

Extraordinary



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Order No. 1 of 2023

NOTICE OF PRESIDENTIAL DECLARATION
ON THE RECOGNITION OF OWNERSHIP, AND AN ORDER
VESTING CUSTODY AND MANAGEMENT OF REPATRIATED
LOOTED BENIN ARTEFACTS IN THE OBA OF BENIN KINGDOM

[23rd Day of March, 2023]

Commence-
ment.

WHEREAS, the Oba of Benin Kingdom (“the Oba”) is globally recognised as the traditional ruler, symbol and custodian of the culture, tradition and heritage of the Benin Kingdom and people, now located within Edo State of the Federal Republic of Nigeria ;

2. WHEREAS, following a military expedition in February 1897, known as the Benin massacre, the British Royal Marines invaded the ancient Palace of the Oba, looted and carted away thousands of artefacts of Benin origin from the Palace of the Oba and other parts of Benin kingdom ;

3. WHEREAS, after the invasion of the Palace and the Kingdom, the looted artefacts were taken to different museums and private collections around the world through gifts, loans, exchanges, purchases and other means ;

4. WHEREAS, the earliest known auction of some of the looted artefacts was in 1897, through an advertisement in the British Times Newspaper in May, 1897, for the sale of the artefacts ;

5. WHEREAS, as the custodian of the culture, tradition and heritage of the Benin kingdom and people, the ownership and title of the artefacts and other art works such as crafts, creative works and other cultural endowments made of bronze, clay, charcoal, iron, ivory, raffia, silver, wood, are attributed, ascribed and known to symbolically belong to the Oba ;

6. WHEREAS, the Oba and the Federal Government of Nigeria have been making concerted and frantic efforts to secure the repatriation of the looted artefacts from the custody of all the museums and private collections located in different parts of the world, for the preservation of Benin culture, heritage and tradition in line with the —

(a) 1970 UNESCO Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Ownership of Cultural Property (The UNESCO Convention),

(b) 1978 UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (ICPRCP), and

(c) 1995 International Institute on the Unification of Private Law (UNIDROIT) Convention on Stolen or Illegally Exported Cultural Objects ; and

7. WHEREAS, in consequence of the request for the repatriation of these artefacts, the Oba received some artefacts repatriated from Jesus College, Cambridge, and is awaiting the release of further looted artefacts ;

8. NOW THEREFORE, as the President of the Federal Republic of Nigeria, and in the exercise of the powers conferred on me by section 5 of the Constitution of the Federal Republic of Nigeria, 1999, as altered, I, MUHAMMADU BUHARI, hereby give notice, declare and order that the —

(a) ownership of the artefacts looted from the ancient Palace of the Oba and other parts of Benin kingdom be and is vested in the Oba,

(b) custody of the repatriated artefacts, shall, from wherever and whenever they are brought into Nigeria, be handed over to the Oba as the original owner and custodian of the culture, heritage and tradition of the people of Benin kingdom in Edo State of Nigeria,

(c) repatriated artefacts may be kept within the Palace of the Oba or such other locations within Benin City, or any other place that the Oba and the Federal Government of Nigeria may consider secure and safe,

(d) Oba shall be responsible for the management of all places where the repatriated artefacts are domiciled or located,

(e) Oba shall work jointly with any recognized national or international institution to ensure the preservation and security of the repatriated artefacts for the benefit of humanity, and

(f) repatriated artefacts shall not be taken out of the designated custody without the written consent and authorisation of the Oba, and upon such return, the artefacts shall first be inspected and authenticated by the Oba before it is accepted and restored to its designated custody.

Citation.

9. This Notice may be cited as the Recognition of Ownership, and an Order Vesting Custody and Management of the Repatriated Looted Benin Artefacts in the Oba of Benin Kingdom, 2023.

Interpretation.

10. In this Notice, —

“*artefacts*” mean any work of art of Benin kingdom and people, which were looted and carted away, following the invasion of the ancient Palace of the Oba and other parts of the Benin Kingdom by the British Royal Marines in 1897, or immediately thereafter, some of which have been returned and include crafts, creative works and other cultural endowments made of bronze, clay, charcoal, iron, ivory, raffia, silver, wood, and of whatever materials ; and

“President” means the President of the Federal Republic of Nigeria.

DATED this 23rd day of March, 2023.

MUHAMMADU BUHARI
President, Federal Republic of Nigeria