural and Historical Monuments, Relics and Antiques and the protection of Fauna and Flora", which shall be a body corporate with perpetual succession and capable of suing and being sued in its own name, of acquiring and alienating property, entering into contracts and, subject to the provisions of this Act, generally of performing all such acts as are necessary for or incidental to the carrying out of its functions and duties under this Act.

   (2) The commission shall consist of not less than five and not more than seven members who shall be appointed by the Minister.

   (3) A member of the commission shall hold office for five years unless he sooner resigns or his appointment is terminated under the provisions of subsection (8) and a retiring member shall be eligible for re-appointment.

   (4) When a vacancy occurs on the commission by death or resignation, absence from Lesotho, illness or otherwise, the Minister may appoint a person to fill that vacancy for the unexpired portion of the period for which the member whose office has become vacant had been appointed.

   (5) Members of the commission shall choose one of their number to be chairman; if at any meeting of the commission the chairman is absent, the members present shall choose one of their number to be chairman of that meeting.
(6) The member presiding as chairman at a meeting of the commission shall have a deliberative vote as well as a casting vote.

(7) Three members present at a meeting of the commission shall constitute a quorum and a decision of a majority of members of the commission present at a meeting shall be deemed to be a decision of the commission.

(8) A member of the commission shall vacate his office—
(a) if he has been absent from three consecutive meetings of the commission without the permission of the chairman; or
(b) if he is in the opinion of the Minister unable or unfit to discharge the functions and duties of a member of the commission.

4. (1) The commission may—
(a) make a list of all objects whose proclamation under section 8 it considers desirable;
(b) take steps to ascertain the owners of any object;
(c) purchase or otherwise acquire any such object or by agreement with the Government or any public body or with any private person having the ownership or control of any such object, take such steps as may be practicable to preserve it;
(d) take steps for the erection of tablets in suitable places giving information in both official languages of Lesotho about historical events which occurred at such places;
(e) assume control over any such object if requested by the person having the ownership or control thereof so to do, and as trustee for the Government accept any such object which the owner desires to donate to the Government;
(f) preserve, repair, restore or insure any monument, relic, or antique under its control;
(g) lend any such relic or antique to any museum or other public institution;
(h) recommend to the Minister the proclamation of any such objects in terms of section 8; and
(i) through any of its members have access at all reasonable times to any monument or relic proclaimed under section 8.

(2) The commission shall—
(a) when required by the Minister investigate and report upon any matter relating to any object proclaimed under section 8 or upon the desirability of so proclaiming any object;
(b) on or before the thirty-first day of December in every year furnish to the Minister a report upon its work during the year ended on thirty-first day of March last preceding and on any other matters connected with the preservation of monuments, relics and antiques which it may desire to bring to the attention of the Minister; and
(c) make a register of all the monuments, relics, antiques, fauna, and flora proclaimed as such under section 8.

5. No remuneration shall be paid to the members of the commission, but each member may draw from the funds of the commission his reasonable expenses for travelling and subsistence while engaged upon the business of the commission at such rates as the Minister may prescribe.

6. The funds of the commission shall consist of such grants, donations, fees, and annual subscriptions as may from time to time be made to it or be payable to it.

7. Save with written consent of the Minister, the commission shall not alienate, hypothecate, or let any object which is its property or for which it is trustee as aforesaid.

8. The Minister may from time to time on the recommendation of the commission by notice in the Gazette, proclaim to be—
(a) a monument, any area of land having a distinctive or beautiful scenery or geological formation, any area of land containing a rare or distinctive or beautiful flora or fauna, any area of land containing objects of archeological, historical or scientific interest, any waterfall, cave, grotto, avenue of trees, old tree or old building and any other object (whether natural or constructed by man) of aesthetic, historical, archeological or scientific value or interest;
(b) a relic, any fossil of any kind, any drawing of painting on stone or petroglyph known or commonly believed to have been executed by Bushmen or other aborigines of southern Africa or by any people who inhabited or visited southern Africa in ancient days, and any implement or ornament known or commonly believed to have been used by them and any anthropological or archeological contents of the graves, caves, rock, shelters, middens, shell mounds or other sites used by them;
9. (1) Whenever the owner of any object, proclaimed under the provisions of section 8 alienates, pledges, or lets it be
shall forthwith inform the commission of the name and address of the alienee, pledgee or lessee.

