

# **NIGERIA**

## **NATIONAL REPORT ON THE IMPLEMENTATION OF THE 1970 CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY**

**2011 - 2015**

**1. Information on the implementation of the UNESCO Convention of 1970 (with reference to its provision)**

**Ratification of the Convention**

1. (a) Has this Convention already been ratified?

*Answer - Yes, it was ratified in 2005*

**2. Implementation in the national legal system and in the organization of services**

2. (a) Give the references of the principal national regulations adopted in order to implement the 1970 Convention.

*Answer - None so far. We are in the process of establishing a National Committee for the domestication of all UNESCO/UNIDROIT standard setting instruments into our National Legislation/Domestic Laws.*

2. (b) A definition of “cultural property” agreeing with the definition proposed by the 1970 Convention is important in order to increase the effectiveness of international cooperation. State what definition is used by the national laws of the country concerned.

*Answer - The definition of Cultural Object is designated under the National Commission of Museums and Monuments laws, ordinances and decrees issued in 1969, 1974 and 1979 consolidated in NCMM Act, chapter 242, Laws of Nigeria, 1990 and the National Archives Decree No 30 of 1992. Under the laws establishing these institutions who are in charge of the protection of Cultural property in Nigeria. Cultural Object is captured as antiquities, I quote inter alia Section 32(a-c)I, ii,“(a) any object of archaeological interest or land in which any such object was discovered or is believed to exist; or (b) any relic of early human settlement or colonization; or (c) any work of art or craft work; including any statutes, model, clay, figure, figure cast or rust metal, carving, house post, door, ancestral figure, religious mask, staff, drum, bolt, ornament, utensil, weapon, armour, regalia, manuscript or document if such work of art or craft work is of indigenous origin and – (i) was made or fashioned before the year 1918; or (ii) is of historical, artistic or scientific interest and is or has been used at any time in the performance and for the purposes of any traditional ceremony...”*

*Under the National Archives Decree No 30 of 1992 describes certain cultural objects as “National Archives” and “Records” in Section 50 titled “Interpretation and Citation...”*

*“...National Archives” means the public office established by virtue of Section 1 of this Decree”*

*“Records” means all papers, registers; printed matters; books; maps; plans; photographic, microfilms; cinematographic films, sounding recordings, or other documentary materials regardless of physical form or characteristics made or received by public or State offices, or*

*by business houses or companies, private bodies or individuals in pursuance of their legal obligation or in connection with the transaction of their proper business, but does not include library or museum materials made or acquired solely for reference or exhibition purposes, extra copies of records kept only for convenience or reference or stocks of publications...”*

2 (c) Have specialized units been established in order to prevent and combat trafficking and ensure international cooperation for the protection of cultural heritage? Within the Heritage Department? In other government departments (police, customs)?

**Answer** - *Yes, there are two specialized agencies; The National Commission for Museums and Monuments and the National Archives. These two agencies are under the Ministry of Culture which has the UNESCO division that co-ordinates the activities of these agencies*

2 (d) Describe briefly the administrative coordination of the activities of these specialized units, especially with the police and customs authorities.

**Answer** - *The Ministry of Culture and the National Archives work with the Police and Custom authorities who have units that deal with cultural properties*

2 (e) Are working meetings held to enable police officers, customs officials and ministerial representatives to meet and coordinate their activities?

**Answer** - *There is need to improve the working relationship between the Ministry, The National Commission for Museums, The National Archives, with the Police and the Customs. There are plans at foot to establish inter-ministerial committees to co-ordinate these activities*

### **3. Inventories and identification**

3. (a) State briefly the extent to which inventories provide for the risks of misappropriation and theft.

**Answer** - *We do not have a precise data and statistics of how inventories provide for the risks of misappropriation and theft.*

3. (b) Specify the degree of precision, at the national level, of the definition of “cultural property” covered by international conventions (see above 1.2(b)). State whether “national treasures” are identified in an official, tentative or exhaustive list.

**Answer** - *There is an inherent problem with the Nigeria National legislation because the 1990 National Commission for Museums and Monuments Act and the National Archives decree of 1992 are tied to the creation of two different institutions created to tackle some aspects of cultural property and so by implication, there is no single composite legislation/law that gives comprehensive meaning to cultural property.*

*National Treasures are identified but the list is not exhaustive*

3. (c) To what extent is the Object ID standard used? Is the standard adapted to the State's needs?

