

## ILLICIT TRAFFIC IN CULTURAL PROPERTY IN NIGERIA: AFTERMATHS AND ANTIDOTES

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**ABSTRACT** The concepts of national cultures and African cultures generated heated debate when scholarship was at its low ebb, thus promoting some scholars to argue against the existence of African culture. Today African reigns supreme in the art world, both ancient and contemporary, a result of the manifestations of the rich culture of Africa as a whole.

In Nigeria, research and museum activities have exposed two thousand years of ancient art works of Nigeria, among other aspects of the rich cultures of the country. The ancient art works of Nigeria and her archaeological heritage have generated interest as well as international recognition.

The rampant loss, theft, and pillage of cultural property in Nigeria is the central focus of this article. It looks at the immediate and remote causes of illicit traffic in cultural property. The article identifies some of the aftermaths of the nefarious activities, and proffers some solutions that may check them.

**Key Words:** Illicit; Museum; Heritage; Nefarious; Traffic; Solutions.

### INTRODUCTION

The International Museum Day serves as a watershed in the history of museum management on the global level. The International Council of Museums (ICOM) sets aside a theme for discussion on an annual basis, for the commemoration of the day. In 1997 and 1998, the same theme was discussed by scholars and museum professionals. The theme was "Illicit Traffic in Cultural Property." The need for the repetition of the theme could be seen in the dictum: "When the rats make their escape plans, cats also perfect their catching tactics." The International Council of Museums, an arm of UNESCO, oversees the activities of museums the world over.

The patrimony of the departed which manifests itself in diverse cultural heritage attests to the rich cultures of the world and of Africa in general. It is no longer considered scholarly to go into any controversial discussions or debates on the rich cultures of Africa as a whole and Nigeria in particular. This is because the activities of museum have exposed the history and archaeology of mankind through well coordinated researches. The museum takes custody of the manifestation of man's material and non-material culture in both symbolic and non-symbolic favors.

A museum which is an institution for cultural and historical studies is undoubtedly the central focus on cultural matters. In this regard, museums ensure the preservation and sustenance of the world's cultural and natural heritage. More specifically, the museum collects evidence of the memories of the past, conserves, preserves, and

exhibits them. It also educates the public on the essence of cultural awareness and museum existence. The museum pieces further facilitate researches into the past, by revealing aspects of unknown history of Man through the most effective and often the easiest communicable ways. The museum is defined by the International Council of Museums as “a non-profit making, permanent institution in the service of society and its development (and often to the public), which acquires, conserves, researches, education and enjoyment, material evidence of Man and his environment.” The parenthetical phrase was added by the present writer.

In Nigeria, Decree 77 of 1979 established the National Commission for Museums and Monuments to see to the administration and maintenance of National Museums, antiquities, monuments etc. The Decree serves as a corrective measure of the identified lapses in the legislation of 1943, 1953, 1957, and 1974 on the activities of the Federal Department of Antiquities. By this Decree, the Federal Government of Nigeria empowers the Commission to be the accredited agency of Nigerian antiquities and monuments. The National Commission for Museums and Monuments is therefore a corporate body as well as legal entity that can sue and be sued.

The cultural property in and outside the museum can be defined as the overall material cultural heritage in its care. This property or patrimony embraces all forms of material remains, monuments (archaeological sites inclusive), shrines, tombs, and other historical structures and facilities. The cultural property in question forms the basic material resources which facilitate the conduct of various activities by the museum. Examples of these cultural properties included the ancient art works of Nok, Igbo-Nkwu, Ife, Benin, etc. Other archaeological heritage, ethnographic collections etc. are also included. It is, however, remarkable that cases abound on the issue of theft and burglary in museums, and illegal excavation of archaeological sites, and deformation and destruction of shrines and monuments, with the sole intent of commerce.

The writer reviews the cases of theft and plundering of cultural property in Nigeria, with a view to identifying the causes and remedies.

