



October 13, 2020

Cultural Heritage Center (ECA/P/C)
SA-5 Floor C2
U.S. Department of State
2200 C Street NW
Washington, D.C. 20522-05C2

Dear Members of the Cultural Property Advisory Committee:

The Archaeological Institute of America (AIA), with its membership of approximately 200,000 professional archaeologists, corresponding members, students, and enthusiasts united by a shared passion for archaeology and its role in furthering human knowledge, and the Society for American Archaeology (SAA), with approximately 7,000 members representing professional archaeologists in colleges and universities, museums, government agencies, and the private sector in all 50 states as well as many other nations around the world, together express their strong support of the request by the Government of the Federal Republic of Nigeria to enter into a Memorandum of Understanding (MOU) concerning import restrictions on archaeological and ethnological material representing Nigeria's cultural patrimony under Article 9 of the UNESCO Convention (1970) and the Convention on Cultural Property Implementation Act (1983).

At the core of its mission, the AIA promotes archaeological inquiry and public understanding of the material record of the human past to foster an appreciation of diverse cultures and our shared humanity. The AIA supports archaeologists, their research and its dissemination, and ethical professional practice; educates people of all ages about the significance of archaeological discovery; and advocates for the preservation of the world's archaeological heritage. The SAA is an international organization that, since its founding in 1934, has been dedicated to the research, interpretation, and protection of archaeological heritage.

In this letter, we wish to call attention to key points offered in the attached statement authored by Dr. Scott MacEachern (Duke Kunshan University), a distinguished archaeologist, who is an expert in African archaeology and criminal and armed groups in Nigeria, as well as the former president of the Society of Africanist Archaeologists. Here, we concur with and echo Dr. MacEachern's observations and note their context within the four statutory determinations that must be fulfilled to enter a memorandum of understanding imposing import restrictions on certain classes of looted cultural property. Our observations focus on the first, second, and fourth determinations.

The first determination requires that the cultural patrimony of the requesting State be in jeopardy from the pillage of archaeological materials. Ongoing concerns about looting in Nigeria are noted in the attached statement by Dr. MacEachern. As demand grew for West African art pieces on the global market over the past several decades, so has the looting in Nigeria. Between 1986 and 1996, 24 museums and communities were raided, adding up to a total loss of 382 cultural artifacts.¹ Looting for the export trade is country-wide, ranging from terracottas from Sokoto in the northwest to carved stone figurines from the Cross River in the southeast. Persistent looting has occurred especially at Nok archaeological sites; the majority of the 165 sites located by a German project in the late 2000s had been looted.² As noted by Dr. MacEachern, although Boko Haram has carried out attacks on communities in the UNESCO World Heritage Cultural Landscape

¹ Usman Adekunle Ojedokun, "Trafficking in Nigerian Cultural Antiquities: A Criminological Perspective," *African Journal of Criminology & Justice Studies* 6, no.1/2 (2012): 166.

² Peter Breunig and Nicole Rupp, "An outline of recent studies on the Nigerian Nok Culture," *Journal of African Archaeology* 14, no. 3 (2016): 244.



of Sukur, in northeastern Nigeria, these seem to be part of its widespread campaign in the Nigeria-Cameroon border area. It is far more likely that criminal groups are involved with the looting of sites and antiquities trafficking in different parts of the country.

The second determination requires that a requesting State have “taken measures consistent with the 1970 UNESCO Convention to protect its own cultural patrimony.” Such measures include the adoption and enforcement of legal provisions to protect the cultural patrimony, creation of a national inventory of protected cultural property, establishment of an antiquities service (or similar government agency), establishment of scientific and technical institutions, such as museums, taking educational measures, and organizing the supervision of archaeological excavations.³ The national oversight body for cultural heritage issues is the National Commission on Museums and Monuments (NCMM), which operates 51 museums and approximately 65 heritage sites around the country. As noted by Dr. MacEachern, there are approximately 25 professional archaeologists in the country, and the Archaeological Association of Nigeria serves as a national professional body, cooperating with the West African Archaeological Association, the Panafrican Archaeological Association, the Society of Africanist Archaeologists, and the World Archaeological Congress. There are educational programs in archaeology and cultural heritage management, including at the University of Ibadan, Ahmadu Bello University in Zaria, University of Jos, and University of Nigeria in Nsukka.

