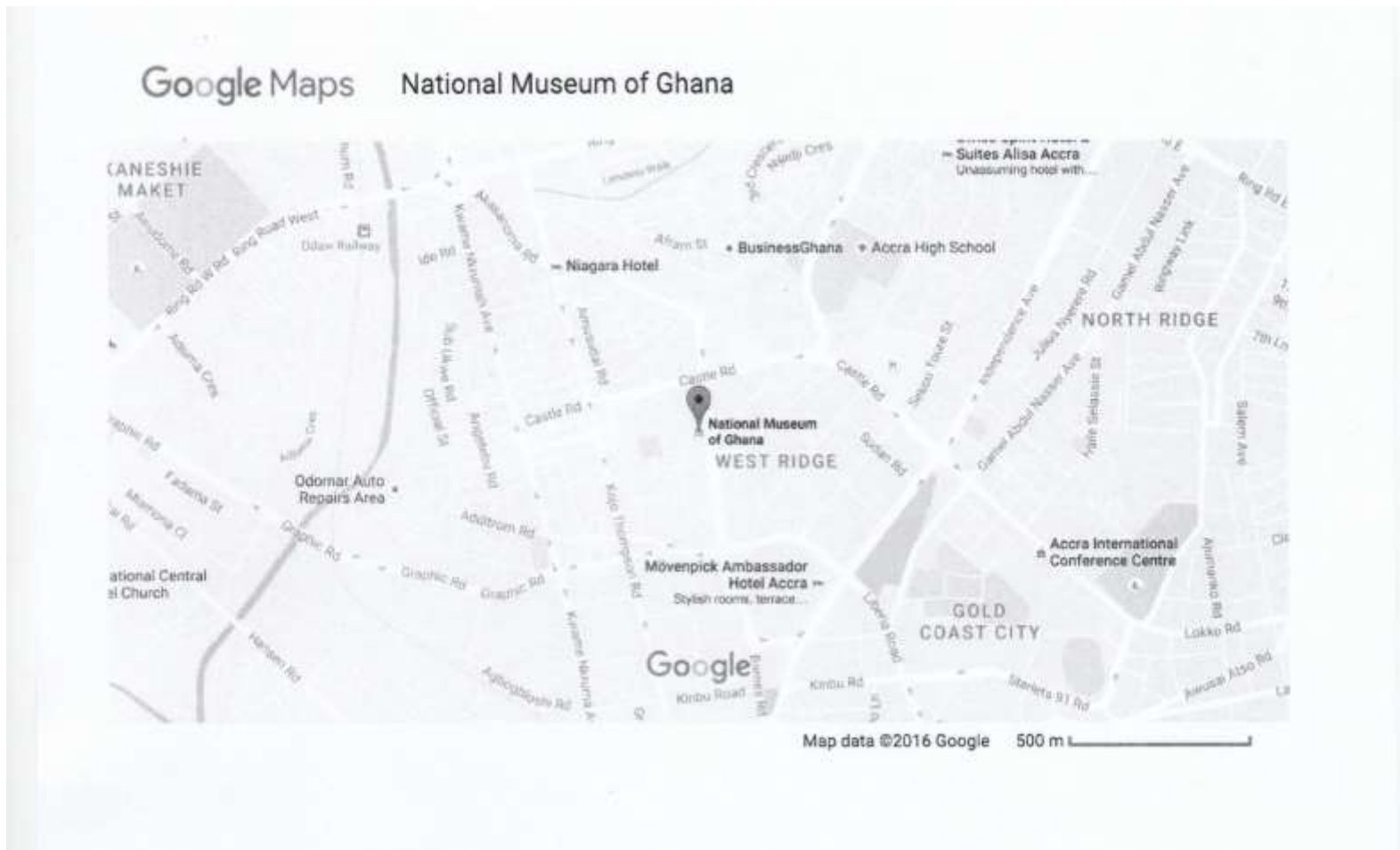


GHANA MUSEUMS AND MONUMENTS BOARD



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GHANA MUSEUMS AND MONUMENTS BOARD

(NATIONAL MUSEUM)