**Answer** - *Object ID is presently not being used*

3. (d) Are there systems to combat theft and to train museum staff and have specific measures been adopted for libraries, archival and manuscript repositories, and any specialized units established to monitor them?

**Answer** - *None at present*

#### **4. Archaeological excavations**

4. (a) Summarize the basic principles of the regulations on archaeological excavations and on the monitoring of excavations in force in the country.

**Answer** - *Under NCMM Act, Chapter 242, Laws of Nigeria, 1990, Section 19 (i) titled "Excavation and Discoveries"*

*Section 19 (1) No person shall by means of excavation or similar operations search for any antiquities unless authorized by permit issued by the Commission and with the consent of the State Government in whose territory the search is to be carried out.*

*(2) The commission shall before issuing a permit under this section satisfy itself that the applicant is competent by training and experience to carry out the operations for which the permit is required and may in its discretion require to be satisfied that he has the financial means or the finance or other support of an archaeological or scientific society or institutions of good repute*

*(3) A permit issued under this section –*

*(a) may be made subject to such conditions as the Commission may think fit to impose;*

*(b) may at any time be revoked by the Commission without any reason being assigned;*

*(c) shall not be of itself any right to enter upon any land without the consent of the holder or occupier of the land or of any other person entitled to grant such consent.*

*(4) Notwithstanding the issue of a permit under this section, the person to whom the permit was issued and all persons engaged in any excavation or other operations to which the permit relates shall, if so required by any person duly authorised in writing by the Commission, suspend such operations until notified by the Commission that they may be resumed.*

*(5) Any person who contravenes the provision of sub-section (1) or (4) of this section or fails to comply with any conditions of a permit granted to him under this section, shall be*

*guilty of an offence and liable on conviction to a fine of N500 or to imprisonment for six months or to both such fine and imprisonment.*

*Section 20- (1) Any person who discover an object of archaeological interest in the course of operations mentioned in the Subsection (1) above shall, not later than 7 days thereafter, give notice thereof together with particulars of the place and the circumstances of the discovery to the Commission and to the Secretary to the local government where such discovery is made or to such other persons as may be prescribed.*

*(3) Any person who knowingly fails to comply with any of the foregoing provisions for this section shall be guilty of an offence and liable on conviction to a fine of N500 or to imprisonment for six months or both such fine and imprisonment.*

4. (b) Is there a recurrent problem of illegal excavations? If so, what are the reasons and when did it begin? What steps have been taken to combat this scourge?

**Answer** - *Yes, it is wild spread, because in a developing country like Nigeria, a lot of infrastructural development and construction activities is going such as roads construction, building of houses, churches, mosques, government offices and so on. Even though there are regulations guiding the disclosure of cultural objects found during excavations taking place during construction activities, the rules are often breached because the enforcement mechanism is weak; this is because most people in the construction industry are ignorant of cultural objects. This problem started during the colonial period.*

*There is an association called The Art Rescuers of Nigeria which is formed by different individual Nigerians scattered all over the countries comprising of about 100 art agents empowered by the National Commission for Museums to retrieve cultural objects in the different communities spread all over Nigeria. Presently, the Government is trying to sensitise the different communities on the importance of cultural objects so that they will understand it's centrality to their very existence itself.*

5 (a) Give an estimate of the scale of the illicit export or import of cultural property. Are up-to-date statistics compiled on the theft of cultural property?

**Answer** - *It is not easy to give percentages to where the thefts of Nigeria's cultural property occur. What is certain is that there are five documented ways by which Nigeria has lost a large majority of her cultural treasures.*

*Nigeria has lost more than half of her cultural artefacts through the advent of foreign religions and governments. Cultural artefacts were obtained in many clandestine ways clothed in religious garb, or under the pretext of the abolition of the slave trade and its replacement by legitimate trade or the burning desire to help unearth Nigeria's past through excavation. Five methods through which losses have been sustained can be identified. First, was the systematic imposition of foreign religions on the indigenous population and forbidding, on the pain of hell fire, the adoration of other gods based on the biblical*

*injunction “thou shall serve no other god but me”, a development which has been succinctly described in the annals of West African History as the era of the “Bible and the Sword”. The ignorant population, as a result had either to destroy or leave to rot away objects of great generation. If not subjected to destruction or decay, they were removed by the same Europeans as curious to museums and private homes in the countries of origin of those missionaries. These objects eventually passed to museums in Europe as gifts or bequests.*

