

CULTURAL EXCHANGES, PROPERTY, AND COOPERATION

Import Restrictions

Memorandum of Understanding Between the UNITED STATES OF AMERICA and NIGERIA

Signed at Abuja January 20, 2022

Entered into force January 20, 2022



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MEMORANDUM OF UNDERSTANDING

BETWEEN

**THE GOVERNMENT OF
THE UNITED STATES OF AMERICA**

AND

**THE GOVERNMENT OF
THE FEDERAL REPUBLIC OF NIGERIA**

CONCERNING

THE IMPOSITION OF IMPORT RESTRICTIONS

ON CATEGORIES OF

**ARCHAEOLOGICAL AND ETHNOLOGICAL
MATERIAL OF NIGERIA**

PREAMBLE

THE Government of the United States of America and the Government of the Federal Republic of Nigeria (hereinafter jointly referred to as “the Parties” and separately as “a Party”);

ACTING pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are States party; and

DESIROUS of reducing the incentive for pillage of irreplaceable archaeological and ethnological material representing Nigeria’s cultural heritage;

HAVE AGREED AS FOLLOWS:

ARTICLE I

OBJECTIVE

The objective of this Memorandum of Understanding is to restrict the importation into the United States of America certain categories of archaeological material ranging in date from 1500 B.C. to A.D. 1770, and certain categories of ethnological material, which may include material associated with royal activity, religious activity, and/or community or ancestral shrines, identified in the list to be promulgated by the Government of the United States of America (hereinafter referred to as the Designated List), unless the Government of the Federal Republic of Nigeria issues a license which certifies that such exportations were not in violation of its laws.

ARTICLE II

COMPETENT AUTHORITIES

The Government of the Federal Republic of Nigeria shall notify the Government of the United States of America, through diplomatic channels, of the name of its competent authorities responsible for the implementation of this Memorandum of Understanding.

ARTICLE III

OBLIGATION OF THE PARTIES

1. The Government of the United States of America shall offer for return to the Government of the Federal Republic of Nigeria any object or material on the Designated List forfeited to the Government of the United States of America.
2. Import restrictions on items listed on the Designated List shall become effective on the date the Designated List is published in the U.S. Federal Register, the official United States Government publication providing fair public notice.
3. Both Parties shall publicize this Memorandum of Understanding and the reasons for it.
4. The Government of the Federal Republic of Nigeria shall use its best efforts to maintain and share with the Government of the United States of America information about unauthorized excavations, thefts of cultural property, trafficking of cultural property, and other threats that jeopardize its cultural patrimony.

5. The Government of the Federal Republic of Nigeria shall continue to use its best efforts to take steps consistent with the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property to protect its cultural patrimony. To assist in these efforts, the Government of the United States of America shall use its best efforts to facilitate technical assistance to the Government of the Federal Republic of Nigeria as appropriate under available programs in the public and/or private sectors.
6. The Government of the Federal Republic of Nigeria shall continue to use its best efforts to engage other countries having a significant import trade in archaeological and ethnological materials from Nigeria to deter a serious situation of pillage of cultural property.
7. Each Party shall use best efforts to encourage interchange of archaeological and ethnological materials for cultural, educational, and scientific purposes, including long-term loans of such materials to promote widespread public appreciation of and access to Nigeria's rich cultural heritage.
8. Each Party shall continue to endeavor to keep the other informed of the measures taken to implement this Memorandum of Understanding.

ARTICLE IV

GOVERNING LAWS AND REGULATIONS

The obligations of the Parties and the activities carried out under this Memorandum of Understanding shall be subject to their respective laws and regulations, including with respect to the availability of appropriated funds.

ARTICLE V
ENTERING INTO FORCE, DURATION, AMENDMENT,
AND TERMINATION

1. This Memorandum of Understanding shall enter into force upon signature; it shall remain in force for a period of five (5) years, unless extended.
2. Either of the Parties may, at any time, notify the other Party in writing through diplomatic channels of its intention to terminate this Memorandum of Understanding. The termination shall take effect six (6) months after the date of receipt of such notification.
3. This Memorandum of Understanding may be extended and amended by mutual written consent of the Parties.

ARTICLE VI
REVIEW

The Government of the United States of America and the Government of the Federal Republic of Nigeria shall review the effectiveness of this Memorandum of Understanding before the expiration of the five (5)-year period in order to determine whether this Memorandum of Understanding should be extended.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Memorandum of Understanding in two original texts, in the English language.

DONE AT*Abuja*.....ON THIS.....*7th*.....DAY OF
January.....2022

FOR THE GOVERNMENT
OF THE UNITED STATES
OF AMERICA:

FOR THE GOVERNMENT
OF THE FEDERAL
REPUBLIC OF NIGERIA:

Mary Beth Ferrand

Lawrence B. ...