P.O BOX GP 3343

ACCRA. GHANA

Tel: +233 (0302) 22 16 33/35

Email: gmmb-acc@africaonline.com.gh

Website: www.ghanamuseums.org

Location: **No.2 Barnes Road, Adabraka, Accra**

Close to the Holy Spirit Cathedral

Opposite: Calvary Methodist Church

GHANA MUSEUMS AND MONUMENTS BOARD

LEGAL MANDATE

- ❖ The Ghana Museums and Monuments Board (GMMB) is the **legal custodian** of **Ghana's material cultural heritage**.
- ❖ The Board was established on 5th March 1957 as a result of the merger of the Interim Council of the National Museum of the Gold Coast and the Monuments and Relics Commission.
- ❖ The GMMB is governed by the **National Museum Act 387 of 1969**, which was further strengthened by an **Executive Instrument (E.I.) 29 of 1973**.

EXPORT OF ANTIQUE AND NON- ANTIQUÉ OBJECTS

THE ROLE OF GHANA MUSEUMS AND MONUMENTS BOARD

Export of Antique and Non-Antique Objects

Presented by:

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Ghana Museums and Monuments Board

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Legal and Practical Measures Against Illicit Trafficking in Cultural Property

UNESCO HANDBOOK

United Nations Educational, Scientific and Cultural Organization

International Standards Section
Division of Cultural Heritage, 2006

Export of Antique and Non-Antique Objects

Some Cultural Objects



Export of Antique and Non-Antique Objects

Some Cultural Objects



Export of Antique and Non-Antique Objects

Some Cultural Objects



Legal and Practical Measures Against Illicit Trafficking in Cultural Property

LEGAL ISSUES AND MEASURES

- **■A. Revising and/or Strengthening National Legislation**
 1. Defining “Cultural Property”
 2. A Basic Check-List for National Legislation
 3. Proper Implementation

Legal and Practical Measures Against Illicit Trafficking in Cultural Property

Conventions Relevant to Illicit Trafficking

- a) The 1954 Protocol to the Hague Convention
- b) The 1970 UNESCO Convention
 - i) Preventive Measures to be Taken
 - ii) Restitution Provisions
 - iii) International Cooperation Framework

Legal and Practical Measures Against Illicit Trafficking in Cultural Property

- The 1995 UNIDROIT Convention
 - i) Content
 - ii) Good Faith Holders, Innocent Purchasers and Compensation
- Using the UNESCO-World Customs Organization (WCO) Model Export Certificate for Cultural Objects
- Facilitating Bilateral Negotiations through the UNESCO Intergovernmental Committee

Legal and Practical Measures Against Illicit Trafficking in Cultural Property

Introduction

- Trade in cultural property is a major and growing, international business.
- There is a vigorous licit and legal trade that reflects a positive recognition and appreciation of culture and art forms.
- Unfortunately, beyond the licit trade, an international illicit traffic keeps increasing worldwide.

Legal and Practical Measures Against Illicit Trafficking in Cultural Property

- The practices of theft, looting, pillaging, and/or illicit import and export of cultural property are well known.
- This affects museums, public and private collections, legitimate owners or possessors, religious buildings, cultural institutions and archaeological sites worldwide.
- Depending on means and ambitions, criminals may undertake sophisticated operations, by which they steal objects, and then directly or indirectly export them to selected countries where they can fetch high prices from willing buyers.

LEGAL ISSUES AND MEASURES

Revising and/or Strengthening National Legislation

- Protection of cultural heritage and objects relies to a great extent on the existence and proper implementation of national legislation (Laws, Decrees, etc.) and – where applicable vis-à-vis a State Party – international conventions.
- The importance of legislation and its proper implementation is self-evident. Around the world, most States have enacted legislation that protects their cultural heritage to some degree.

What is Cultural Property?

- We often see the terms **cultural “property”**, **“heritage”**, **“goods”** and **“objects”** interchanged.
- There is no single, universal definition for any of these terms.
- Although in common parlance they generally refer to the same things.

What is Cultural Property? contd.