*The Second manner through gifts either as a mark of hospitality or in exchange for worthless things Examples of such gifts include a finely worked quarts stool with a looped handle one of the first Ife works seen outside Africa, given as a gift to a colonial official by the Oni of Ife in 1895 and entered the British Museum the following year. Another pair of door, the first by Olowe of Ise for the Palace of the Ogoga of Ikerre Ekiti between 1900 – 1914 now on display at the Museum of Mankind, London. It was obtained under doubtful circumstances by the British Museum in exchange for a rough wooden British throne after it has been used for exhibition at Wembley in the 1920s. Other examples are Osamasinmi Ram Head from Owo and a pair of Benin Ivory Leopards given as gift to the British Official and Queen Elizabeth II respectively.*

*A third way was through share plunder made possible by an army of occupation; the most eye – catching being the infamous sack of Benin in 1897. The British Force captured Benin on February 19, 1897 and in the palace, apart from ivory carvings, a great number of metal castings were found. These works greatly astonished the members of the expedition who took all that they found. Museum and collectors of the fine arts eagerly bought these looted works which therefore got scattered round the world. The technical mastery of the castings and the richness of the ivory carvings were impressive. The method by which the casts were made is called *cire perdue*, or the “lost wax” process. A core of general shapes of the finished object is made in fine mud, and covered with a layer of wax which is modelled to the final shape desired. This is covered with successive layers of mud till sufficient strength is reached by molten bronze or other alloy of copper. When cool, the outer covering of mud is broken away to reveal the metal beneath. According to Biobaku (1972: 14), Nigeria holds the fourth largest collection. Biobaku, who was Chairman of the Antiquities Commission, lamented that the Government of Nigeria had to compete with other countries at auction rooms in Europe to buy back for £50,000 all but one of the Benin Bronzes now on display in the Benin gallery in the National Museum, Lagos. “Whereas the Dahlem in West Berlin can boast of 4,000 Benin pieces, and the British Museum, 2,500 and Pitt Rivers (Museum, Oxford University) 393 Objects , the Nigerian Museum posses only about 100 pieces.” In fact, it may now well be that the Metropolitan Museum of Art in New York has displaced Nigeria as the holder of the fourth largest collection Benin Art following the gift of the Perls collection to the Metropolitan Museum. In his forward to the exhibition catalogue of Royal Art of Benin from the Perls Collection, the Director of the Museum, Philippe de Montebello (1992: vii) gives us an idea of the Museum’s total collection, the Metropolitan Museum held about two dozen Benin Sculptures from the collection of Nelson A. Rockefeller, including the ivory pendant mask that is one of the museum’s prized possession: “with the recent gift of 163 objects from*

*the collection of Mr. And Mrs. Klaus G. Perls, these fine but small holdings have been transformed into one of the leading collections of Benin art worldwide”.*

*The fourth manner has been through research workers or foreign experts who had in the past and in recent times removed art pieces on the pretext to use them to study collections or to publicise Nigerian art around the world. Some of them, more often than not, find their way into the museum or public art sale-rooms abroad. The fifth manner, which in fact has assumed an alarming dimension and is mind – boggling is through illicit trafficking resulting in incessant thefts in museums, grooves, palaces, shrines, etc. as well as the pillage and plunder of historical and archaeological sites. It is common knowledge that art dealers pay labourers to dig the soil in search of artefacts, particularly in Kaduna, Plateau, Zamfara, Katsina and Sokoto States in Nigeria. Eyewitnesses to the illegal mining revealed that the financiers of the diggers “usually come with some people who use machine to check the ages of the artefacts”. (The Democrats, October 12, 1995). Yet, we know that artefacts buried in the ground have to be identified, recovered and preserved for the present and future generations. Indeed their illegal excavation and exportation constitute a serious threat to our cultural heritage. In addition, a vast majority of these objects are destroyed in the process of digging by the ignorant diggers. In the meantime, the illegal miners and art speculators are winning in the race to recover and preserve our invaluable artefacts. A few examples will suffice to draw attention to the danger facing the preservation of cultural property in Nigeria.*