Additionally, Nigeria has also initiated several projects intended to safeguard its cultural heritage and museum collections. Many of these have been recognized for their significance, and their preservation has been supported by the United States Ambassadors Fund for Cultural Preservation. The Nigerian National Commission for Museums and Monuments, Ahmadu Bello University, and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) launched RE-ORG Nigeria in 2017. RE-ORG Nigeria trained staff in 10 museums to update storage facilities to accept new objects, preserve existing collections, and make artifacts available for exhibitions. In 2019, Ahmadu Bello University hosted a workshop focused on the preservation of Nigerian rock art heritage, which identified themes and content for a planned travelling exhibition throughout Nigeria on the country’s rock art. Plans are now underway for the documentation and conservation of Sungbo’s Eredo Earthworks of the Yoruba Ijebu Kingdom, with committed U.S. funds. Altogether, these actions contribute toward “measures consistent with the 1970 UNESCO Convention,” as required by the second determination.

The fourth determination looks to whether import restrictions are “consistent with the general interest of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes.” Among other criteria, this determination looks to whether a requesting State is receptive to collaboration with foreign, especially American, researchers and whether it is willing to lend cultural objects to foreign, particularly American, institutions. Due to the security risks in the country following the kidnapping of a German archaeological team in 2016, there are no known foreign archaeological excavations working in Nigeria at present. These security considerations point to the potential risks to Nigeria’s cultural patrimony. However, American archaeologists have worked in Nigeria in the recent past, and there is every reason to expect research collaborations to continue once the security situation permits. In 2011, Dr. Akin Ogundiran (University of North Carolina, Chapel Hill) conducted the Osun Grove Landscape Research Project, an archaeological project of the ancestral settlement of Osogbo Town for the past four hundred years. This project examined trade relations of the early Osogbo settlement with the major polities in the region (Oyo, Ife, and the Ilesa), identified a new ceramic complex that

³ This list is based on Article 5 of the UNESCO Convention (1970). It illustrates those measures that the Convention expects States to take and is the basis for the second determination under the Convention on Cultural Property Implementation Act.



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broadened our knowledge of the core ceramic complexes in Yorubaland, and demonstrated the presence of a market economy using cowry shells as currency. The Osun Grove Landscape Research Project was supported by Dumbarton Oaks (Washington, D.C.).

There is also a long history of cultural exchange through museum loans from Nigeria to the United States. In 1982, *Treasures of Ancient Nigeria*, a loan exhibition from the Nigerian National Museum, toured the Detroit Institute of Arts, California Palace of the Legion of Honor (San Francisco), Metropolitan Museum of Art (New York), Corcoran Gallery of Art (Washington D.C.), High Museum of Art (Atlanta), California State Museum of Science and Industry (Los Angeles), and Philadelphia Museum of Art. More recently, the Block Museum of Art at Northwestern University (Greater Chicago) hosted the 2019 exhibition, *Caravans of Gold, Fragments in Time: Art, Culture, and Exchange across Medieval Saharan Africa*, which displayed the scope of Saharan trade and the shared history of West Africa, the Middle East, North Africa, and Europe from the eighth to sixteenth centuries. This exhibition involved significant loans from Nigeria. It was slated to travel to the National Museum of African Art, Smithsonian Institution (Washington, D.C.) in 2020, but its opening has been postponed due to COVID-19.

In consideration of the above, we respectfully ask that the committee recommend support of the request by the Government of the Federal Republic of Nigeria to enter into a memorandum of understanding that protects its cultural patrimony from pillage. We are grateful for the opportunity to comment.

Sincerely,

Laetitia La Follette, Ph.D., President, Archaeological Institute of America

Brian I. Daniels, Ph.D., Vice President for Cultural Heritage, Archaeological Institute of America

Joe Watkins, Ph.D., RPA, President, Society for American Archaeology

NIGERIA'S CULTURAL HERITAGE: STRUCTURES AND CHALLENGES

Scott MacEachern, Duke Kunshan University

Overview

As the most populous country in sub-Saharan Africa and a nation of great cultural complexity, Nigeria presents a daunting situation to cultural heritage managers both inside and outside the nation. Nigerian cultural heritage is extraordinarily rich and varied, ranging from Sahelian and Sudanian environments and cultures in the north to the diversity of the Middle Belt to the states and other polities of the forested south and Niger Delta. During the colonial period and afterward, Nigeria developed an extensive and sophisticated system of universities that continue to train archaeologists and cultural heritage managers, as well as the present national oversight body for cultural heritage issues, the National Commission on Museums and Monuments (NCMM). At the same time, political and communal violence and criminal activity are endemic and pervasive across the country, leading to circumstances in which effective oversight of national and local cultural heritage is impossible in many areas. This in turn fosters long-standing loss of cultural heritage to the illegal antiquities trade, as well as more scattered instances of heritage destruction in some cases.