- For the purposes of the fight against illicit trafficking, the definition of “**cultural property**” is at present unified among the States Parties to :
 - the 1970 UNESCO Convention of the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereafter the 1970 UNESCO Convention)
 - and the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (hereafter the 1995 UNIDROIT Convention).

What is Cultural Property? contd.

- Both international Conventions define cultural property or objects as property which, on religious or secular grounds, is of importance for archaeology, prehistory, history, literature, art or science and which belongs to one of the categories specifically listed in the Conventions.

What is Cultural Property? contd.

Article 1 of the 1970 UNESCO Convention and the Annex to the 1995 UNIDROIT Convention read as follows:

- “... (a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;
- (b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artist and to events of national importance;

What is Cultural Property? contd.

- (c) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;
- (d) elements of artistic or historical monuments or archaeological sites which have been dismembered;

What is Cultural Property? contd.

- (e) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;
- (f) objects of ethnological interest;

What is Cultural Property? contd.

- g) property of artistic interest, such as:
 - (i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);
 - (ii) original works of statuary art and sculpture in any material;
 - (iii) original engravings, prints and lithographs;
 - (iv) original artistic assemblages and montages in any material;

What is Cultural Property? contd.

- (h) rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections;
- (i) postage, revenue and similar stamps, singly or in collections;

What is Cultural Property? contd.

- (j) archives, including sound, photographic and cinematographic archives;
- (k) articles of furniture more than one hundred years old and old musical instruments.”

Ghana Laws

NATIONAL MUSEUM ACT

ACT 387 of 1969

Section 29 -Interpretation.

- In this Decree, unless the context otherwise requires—

"antiquity" means—

(a) **an object** of **archaeological interest** or **land in which any such object is believed to exist** or was discovered, including any land adjacent to such object or land which in the opinion of the Board is reasonably required to maintain the object or the land or its amenities or to provide access thereto, or **for the exercise of proper control** or **management over such object** or land; or

Ghana Laws contd.

NATIONAL MUSEUM ACT

ACT 387 of 1969

(b) **a work of art or craftwork**, including a statue, modelled clay figure, figure, cast or wrought iron metal carving, housepost, door, ancestral figure, religious mask, staff, drum, bowl, ornament, utensil, weapon, armour, regalia, manuscript or document, if such work of art or craftwork is of indigenous origin and

(i) was made or fashioned before the year 1900, 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;

Ghana Laws contd.
NATIONAL MUSEUM ACT
ACT 387 of 1969

Section 1-Permit to Export

- (1) **No person shall export any antiquity** except in accordance with **an export permit** issued by the **Board**.
- (2) Application for an export permit shall be made in writing to the Director of the National Museum at least three months before the proposed date of export, unless the Board in its discretion accepts a lesser period.

Ghana Laws contd.
NATIONAL MUSEUM ACT
ACT 387 of 1969

(3) Every application shall contain the name of the antiquity, its function, a full description with dimensions, its local cost or an estimate of its value and the date when, the place where, and the person from whom it was obtained.

(4) Unless the Director otherwise requires, the application shall be accompanied by an adequate photograph or photographs of the antiquity.

Ghana Laws contd.

NATIONAL MUSEUM ACT

ACT 387 of 1969

Section 2-Inspection

- (1) Unless the antiquity is delivered to the Director and left in his charge, the applicant shall state its location and, if it is to be moved, its expected location during the period before the date of the proposed export.
- (2) The applicant shall permit and facilitate such access to, and inspection of, the antiquity as the Director may require and shall permit to be affixed or applied thereto any seal or identification mark of the Board.

Ghana Laws contd.

NATIONAL MUSEUM ACT

ACT 387 of 1969

Section 3-Prohibition of Export and Exemption.

- (1) The Director may, with the prior consent of the Board, **prohibit the export of any antiquity** if he considers that such export would not be in the **public interest**.
- (2) The Director may **give a certificate that any object does not require an export permit** if in his judgment the object is not an antiquity within the meaning of this Decree.

Ghana Laws contd.
NATIONAL MUSEUM ACT
ACT 387 of 1969

Section 4-Terms of permit to Export

- (1) An export permit shall be in the prescribed form and subject to such conditions as may be prescribed.