(2) No person shall, without the written consent of the commission destroy or damage any monument or relic or make
any alteration thereto or remove it from its original site or export it from Lesotho.

(3) A person desiring to remove a monument or relic from its original site or export it from Lesotho shall when applying
to the commission for its consent, supply the commission with a photograph or description of the monument or relic in
question and shall state the exact locality in which it is situated and the place to which and purposes for which it is
desired to remove or export it.

(4) No person having control of any antique shall without the written consent of the commission destroy or damage it
or export it from Lesotho.

(5) A person desiring to export an antique from Lesotho shall when applying to the commission for its consent supply
the commission with a photograph and description thereof and shall state the place to which and the purposes for which
it is desired to export the antique.

10. (1) No person shall without the written consent of the commission destroy or damage or remove from its original
habitat or export from Lesotho any fauna or flora claimed under section 8 to be protected fauna.

(2) No person shall without the written consent of the commission destroy or damage or remove from its original site
or export from Lesotho any flora proclaimed under section 8 to be protected flora.

11. (1) The Minister may, on the recommendation of the commission, by notice in the Gazette prohibit the
removal or the export, without the consent in writing of the commission, of any object or group or collection of objects which is, in
the opinion of the Minister, capable of being proclaimed under section 8.

(2) The owner of any such objects or group or collection of objects or of any object which forms part of such group or
collection who is affected by any such prohibition, may submit to the commission an objection in writing to that
prohibition. The commission shall transmit that objection to the Minister who may thereupon cancel, modify or confirm
the prohibition.

12. A person who knowingly —
   (a) fails to comply with or contravenes any provision of section 9 or section 10; or
   (b) contravenes any prohibition issued under section 11; or
   (c) in an application to the commission for its consent makes a statement which is false in any material
       respect or supplies therewith any drawing or photograph which is false in any material respect; or
   (d) damages or destroys any tablet erected in terms of paragraph (d) or subsection (1) of section 4; or
   (e) destroys, damages or mars any drawing, painting or petroglyph described in paragraph (b) of section 8
       or any substance near such drawing, painting or petroglyph, or without the consent of the commission
       destroys or damages any part of a cave or rock or on which there is any such drawing, painting or
       petroglyph; or
   (f) without the consent of the commission destroys, damages or disturbs any grave, cave, rock shelter,
       midden or shell mound described in paragraph (b) of section 8,

shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rands or in default of
payment to imprisonment for a period not exceeding six months.

13. The Minister may, after consultation with the commission, make regulations, not inconsistent with this Act,
generally carrying into effect the principles, purposes and provisions of this Act, and in particular but without prejudice
to the generality of the foregoing, he may make regulations prescribing —
   (a) the procedure in connection with meetings of the commission; and
   (b) the qualifications of its members; and
   (c) the rates of travelling and subsistence allowances to be paid to members of the commission.

14. The protection of Relics, Fauna and Flora Proclamation is hereby repeated.
Proclamation of Monuments, Relics, Fauna and Flora

(Legal Notice No. 36 of 1969)

In exercise of the powers conferred on me by the provisions of section 8 of the Historical Monuments, Relics, Fauna and Flora Act, 1967, I,

Anthony C. Manyeli,
Minister of Education, hereby proclaim the following to be:

**Monuments**

The rock painting site Ha Khotso, Maseru District.
The deposits of petrified wood on the top and slopes of Thaba-Tsoeu, Mahole’s Hoek District.
The fossil bed and fossil footprint site of Maphutseng, Mohale’s Hoek District.
The fossil footprint site of Moyeni, Quthing District.
The nature reserve, archeological site and cave house of Mastitse-Seqhobo, Quthing District.
The top of Thaba-Bosiu Fortress, Maseru District, taking into due cognizance the full rights and traditions of the Basotho chiefs and people.
Major Bell’s Tower at Hlotse, Lebrie District.
The remains of the Fort at Fort Hartley, Quthing District.
The top of the Mount Moorosi Fortress, Quthing District.