Cultural background

One telling indication of Nigeria's cultural variety is the fact that over 500 different languages are spoken in the country – most of them only in Nigeria – making it perhaps the most linguistically diverse country in the world. This diversity spans dramatically different environmental and cultural zones, which has also contributed to the political complexity and factionalism of the state. In archaeological terms, the pre-Holocene

cultural record in Nigeria is not well-understood, as is the case through most of West Africa. Holocene archaeology has been most developed in the drier environments of the north of the country, where the Holocene cultural record is arguably most complete, and in the southern Guinean forest zone, close to major population centres and universities. Most of the country's cultural heritage management infrastructure is located in this latter region.

Northern Nigerian archaeology tends to concentrate on broad Neolithic and Iron Age cultural sequences, human adaptations to environmental change, the development of states and the cultural and political impacts of Islam (Connah 1981; Gronenborn 2001; Gronenborn, et al. 2012; Magnavita, et al. 2006). Southern Nigerian archaeological research concentrates particularly on the origins and political development of the Yoruba states, especially their urban manifestations (Babalola, et al. 2017; Ogundiran 2002; Usman 2000, 2001), with other research foci on Atlantic slave trade and colonial archaeology (Wesler 1998) and on culture history in the southeast of the country (Eze-Uzomaka 2009). The disparity between work by foreign archaeologists working in the north of the country and Nigerian archaeologists in the south is striking, although not total.

These foci of research effort do not, however, entirely map on to the distribution of 'charismatic' cultural heritage in Nigeria. One of the most famous ancient cultural traditions in sub-Saharan Africa is the Nok Culture, dating to the early Iron Age (broadly the first millennium BC) and primarily located southwest of the Jos Plateau in central Nigeria. As well as involving some of the earliest iron-working on the continent, Nok communities included an extremely striking and accomplished figurative tradition in terracotta (Breunig 2014; Breunig and Rupp 2016; Fagg 1969; Franke 2016). Nok was initially identified not through archaeological research, but by the accidental recovery of Nok terracotta figurines in the course of tin-mining on the Jos Plateau in the mid-20th century.

Striking figurative traditions like Nok also exist in other parts of Nigeria. ‘Sao’, Sokoto and other traditions of terracotta-figurine production are known from northeastern Nigeria and also in neighbouring Cameroon and Chad (Breunig 2010; Connah 1984; Lebeuf 1969). These are broadly contemporary with Nok, but not nearly so well-known internationally. Perhaps even more famous than Nok are the later (broadly second millennium AD) terracotta and bronze figurines from southwestern Nigeria, from Benin, Ife, Edo and related areas. These are best known as spoils of colonial warfare, given the very large amounts of elite material looted from Benin during a British punitive expedition in 1897 (Brodie 2018; Kiwara-Wilson 2012; Willett and Eyo 1980) and distributed between a variety of public and private collections, although the figurative tradition is much more widely distributed in the region (Peek 2020). The site complex of Igbo-Ukwu, located east of the Niger River and dating to the end of the first millennium AD, is part of the same broad tradition (Craddock, et al. 1997; Insoll and Shaw 1997; T. Shaw 1973; Thurstan Shaw 1970, 1993) and like Nok was discovered by accident. The carved stone figures from Cross River State and surrounding areas in southeastern Nigeria belong to a rather different cultural tradition, one more associated with eastern Cameroon.

Of course, these forms of cultural production continued into the colonial period, so that the boundary between antiquities and traditional cultural production among more recent groups is difficult to fix.

Threats to cultural heritage

As in much of Africa, there are significant threats to cultural heritage as a result of development and resource extraction projects in Nigeria (Arazi 2009, 2011; Eze-Uzomaka 2001; Ifejiagwa 2003; Osuagwu 2003). That is not the focus of this brief, which looks at the antiquities trade. As noted above, cultural traditions across the country

through the last three millennia have involved the production of a variety of ‘charismatic’ objects, often of such beauty that their status as indigenous productions was in many cases denied by European travelers and art historians. These objects have attracted considerable attention from foreign collectors, from the state-sanctioned looting of Benin by British forces onward.