<b>S/NO</b>	<b>Year</b>	<b>Where</b>	<b>No. Of Object</b>
1	1969	Palace of Oloja of Ikoru – Ekiti	2
2	1970	Hebba Gungu Palace Shrine	1
3	1973	Owo Museum	19
4	1979	Benin Museum	3
5	1984	Lagos Museum	1
6	1986	Esie Museum	1
7	1987	Jos Museum	9
8	1988	Obo – Aiyegunle (Kwara State)	2
9	1989	Obafemi Awolowo University	8
10	1990	Ekene Utim, Akwa Ibom State	6
11	1993	Esie Museum	14
12	1993	University of Ibadan	137
13	1993	Ife Museum	10
14	1994	University of Ibadan	38
15	1994	Abeokuta Museum	26
16	1994	Ife Museum	35

*As can be gleaned from the statistics above, treasure thieves have been pillaging Nigerian cultural objects. The period 1986 – 1996 witnessed the looting of 24 museums and*

*communities and loss of a total of 382 artefacts. It must be emphasized that these reflect only cases reported to the National Commission for Museums and Monuments (NCMM) and the Police.*

5. (b) Is the illicit export of cultural property a recurring problem? If so, for which reasons (lack of financial and human resources, shortcomings in the legal supervision framework, etc.)?

**Answer** - *Yes, it is an endemic and perennial problem and the reasons are not farfetched;*

- i. lack of enlightenment about the nature and importance of cultural objects in the general populace at large*
- ii. Weak legal legislations which make punishment by fine peanuts and imprisonment of very little and generally weak punitive mechanism*
- iii. Lack of modern security equipment in our museums*
- iv. Poor remuneration for museum workers which makes theft of cultural objects a tempting option*
- v. Lack of continuous capacity building programs for cultural workers*
- vi. Lack of understanding of the importance of cultural objects by the political elite*

5. (c) What are the main rules (administrative and legal) for monitoring the export and import of cultural property (existence of an export certificate, public information about the rules in force)? What categories of cultural property are covered by the rules?

**Answer** - *Under the 1990 National Commission for Museums and Monuments Act, Paragraph 21 (1)*

*No person shall –*

- a. buy any antiquity unless he is an accredited agent; or*
- b. sell any antiquity to any person other than an accredited agent.*

*The Registration of Antiquities, Paragraph 23-(1) Any person who has an antiquity in his possession or under his control either before or after the commencement of this Decree shall, if so demanded by an accredited agent, register the antiquity with the accredited agent who may call upon him in person between the hours of 8 a.m. and 6 p.m. any day, except on work-free days, for that purpose.*

*(2) Any antiquity not so registered by a person who is in possession or control of it when an accredited agent has called upon him in person for the registration thereof shall be liable to seizure by a police officer, but the antiquity shall not be forfeited except on the order of a magistrate.*



*The Clearance permit, paragraph 24-(1) Where a person is in any doubt as to whether or not an object in his possession is an antiquity, he may apply in person, or in writing, attaching the object in his possession or a photograph of it, to the Director-General, or any person authorised in writing by the Director-General, for the determination of the matter.*

*(2) Where the Director-General or the person authorised in writing by him, is satisfied that the object in the possession of the applicant is not an antiquity, he may issue a permit (hereinafter called a "clearance permit") in respect of that object*

*(3) A clearance permit issued in respect of an object shall be conclusive proof that the object is not antiquity.*

*Restriction on export of antiquities on paragraph 25 – (1) Subject to the provision of subsection (4) of this section and to any exceptions which may be prescribed, no antiquity shall be exported from Nigeria without a permit issued in that behalf by the Commission.*

*(2) An application for a permit under this section shall be made in such manner as may be prescribed.*

*(3) Before issuing a permit under this section shall not be required for the export of an antiquity the Commission may cause the antiquity to be inspected and to be sealed.*

*(4) A permit under this section shall not be required for the export of an antiquity which has been lawfully imported into Nigeria, but if in any proceedings against any person in respect of a contravention of this section any question shall arise whether an antiquity has been lawfully imported into Nigeria the onus of proof thereof shall lie upon that person.*

5. (d) Do the rules provide for the restitution of illicitly imported cultural property?

**Answer** - *The 1990 NCMM Act does not provide for restitution of illicitly imported cultural property.*

5. (e) What are the main obstacles encountered in securing the restitution of illicitly exported cultural property? What type of obstacles are they (administrative, legal or political) and why do they arise (legal loopholes, unwillingness by importing countries, lack of international cooperation, etc)?