**Relics**

All engravings and painting on stone, commonly known as Bushman paintings / itsoantso’tsa Baroa.
All fossil footprints and other markings, commonly known as dinosaur footprints / mehato ea lhiphofo lo tsa khale e sekaeng mafotsi.
All fossil remains, whether of plant or animal origin / masapo kapakatlhoko le liphofu, litsephe ile matla.
All archeological deposits / lintho tse siiloeng ke batho ba mehla ea, khale (Baroa la le ba bileng Lesotho pele ho Baroa, le Basotho ba khale)

**Protected Fauna**

All antelopes and bucks / mefuta eohle ea linyamatsana, liphofu, litsephe le matsa
All baboons and monkeys / litsoene le likhabo
All bushpigs and warthogs / mefuta eohle ea liklobe, le likolobemorou.
All antbeats, scaly anteaters and ratses / mefuta eohle ea thiakhali, likhaha le lisele
All porcupines and hedgehogs / linoko le lihlong.
All springhares / litshipo le litsipjoane.
All otters and mongooses / mefuta ee lidjibi, matobi ka bosamane le lehlahe.
All lequanas and varanas / mefuta ea lipolometsi le khang qamo le phathakali.
All tortoises and terrapins / mefuta ea likhulu lekhulu e lekhume.
The following birds, including their eggs and nests
All bearded vultures / seoli / lammmergeyer.
All cranes, storks and herons / mefuta ea mehlole le mekotatsie le kokolofite.
All hammerheads / masianake.
All birds of prey / linonyana tsohfetse phelang ka nama tse khang ntsu, khajoane.
All egrets / maholosiane.
All secretary birds / mamolangoane.
All hoopoes and sunbirds / phupupu le taletale.

**Protected Flora**

All aloe, with particular reference to the aloe polyphylla, incuding its seeds and flowers / makhala ‘ohle haholo-holo kharatsa, esita le peo le palase tsa ‘ona.
All bamboos / leqala.
All protea / sekila.
All wild olive tree / mohloare.
All cussonia / motsetse.
All rhus burchelli / mokhloamphiri.
All celastrus / sefeamaeaba.
All leucoxylon / phukhu.
All heteromorpha / monkoane.
All euclea / mohlakola.
An Act to amend the executive law to create the department of information and cultural affairs, 1965
(extract)

It is enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled

Section 1. The Executive Law is hereby amended by adding thereto a new chapter to be chapter 22 entitled THE DEPARTMENT OF INFORMATION AND CULTURAL AFFAIRS to read as follow

CHAPTER 22. THE DEPARTMENT OF FORMATION AND CULTURAL AFFAIR

§657. Department Created—There shall be established in the Executive Branch of the Government a department of Information and Cultural Affairs to be administrated by a Secretary of Information and Cultural Affairs, who shall be appointed by the President by and with the advice and consent of the Senate and who shall serve at the pleasure of the President. The Secretary of Information and Cultural Affairs shall be charged with the responsibility, direction and supervision of all matters relating to Information and Cultural programs of the Government of Liberia. For this purpose he shall:

(…)

Organize, supervise and encourage the mass production, improvement and popularization of Liberia's Indigenous arts and handicrafts; establish, operate and maintain a National Cultural Center and an Ethnographical Museum, and plan and execute programs for the further enhancement of the folklore, mores and indigenous culture of the nation;

Organize, foster and promote a tourist industry for which purpose he shall enquire into, collect and publicize all information pertaining to historical sites, landmarks and places of natural scenic beauties, wherever found through-tourist attractions;

(…)

All grewia / lesika.
All chilianthus / lelora.
All gladiolus species.