- (2) No permit shall authorise **the removal from Ghana of any antiquity** except through a **recognised customs port or airport.**

Ghana Laws contd.
NATIONAL MUSEUM ACT
ACT 387 of 1969

Section 5-Permit to be Surrendered.

- **No customs officer shall allow the export of any antiquity** until there has been surrendered to him **an export permit** in respect of that antiquity.

Ghana Laws

NATIONAL MUSEUM ACT

ACT 387 of 1969

Section 28-Regulations

- (1) The Board may by executive instrument make regulations—
 - (a) providing for access of the public to any antiquities owned by or under the control of the Board, and fixing fees payable for such access;
 - (b) providing for the licensing of persons selling antiquities by way of trade or business;

Ghana Laws

NATIONAL MUSEUM ACT

ACT 387 of 1969

- (c) prescribing the fees payable for the issue or grant of a license or permit required to be issued or granted under this Act.
- (d) safeguarding antiquities and tablets and notices erected by the Board from disfigurement, alteration, removal, or destruction;
- (e) regulating and imposing conditions with respect to the excavation, removal or export of antiquities, and for any other matter to be prescribed under this Decree;

EXECUTIVE INSTRUMENT (E.I) 29

NATIONAL MUSEUM REGULATIONS, 1973

PART 1 – Export of Antiquities

- 1. (i) Upon the presentation of **an antiquity** for **export**, the **export permit** in respect of that antiquity shall be surrendered to a **customs officer** at the customs port or airport.
- (ii) Where no export permit is surrendered the customs officer **shall detain the antiquity** and shall immediately submit a report thereon to **the Director**.

EXECUTIVE INSTRUMENT (E.I) 29

NATIONAL MUSEUM REGULATIONS, 1973

- (iii) Where a report is submitted to the Director under this regulation he may –
 - (a) issue an export permit in respect of the antiquity; or
 - (b) with the prior consent of the Board, prohibit the export of that antiquity if he considers that such export would not be in the national interest; or
 - (c) take action for the purchase of the antiquity in accordance with paragraph 6 of the National Museum Act 387 of 1969

EXPORT OF ANTIQUES, NON-ANTIQUES AND HANDICRAFTS

- PACKING LIST:**
 - WEIGHT**
 - PRICE QUOTATIONS**
- NAME OF EXPORTER**
- EXPORTER TIN**
- PHONE NO. OF EXPORTER**
- PHYSICAL ADDRESS OF EXPORTER**
- CONTACT PERSON**
- PHONE NO. OF CONTACT PERSON**

EXPORT OF ANTIQUES, NON-ANTIQUES AND HANDICRAFTS

- IMPORTER NAME**
- PHONE NO. OF IMPORTER**
- PHYSICAL ADDRESS**
- MEANS OF TRANSPORTATION: BY SEA, AIR OR LAND**
- PURPOSE OF EXPORT: RETAIL, EXHIBITION, PERSONAL USE, ETC.**

EXPORT OF ANTIQUES, NON-ANTIQUES AND HANDICRAFTS

- ❑ **ARRANGE FOR INSPECTION OF THE OBJECTS**

- ❑ **OBJECTS ARE INSPECTED AND CERTIFIED**

- ❑ **FEEES CHARGED:**
 - ❖ **Commercial :50 Gp per item or sets of items**
 - ❖ **Non-commercial: GHC3.00 per item**

EXPORT OF ANTIQUES, NON- ANTIQUES AND HANDICRAFTS

Ghana Museums and Monuments Board Permit

EXECUTIVE INSTRUMENT (E.I) 29

NATIONAL MUSEUM REGULATIONS, 1973

- **PART II - SALE OF ANTIQUITIES**

3. (1) An application for a license to sell antiquities shall be made in writing to the Director and shall state the full names of the applicant, his business address and principal place of trading.

11. Where replicas of antiquities are offered for sale, they shall be displayed separately from genuine antiquities and shall be clearly marked as replicas and not genuine antiquities.

LICENSE TO SELL

- First Registration: GHC100.00
- Renewal : GHC60.00

Period : 12 calendar months

THANK YOU!

Q & A