## ILLICIT TRAFFIC IN CULTURAL PROPERTY

Illicit traffic in cultural property can be simply defined as unauthorized possession of ethnographic and archaeological objects, and the illegal trading on them for commercial purposes through the connivance of syndicates of diverse nationalities at undisclosed international art markets. The perpetrators of this act include plunderers, illegal art dealers, major art buyers, and private museum owners outside Africa. Illicit traffic in cultural property is a criminal offence from the legal point of view, and a bane of museum activities from the points of view of economic, social and administrative gains. It is also a social ill from moral and ethical viewpoints.

Some of the ugly incidents of the past years include: the Benin punitive expedition of 1897; during which Benin artworks in the form of plaques, masks, ceremonial heads, etc. were carted away by the British soldiers. In 1910, Leo Frobenius, in search of ethnological finds, stumbled on the treasures of ancient Ile-Ife, but felt they were lost Greek treasures. He ordered that the grove of Olokun be dug, and

several art works were uncovered and taken away by him as field collections.

In the past two decades, Nigeria witnessed other pillages and theft which included the burglary in the Lagos Museum in the early 1980s. Others include burglary at the Owo Museum in 1992, during which a night-watchman lost his life. The looting of cultural property at the Ife and Esie Museums in 1994 and 1995, respectively, is still fresh in our memory. The marauders succeeded in carting away priceless works of art from these museums by luring and using drugs on the night-watchmen. The Jos Museum also lost handsome priceless artwork to criminals when its gallery and store were burgled in 1995 and again in 1996. National museums in Abeokuta and Makurdi have not been spared either: they lost some art works to marauders.

The activities of these perpetrators spread to the Obafemi Awolowo University, and the University of Ibadan where some artifacts on display in the museums disappeared into the thin air. Such marauders' acts have also been reported in some important community museums and shrines in the south-western part of Nigeria. It must be stressed, however, that the cases of burglary and theft recorded in this article are just few of the larger cases. A striking case of the burglary reports was one at the Ife Museum, which was described as the most scandalous of the losses of cultural property in Nigeria (Kingi, 1996).

There are also reported cases of destruction of monuments, city walls, gates, parks, and forest reserves in abandoned archaeological sites and ancient cities. At Oyo-Ile (old Oyo), series of activities of poaching and looting of archaeological materials has been reported, while in Kano, city walls and gates have been tampered with. Reports indicate that Kano's most historic monuments, the Bebeji Habe Mosque, constructed in the pre-Jihad era, are now completely destroyed and in its place is a market. This happened due to the uncaring attitude of people in the course of development projects or construction work. There are other cases of defacing and destruction of monuments, but these are too numerous to mention.

The museums, monuments, and community shrines have not been the only victims or targets of the syndicate, following the reports of highly destructive activities of illegal excavators of archaeological sites in Calabar, the Cross River State (Ajekigbe, 1997) and in the "Nok Culture Areas" in the northern part of Nigeria. The affected states include Kaduna, Plateau, and the Federal Capital Territory, while the communities affected are Kawu, Kachia, Kubacha, Ahini, etc. (Akinade, 1995). As a result of the activities of these marauders, several Nok terracotta heads and figures have been excavated and sold to foreign nationals who come to Nigeria in the guise of buying precious stones. Reports also indicate that there are many readily available international markets where these priceless archaeological objects are being disposed of from time to time.

It will be recalled that Rodney (1974) also reported that the colonialists through their nefarious activities carted African art works away. He also mentioned that the Golden Stool of Asante, the Oba Ovonramwen mask, and a host of other items are now used as decorations in British and American Museums. There are also cases of illicit traffic in cultural property in Tanzania (1993) and Mali (1994). This further confirms suspicion that some international syndicates are involved in these onerous acts.

The essence of the museum on the global level is to reveal aspects of the history

of Man and keep in its custody the cultural heritage of a people inhabiting a nation or country. The property of the museum is entirely cultural and as such, should not have been the target of traffickers, for obvious reasons. However, now that we know some people steal and sell cultural property, it behoves the museum professionals to tell us why.