**Answer** - *The obstacles are manifold. The most obvious one is the lack of political will which stems from lack of understanding of the importance of cultural property in the life of a Nation. Secondly, Nigeria has not administratively followed the procedure for the restitution of its illicitly exported cultural property. This is reinforced by the unwillingness of importing countries to release these cultural objects. More than anything, there is need for the re-visioning of the whole legal system concerning cultural property in Nigeria.*

5. (f) If the country has succeeded in securing the restitution of a stolen cultural object, describe the circumstances and state whether that involved legal proceedings, arbitration or alternative dispute resolution.

**Answer** - *The outcome of efforts to recover through foreign courts various art treasures of Nigeria that had been illicitly exported has been somewhat mixed due to the complex issue of conflicts of law. In 1982, the government of Canada a Nok terracotta sculpture (Prott and O'Keefe 1989: 778 – 780; Greenfield 1996: 183 – 184) which had been illegally exported from Nigeria, R v. Heller (1983) 27 Alta. L.R. (2d) 346; appeal decision (1984) 51 A. R. 73. Nok culture flourished in Nigeria between 1,800 and 2,900 years old. The figures first appeared in the art world at an auction in Paris held in the summer of 1977. It formed part of a large collection of African antiquities owned by Alfred Muller, a collector, and was priced at 25,000 francs (equivalent to about two thousand and one hundred pounds). The figure was imported into Canada in 1981 by Isiaka Zango, one of the co – defendants, who reported to custom officials to have it authenticated. He advised them of its estimated worth, that being several thousand of dollars. After endeavouring to take it into the Glenbour Museum of Calgary, Zango and Heller, both American citizens and Kassam, a Canadian, were charged with having unlawfully imported cultural property into Canada, contrary to the Cultural Property Export and Import Act 1975 in contravention of Section 37 of the Act, and thereby committing an offence against section 39(1) (b) of the Act. Both Nigeria and Canada were parties to the Convention at the date of the import into Canada, and Canada was acting at the request of the Nigerian Government as provided for in the Canadian Act. Evidences was brought that the sculpture was a Nigerian antiquity within the meaning of the current Nigerian legislation and that it had been illegal to export cultural antiquities from Nigeria without written permission since 1924. The figure had therefore been illegally exported from Nigeria. However, Canada did not become a party to the UNESCO Convention until 1978. The judge in this case accepted that Heller and Zango (co – defendants) knew in 1980, before the import into Canada, that the object had been illegally exported from Nigeria. Was the Canadian statute intended to ban the import of cultural property illegally exported from Nigeria at any time, or only that illegally exported after the entry into force of the legislation?*

*Article 7(a) of the convention to which Canada and Nigeria are parties provides that the Convention only applies to cultural property “which has been illegally exported after entry into force of this convention in the states concerned.” Relying on this Article, the Court held that the words “illegally exported” must be restricted to the time following Canada’s entry as a party to the international convention. All three defendants were accordingly discharged.*

*In 1972, the German case of Allgemeine Versicherungsgesellschaft v. E. K. BGHZ 59, 83, reported in Prott and O'Keefe (1989: 659 – 660) and in 73 International Law Reports 226, was decided. The German Federal Supreme Court held that a prohibition in German Civil Code of contracts contrary to public policy included “international public policy.” In that case, a Nigerian company had entered into an insurance contract with a German company*

*covering the transport by sea of three cases of African Masks and statues from Port Harcourt, Nigeria to Hamburg. The Plaintiff was seeking damages for the loss of six Bronze statues. However, the contract which was in violation of a Nigerian prohibition on the export of cultural objects was held to be contrary to public policy. The court considered the 1970 UNESCO Convention and found that this represented the emerging international public policy on the issue. Therefore, even though the Federal Republic of Germany was not a party to the Convention, the German court held that was unenforceable in Germany since “the export of cultural property contrary to a prohibition of the country of origin for the reason merits, in the interest of maintaining proper standards for the international trade in cultural objects, no protection from civil law.” Furthermore, the court held that the disregard, which was both customary and tolerated in earlier times, of the desire of other nations to keep their cultural treasures could not be regarded as the contemporary standard for public policy as to the enforcement of contracts. (Folarin Shyllon: 254 – 256)*

## **6. System for trade-in, acquisition, ownership and transfer of cultural property**

6. (a) Give a brief description of the cultural goods market in the country (financial volume of the market, number and turnover of auction houses including via the internet).

