

SOUTH AFRICAN HERITAGE RESOURCES AGENCY (SAHRA) HERITAGE OBJECTS UNIT (HOU)

ACTION PLAN TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN SAHRA AND CUSTOMS

Section 32 of the National Heritage Resources Act, No. 25 of 1999 (the Act), stipulates that no heritage object may be removed from South Africa other than through a Customs Port of entry and the relevant export permit issued under subsection 19 or a certificate of exemption issued under subsection 32 must be produced to a Customs Officer before removal from South Africa is affected or allowed. Furthermore, a Customs Officer who has reason to believe that a person is attempting to import a Heritage Object in contravention of the Act may withhold the object concerned and such object must be kept in the custody of SAHRA until such time, not exceeding six months, as an investigation into the provenance of such object is completed.

In addition, section 50 of the Act stipulates that:

- (1) SAHRA or a Provincial Heritage Resources Authority may, in writing, appoint heritage inspectors: Provided that if a heritage inspector is a staff member of a government department or supported body, such appointment must only be made by agreement with the Minister or other person in charge of the administration of such a department or body.
- (2) By force of this section, each member of the South African Police Services and each customs and excise officer is deemed to be a heritage inspector

It is therefore deemed appropriate for SAHRA to enter into a Memorandum of Understanding (MOU) (S42) with SARS and the South African Police Service to facilitate co-operative governance for the management of South Africa's Heritage Objects. The MOU would cement positive working relationships as well as establish a list of obligations on both sides.

Action	Description	Responsible persons	Time frames	Status	Comments
Ministerial Agreement	Discussion at Ministerial level between Department of Arts and Culture and Department of Finance regarding cost implications and terms and conditions of	CEO to initiate discussions			

	working relationship				
MOU	This need to clearly stipulate the role of SARS (Custom officials) and SAHRA. Financial implications should also be stipulated and who will be responsible for which cost.	SAHRA legal team together with EO and HRM would be responsible to draft and execute MOU	End February		
SAHRIS	SARS IT systems should be linked to SAHRIS to provide SAHRA to issue permits and custom officials to access and verify permits. These objects may not be exported without a permit from SAHRA	Nicholas Wiltshire -- SAHRA	As soon as possible.		
List of Types of Heritage Objects		Azola Mkosana		List was forwarded to SARS on 12/12/12 with intention to discuss how to simplify the List. No response as yet.	
Training	Custom officials should be trained to implement section 32 of the NHRA as well as to deal with permits and verification of such permits when	SAHRA HOU & SARS/Custom Officials		To be determined by Customs training schedule.	

	<p>dealing with specifically declared objects at ports of entry.</p> <p>SARS will provide SAHRA with list of officials at identified ports of entry to be trained.</p>				
<p>Expert list</p>	<p>SAHRA would forward list of experts to Custom officials</p>	<p>SAHRA HOU</p>		<p>Shall be done as soon as we establish contact again.</p>	
<p>Hot spots of illicit trafficking</p>	<p>OR Tambo International Airport, Durban Port of Entry, Cape Town International and Cape Town Port of Entry and Lebombom.</p>	<p>SAHRA HOU</p>			