#### POSSIBLE CAUSES OF ILLICIT TRAFFIC IN CULTURAL PROPERTY

It can be surmised that cultural property becomes endangered species because of the following possibilities:

- (1) The world recognition of art works, which makes prospective buyers, sellers, and owners of private museum in developed countries feel very committed to the acquisition of objects of antiquity without any consideration for their sources or whether they are legally tenable.
- (2) The advent of Christianity and Islam which considered traditional religions "less" important and bastardized, thus making important shrines and cultural materials easily ignored or even thrown away or abandoned. What the missionaries did to art works is evident in the unethical possession of African artworks by some Europeans and Americans. After a taste of the goodness of these works of art they could not resist asking for more.
- (3) Promotion and establishment of private museums on the international scene have led to competition amongst their owners, culminating in the craze for the display of ancient art works from Africa as a whole, and Nigeria in particular.
- (4) The world recognition of the Ancient Treasures of Nigeria has further heightened the propensity of some Europeans and Americans to scramble for the ancient art works at all costs; thus amounting to a "do or die" affair. This fact has now tempted some unknown syndicates to search for them under one cover or the other, with a view to buying them illegally and reselling to prospective buyers beyond the shores of Nigeria.
- (5) The promotion of international markets for the sale of ancient art works at mouth-watering and highly motivating prices.
- (6) The desire of the so-called syndicates to make quick money, to the extent that some syndicates strive to outwit other competitors; thus rendering our local people pawns on the "chess board of commercial crime."
- (7) The passive nature of the United Nations Educational, Scientific, and Cultural Organization (UNESCO) on the matter has worsened the situation. It is acknowledged that on the issue of theft of objects, UNESCO cites a protocol to the 1954 Hague Convention for the property in the event of armed conflict. In the same vein, the 1970 UNESCO Convention deals with the means of prohibiting and preventing the illicit importation, export and transfer or ownership of cultural properties. There is also 1980 Geneva Convention on the restoration of cultural property to their countries of origin. It is, however, disheartening that UNESCO seems helpless when European countries and America refused to ratify the 1970 UNESCO Convention, and again when

- major European countries refused to sign the 1980 Geneva Convention.
- (8) The drastic fall of local currencies in Africa south of the Sahara seems to enhance the illegal trade in cultural property in view of the outrageous value of the US Dollars and the UK pound sterling.
  - (9) Poor security network in the museums, and at monuments and archaeological sites in particular, creates easy access for the marauders.

## AFTERMATHS OF ILLICIT TRAFFIC IN CULTURAL PROPERTY IN NIGERIA

The illegal trade in museum objects and looting of community shrines and archaeological sites as well as pilfering in structural monuments have jointly drawn the hand of the clock of cultural progress backward to the point of a stalemate. This is because it is acknowledged that the early history of the Black Race is yet to be clearly unraveled. The early European researchers condemned Africans as having no history of their own, not to mention no African culture. Africans were considered as having no initiative, and in particular, as not being creative. However, the work of the archaeologists and museum professionals has revealed that Man invaded the forest region in the pre-historical time as far back as about 11,000 years at Iwo-Eleru (rock shelter) near Akure in Ondo State. He lived and survived. He also occupied other places like the Ukpa rock shelter near Afikpo, and another rock shelter in the forest region of Nigeria at Apa Pele, off Ifetedo along the Ondo-Ile-Ife road in Osun State.

In the forest-savanna transition zone in Nigeria, Man occupied some rock shelters which include Itaakpa rock shelter at Iffe-Ijumu, in Kogi State. In the savanna zone, Man occupied a plain and undulating banks of the river at Saminaka (Kaduna State) as far back as the Middle Stone Age period. He also occupied rock shelters in Plateau State at Rop, in the south of Jos, and at Dusten Kongba, in the north-west of Jos during the Late Stone Age period. There are also records to show that Man attained some level of civilization in Nigeria, based on the archaeological findings at Nok (900B.C.-200A.D.), Daima, Taruga, Igbo-Ukwu (9th century A.D.) Ile-Ife (12th-15th century A.D.), Benin (16th century A.D.), and Owo, etc.