**Answer** - *There are no precise data and figures for now*

6. (b) What are the main rules governing trade in cultural goods? Are control measures in place for such trade (maintenance of a police register), in particular through the Internet (for example, reference to the basic measures proposed by UNESCO, INTERPOL AND ICOM)?

**Answer** - *Not applicable*

6. (c) Do measures exist to control the acquisition of cultural property (for example, mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State)?

**Answer** - *No, the 1990 NCMM Act those not provide mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State.*

6. (d) Specify the existing legal system concerning ownership of cultural property:

**Answer** - *i. The principle of inalienability applied to cultural items in national collections and objects originating in heritage sites in the 1990 NCMM Act Part II, paragraph 12 Titled “Declaration of Antiquities As National Monuments, etc. 12.*

*(1) For the purpose of the discharge of its functions under this Decree, the Commission may*

- a. for the purpose of discovering antiquities in any area, carry out excavation with the knowledge of the State Government concerned;*

- b. *by agreement with the owner of any antiquity (other than a monument) undertake its maintenance or any other measures which the Commission would have power to undertake if such antiquity were a national monument;*
- c. *if the Commission considers it expedient that any antiquity (other than a monument) should be preserved in a museum, and with the knowledge of the State Government concerned, arrange for the purchase or loan of the antiquity and its removal to a national or other approved museum;*
- d. *enter upon any land where archaeological excavations or other operations are being carried on, and inspect same.*

*(2) The power conferred on the Commission under this section may be exercised on its behalf by any person or authority authorised either generally or specially by the Commission in that behalf.*

- *What is the status of yet unfound cultural objects, of cultural items found by chance and archaeological artefacts found during legal or illegal excavations?*

*Answer - This is guided by Decree No 77 of 1979 as well as the NCMM 1990 Act, paragraph 19 titled Excavations and Discoveries;*

*(1) No person shall by means of excavation or similar operations search for any antiquities unless authorised by permit issued by the Commission and with the consent of the State Government in whose territory the search is to be carried out.*

*(2) The Commission shall before issuing a permit under this section satisfy itself that the applicant is competent by training and experience to carry out the operations for which the permit was required and may in its discretion require to be satisfied that he has the financial means or the financial or other support of an archaeological or scientific society or institution of good repute.*

*(3) A permit issued under this section –*

*(a) may be made subject to such conditions as the Commission may think fit to impose;*

*b. may at any time be revoked by the Commission without any reason being assigned;*

*c. shall not itself confer any right to enter upon any land without the consent of the holder or occupier of the land or of any other person entitled to grant such consent.*

*(4) Notwithstanding the issue of a permit under this section, the person to whom the permit was issued and all persons engaged in any excavation or other operations to which the permit relates shall, if so required by any person duly authorised in writing by the Commission, suspend such operations until notified by the Commission that they may be resumed.*

(5) Any person who contravenes the provisions of subsection (1) or (4) of this section or fails to comply with any conditions of a permit granted to him under this section, shall be guilty of an offence and liable on conviction to a fine of N500 or to imprisonment for six months or to both such fine and imprisonment.

- Are there due diligence requirements in place?

– Yes, based on the provisions above, it is clear that there are due diligence requirements in place.

- What are the rules governing the search of provenance?

The rules guiding provenance has not been adequately addressed in the provisions of the law. It is one of the issues that domestication of UNIDROIT and 1970 Convention will address.

6. (e) Are there special rules on the transfer of title deeds in respect of cultural property? If so, please summarize their content.

**Answer** – Yes, there is a ban on buying and selling of antiquities. Under the 1990 convention for Museums and Monuments Act, Paragraph 21 (1)

No person shall –

- a. buy any antiquity unless he is an accredited agent; or
- b. sell any antiquity to any person other than an accredited agent.

## 7. Bilateral agreements

(a) List the bilateral agreements concluded with other countries on the import, export and return of cultural property and comment briefly on their results.

**Answer** – No bilateral agreements have been concluded for now. Presently, Nigeria has initiated discussions and exchanged proposals with two countries; namely Peru and China, and negotiations are on-going.

(b) What conditions are set by the importing country with regard to the admissibility of requests for restitution from a country of origin?