Such charismatic objects now command very substantial amounts on the antiquities market, although their export from Nigeria is prohibited. This is perhaps most important for Nok terracottas. These objects combine aesthetic attraction to foreign collectors, great age and non-elite provenance. The latter is especially important: unlike the Benin bronzes, terracottas and related objects from southwestern Nigeria, Nok figurines have been recovered from archaeological sites scattered over a significant area southwest of the Jos Plateau (Breunig 2014; Breunig and Rupp 2016; Rupp, et al. 2005). The number of known Nok sites is very large indeed. Looting of these sites is pervasive: of the 165 sites located by a German project in the late 2000s, the majority had been looted (Breunig and Rupp 2016:244). This looting has gone on for since the discovery of Nok but has dramatically accelerated in the last three decades, such that by the early 2000s the price of illegally-exported Nok figurines on the international art market had plummeted (Brodie, et al. 2000; Darling 2000).

The number of cases of Nok antiquities being intercepted by customs authorities in different parts of the West are too numerous to mention, but – given that they can be seen in exclusive shops throughout Europe and North America – it is evident that only a small fraction of the pieces exported are intercepted. In the Nok case, the original looting seems to be undertaken primarily by local people (so-called ‘subsistence looting’), but the articulation of that activity into the criminal networks that operate in the same region, and into the wider networks that would allow for export, remains unclear. It has never been established whether the kidnapping (and subsequent release) of German archaeologists

working on Nok sites in the mid-2010s was associated with looting activities or was simply kidnapping for ransom – which is unfortunately all too common in Nigeria.

Such looting for the export trade in illegal antiquities takes place across the country, with terracotta figurines from Sokoto in the northwest, artefacts from Benin and neighbouring sites in the southwest, and carved stone figurines from Cross River in the southeast all being smuggled to Europe. In most cases, this again probably involves local subsistence looting, articulating with criminal gangs. One other form of looting in Nigeria probably involves more sophistication and primary involvement by criminal groups: the theft of artefacts from museums (Arua, et al. 2017; Filane 2003; Ojedokun 2012). This has been a constant issue through the late 20th century, and continues to be a problem in situations where oversight is lacking and personnel are poorly-paid.

The campaign of terrorism undertaken by Boko Haram in northeastern Nigeria might raise the question of whether that organization was engaged in either destruction of archaeological sites or antiquities trafficking, given the example of ISIS in Iraq and Syria and the fact that they operate in the same area where ‘Sao’ sites are found. To this point, there is no evidence of such activities, and indeed these seem to be somewhat uncommon among terrorist groups in West Africa. (The attacks on antiquities in Timbuktu a decade ago are a signal exception.) Boko Haram did carry out attacks on communities in the UNESCO World Heritage Cultural Landscape of Sukur, in northeastern Nigeria, but that appears to have been an aspect of more widespread attacks in the Nigeria-Cameroon border area. It is far more likely that criminal groups are involved with the looting of sites and antiquities trafficking in different parts of the country.

Structure of archaeological research and heritage management

As is evident in the references above, foreign researchers have been very much involved in archaeological fieldwork in Nigeria – arguably too dominant, many Nigerian

archaeologists would say. The widespread political, communal and criminal violence of the last decade has led to the cessation of most foreign research efforts in the country. At this point, I am unaware of any expatriate research being carried out in Nigeria, with the last major effort there being the German-led research on Nok sites carried out to 2016.

However, the overall situation of archaeological research in Nigeria is much stronger than a focus on expatriate archaeologists would indicate. Four universities offer programs in archaeology, beginning with University of Ibadan (the first such program in the country) along with Ahmadu Bello University in Zaria, the University of Jos and the University of Nigeria in Nsukka. Most postgraduate training still takes place outside the country, in either the US or the UK, although Jos and Nsukka do offer PhD programs. All four of these institutions offer courses on cultural heritage management. The Archaeological Association of Nigeria serves as the national professional body for the discipline, and cooperates closely with the West African Archaeological Association, the Panafrican Archaeological Association, the Society of Africanist Archaeologists and the World Archaeological Congress. There are approximately 25 archaeologists working full-time in the country, with corresponding numbers of graduate and undergraduate students. These archaeologists are quite active, and fieldwork continues especially in the Middle Belt and southern Nigeria.

The national oversight body for cultural heritage issues is the National Commission on Museums and Monuments (NCMM). The NCMM operates 51 museums and approximately 65 heritage sites around the country. Through its national office in Lagos and regional centers, it provides permitting structure and research oversight for projects around the country. It is also the contact point for international organizations that seek to combat the illegal trade in antiquities. The NCMM is certainly under-resourced for its heritage management mission. At the same time, there are a number of very dedicated managers working for NCMM, and that organization and university departments support a great deal of national archaeological research and heritage management activity.

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