The writing of the history of Man in Nigeria from the earliest period to the present is now being hindered by the destructive acts of the plunderers of our cultural resources. The criminal activities of the syndicates have created untold hardship on families following the arrest of their breadwinners, and in some cases, total loss of providers as a result of execution. The effects below are among the host of economic, social and cultural embarrassments meted out to Nigeria by the men of this dark business:

- (1) The carting away of the priceless art works of Nigeria in the first instance is an economic loss. The act of buying them back by Nigeria contributes to an economic shortage and is bad business. Only restitution enforced by UNESCO can remedy the already terrible situation.
- (2) The structural monuments, community shrines, city walls, and gates that have been tampered with or sometimes completely destroyed, no longer

- provide Nigeria with the invaluable information imbued in them.
- (3) The activities of the marauders constitute a daunting stigma on the cultural image of Nigeria, and create an administrative vacuum that needs to be filled without further delay.
  - (4) There is a mounting risk on the lives and appointments of the entire workforce of museums as institutions.
  - (5) Destruction of archaeological sites and the obliteration of the history that could have emanated from them deprive the tourists of inherent delight and fulfillment that could have come from the cultural information.
  - (6) Distortion of archaeological information creates gaps in the early history of man because, what is lost is often lost forever.
  - (7) Reduction of our understanding of man's past through fragmentation of archaeological objects which makes the objects incomprehensible, having lost their contexts and associated values.
  - (8) Wiping out of the traces of the past activities of Man and the abandoned, but unclaimed cultural property.
  - (9) Promotion of economic sabotage to the nation through the sale of the priceless art-works.
  - (10) Outright disregard for archaeological sites, thereby making them into "mere farmlands."
  - (11) Loss of the potential of the archaeological sites that could have served as national monuments and perhaps outstanding tourists centers.
  - (12) Deprivation of meaningful research on the affected archaeological sites.

One may start wondering what the museum provides as a check to ward off all these nefarious activities as a matter of legal and administrative obligations. My response is that the management has always ensured that it lives up to expectations.

#### EFFORTS MADE BY THE MUSEUM TO FORESTALL ILLICIT TRAFFIC IN CULTURAL PROPERTY

When a house is on fire the occupants become restless and fearful. This is the situation ascribed to the attempts of the enemies of Nigeria who deal in her cultural property, and try to pull the museums down and perhaps pauperize them. In order to eschew this type of ugly situation, the Chief Executive of the National Commission for Museums and Monuments, Dr. Yaro Gella, has been moving from one authority to the other for necessary security measures geared towards arresting the ugly situation. He was in Kano State to thank the Government and people for the interest and support of the Military Administrator of museum and Monument (Gidan Makama) and other historic sites under the supervision of the Commission. He also used the occasion to appeal to the State Government Agencies to come to the aid of the museums by educating individuals and corporate bodies on the need to preserve what still remains of city walls and gates (Kingi, 1995).

In 1997, Dr. Yaro Gella intensified calls on the Federal Government to intervene in the incessant smuggling and looting of Nigerian Cultural Material all over the

Federation. His efforts yielded positive results when the Minister of Information and Culture inaugurated a committee known as Interministerial Committee on the Looting of Nigeria's Cultural Property. The committee was made up of the Director General of the Ministry of Information and Culture and representatives of some other ministries and agencies (Kingi, 1997).

The taking of the above action became imperative as a result of the ineffective nature of the following legislative measures.

## LEGISLATION ON CULTURAL PROPERTY

Apart from prior authorization by competent authorities before any archaeological explorations and excavation could be effected, the Decree 77 of 1979 that established the National Commission for Museums and Monuments makes provision in Sections 13 and 14 for the step to be taken in protecting and preserving antiquities, and towards the declaration of antiquities as national monuments (Odubayo, 1994). Other sections (19-22) of the Decree also clarify the provisions on archaeological research:

Section 19: States that no person shall by means of excavation or similar operations search for any antiquity unless authorized by permit issued by the commission with the consent of the State Government.