**Answer** – Not Applicable

(c) Apart from these agreements, is there administrative aid or any other type of cooperation with neighbouring countries, particularly in respect of police and customs services?

*Answer – Not Applicable*

## **II. Code of ethics, awareness raising and education**

### **Ethical standards**

(a) Are the UNESCO International Code of Ethics for Dealers in Cultural Property and that of ICOM for museums known to the professionals concerned (in particular, curators, antique dealers, merchants and collectors)? How is their observance checked?

*Answer – Yes, most of the core professionals in the Ministry of Culture and National Commission for Museum and Monument are aware of the UNESCO International Code of Ethics for Dealers in Cultural Property and that of ICOM red list*

### **Awareness raising and education**

(b) Are the “One hundred missing objects” series and the ICOM Red Lists disseminated and read?

*Answer – Yes, to a certain extent.*

(c) Briefly describe activities carried out to raise the awareness of the authorities and educate the public, children in particular, regarding the serious damage that can be caused by illegal excavations, theft of cultural property and illegal export. How far can UNESCO contribute to these activities?

*Answer – Awareness of the authorities, the public and children is not very encouraging*

## **III. Cooperation with other international and regional agencies**

### **Police**

(a) What is the state of national cooperation with INTERPOL? What specialized police services can heritage officials call on for enquires, legal proceedings and punitive measures?

*Answer – There is a National Office of International Criminal Police Organisation, it is situated in the office of the Inspector General of Police, D Department, First Headquarter Annex, Alagbon Close, Ikoyi, Lagos, Nigeria*

(b) If a cultural object is stolen, is the INTERPOL database on stolen objects checked? Is information on the persons implicated in the theft of cultural property transmitted to INTERPOL?

*Answer – I am not aware of any systematic way of checking information of stolen cultural properties*

(c) Do members of police services follow a specific training programme?

**Answer** – *Not that I am aware of.*

(d) Do criminal law provision allow for the punishment of fraud and theft related to cultural property? Are judges specialized in this field?

**Answer** – *Yes, but the fines are very poor and the penalty and fines needs to be reviewed upwardly.*

*No, there are no specialized judges in this field*

(e) Does cooperation exist with the United Nations Office on Drugs and Crime (UNODC)?

**Answer** – *No, but we have received and invitation to participated at the 2<sup>nd</sup> Meeting of the open-ended intergovernmental expert group on protection against trafficking in cultural property scheduled to be held from 27<sup>th</sup> – 29<sup>th</sup> June 2012 in Vienna, Austria*

### **Customs**

(f) What is the status of cooperation with the World Customs Organisation and which specialized customs services can assist heritage officials in preventing the illicit export of cultural property?

**Answer** – *I am not aware of any strong relationship between the Nigerian Customs Services and The World Customs Organisations concerning illicit export of cultural property.*

(g) Do members of the customs administration follow a specific training programme?

**Answer** – *No, not that I am aware of.*

(h) Is the UNESCO-WCO Model Export Certificate for Cultural Objects used?

**Answer** – *Not yet, even though we are aware of its existence, it is not being used presently*

### **European Union**

Have particular measures been adopted to apply the council of the European Communities Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State?

#### **IV Other legislative, legal and administrative measures taken by the State**

##### **1. Accession of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**

(a) Has this Convention been ratified, in addition to that of 1970?

**Answer** – *The UNIDROIT Convention has been ratified as well as the 1970 convention by Nigeria. Please find the ratification document attached*

## **2. Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation**

Describe the extent to which the State concerned is following the work of the UNESCO Intergovernmental Committee (Observer, member, State concerned by a case under discussion etc)

*Answer – Nigeria has attended the meeting of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation over the years. At the 16<sup>th</sup> session, Nigeria was vice chairman of the Committee and provided the rapporteur, Prof Folarin Shyllon. Nigeria also attended the 17<sup>th</sup> session as vice chairman of the Committee. Nigeria will also be attending the 18<sup>th</sup> session which will take place on the 23<sup>rd</sup> of June, 2012*

## **3. UNESCO Database of National Cultural Heritage Laws**

Indicate action taken to organize the contribution of the UNESCO Database of National Cultural Heritage Laws and to check whether it contains all historical and existing laws and regulations, including successive amendments.

*Answer – None, has been done so far, please find attached the Nigerian legislation concerning cultural property.*