Section 20: Provides that any person who discovers any objects of archaeological interest in the course of operations permitted under Section 19 of this Decree shall, not later than 7 days thereafter give notice thereof to the commission.

Section 21: Provides that no person shall

(a) buy any antiquity unless he is an accredited agent

(b) sell any antiquity to any person other than an accredited agent.

Section 22: (1) Empowers Police Officers to search any person suspected of buying antiquities who is not an accredited agent, or who sells antiquities to a person who is not an accredited agent. (2) Also empowers any of the officers of the Department of Custom and Excise to search without warrant anything intended to be exported from Nigeria, if it is suspected to be an antiquity, and such officer may seize the antiquity. It is, however, noted that the Police and Customs Officers have failed to seize antiquities because they could not identify them.

Section 23: Provides for the registration of antiquities in the care of people or public.

Section 25: Provides for restriction on export of antiquities.

The resident lawyer of the National Commission for Museums and Monuments Mr. Odubayo, observes that Decree 77 of 1979 in some of its sections has tried to protect Nigerian antiquities. However, some of the provisions need to be made stiffer to deter offenders from contravening the provision of the Decree. Odubayo (1994) advises that the provisions for the enforcement of protection of antiquities still need to be amended in parts and enforced strictly.

## THE REMEDIES OR ANTIDOTES

It is commonly said that history as a silent companion assures us that “if you can get through the worst, you will see the best,” but a word of caution is that “Good things come in little packages.” Borrowing from the lexicon of the museum, the present stalemate where a particular social-ill and stigma evades all efforts designed to wipe it out completely produces a crossroads.

The remedies for the illicit traffic in cultural property are numerous but how effective are they? The first concern is that there must be a reinforcement of the security network of the affected museums and all other museums. All archaeological sites and monuments must be adequately protected. The personnel of all the museums must be made to show more commitments, perhaps through adequate motivation. This is to elicit better security consciousness on the part of the workers.

The International Council of Museums (ICOM) should live up to expectation by wading into the matter without further delay. A total ban should be placed on the possession of ancient art works in private museums. The existing international markets must be outlawed and scrapped totally through the use of the International Security Agency (UN), and other appropriate measures taken.

The avoidance of the underutilization of museum professionals by museums would further enhance the promotion of the activities of museums and will also tighten the security on museum premises and archaeological sites. In this regard, the Federal Government of the affected countries should provide adequate cultural policy, funds and necessary infrastructure for effective performance of duties in their museums.

The United Nations (UN) and UNESCO must work together to ensure seizure and proper cultural restitution of all illegally acquired cultural materials in international private museums, by means of legal procedures and sanctions!!!

A call has been made for the use of World Wide Web or Internet for the recovery of stolen artifacts (Kerri, 1997). All museums should update their infrastructural facilities in this regard.

The Federal Government of Nigeria should make more precise policy pronouncements on the practice of archaeology and its practitioners, as well as the collections or contributions from the public.

Archaeological sites should be protected against the covert activities of the peripatetic plunderers through a more aggressive public enlightenment campaign for the people in the affected areas, and the organization of workshops for the Police and the Customs Services. A national monitoring group made up of State Security Agents, the Police, the archaeologists should carry out spontaneous surveillance in the affected areas of illegal excavations.

The National Commission for Museums and Monuments could deploy all the archaeologists in the Commission to the affected areas of illegal excavation for a well coordinated general archaeological reconnaissance and excavation on a long-term basis for a fixed period of time.

On the national level, all museums should avoid making permanent exhibitions that often become stale, by randomly replacing important artifacts and other museum pieces by equally important and related objects that have been stored in the

museum store rooms for too long. This is to make it difficult for the marauders to easily set eyes on specific targets of the museum objects on display. In the same vein, all the scheduled and unscheduled national monuments must be given adequate preservation and proper maintenance.

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