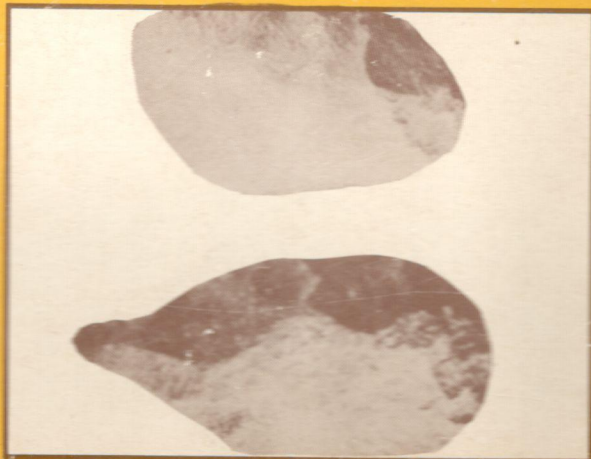


Guidelines for the
**EXPORT, COLLECTION
AND / OR REMOVAL OF
HERITAGE OBJECTS (Relics)**
in Zambia



Guideline for the
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PART I

INTERPRETATION OF RELICS OR PROTECTED OBJECTS

A. A fossil of any kind

A fossil is any plant or animal specimen which has hardened into rock-like form, by the absorption of chemicals.

This process normally takes many millions of years, so the importance of fossils is that they tell us something of the nature of Zambia at that distant time e.g. early reptiles, dinosaurs, origin of mammals, man, etc.

Fossil bones, shells and plants are often recognised from the hard impression of these set in rock. All such materials require a removal, collection or export permit.

Fossilised wood occurs in large quantities at many localities in Zambia. This looks like a branch or tree trunk outside but is rock hard. These may not be collected or removed without a permit.

A fossil from outside Zambia may be brought into Zambia as an ornament by an expatriate, and re-exported (on production of proof of ownership).

Shells and bones of recent origin are not subject to control. A fossil will always have the hardness and feel of rock and can be clearly differentiated from recent specimens.

1. In common with the majority of countries, Zambia has legislation to control the collection or removal from original site, and the export of things which are part of her heritage; the possessions of all her people. Just as her mineral wealth, her forests and wildlife are protected, so are her less visible and less commercial possessions commonly known as relics or protected movable heritage.

2. According to Chapter 23 of the Laws of Zambia, the National Heritage Conservation Commission Act, the following objects constitute Zambia's protected movable heritage called relics:

A fossilised foot print of an animal is one example of protected relics.



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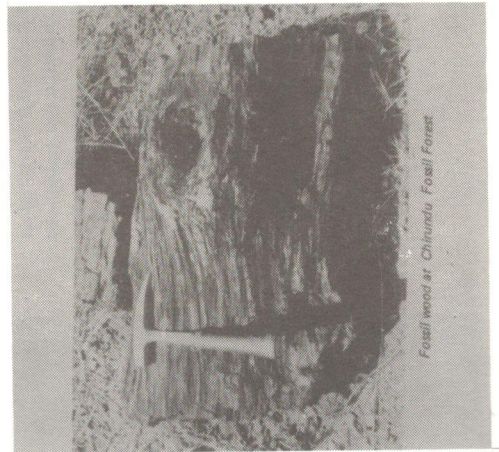


A fossilised frog

B. Any drawing, painting, petroglyph or carving on stone commonly believed to have been executed in Zambia before 1st January 1924.

In many parts of Zambia are signs on rocks of the art of Zambia's prehistoric societies: paintings of animals, geometric designs, schematic designs or engravings of various forms and shapes or chipped designs of different types. These all form a vast and important first-hand source of information about Zambia's past; they recount the story of people in Zambia thousands of years ago to recent past - images and symbols that reveal their life and outlook, showing their religion and society.

C. Any object of historical, scientific, anthropological, archaeological, aesthetic or cultural value made or used in Zambia before 1st January 1924.



Fossil wood

Fossil wood at Chirundu Fossil Forest

The largest category of objects protected from collection or removal without a permit comes under this category. Literally any object made before 1st January 1924 is protected and should not be collected or removed from original site without permit. Below are details on some of these objects:



Rock engravings (top and bottom)



(i) Historical Objects

This category includes any objects of the colonial period up to 1924. These could be relics from early Mission Churches, forts or bomas, objects of that period belonging to individuals or families; property of artistic interest such as pictures, paintings and drawings produced entirely by hand or machine, original works of statuary art and sculpture in any material, original artist assemblages and motifs in any material; manuscripts and incunabula, old books, documents and publications singly or in collections, articles of furniture; old musical instruments, etc.

(ii) Scientific Objects

This includes rare collections and specimens of fauna, flora, minerals and rare specimens of plants; it also includes scientific objects - tools, equipment, etc.

(iii) Anthropological Objects

Any object made by Zambia's ethnic peoples before 1924 is protected. This includes traditional crafts and objects.

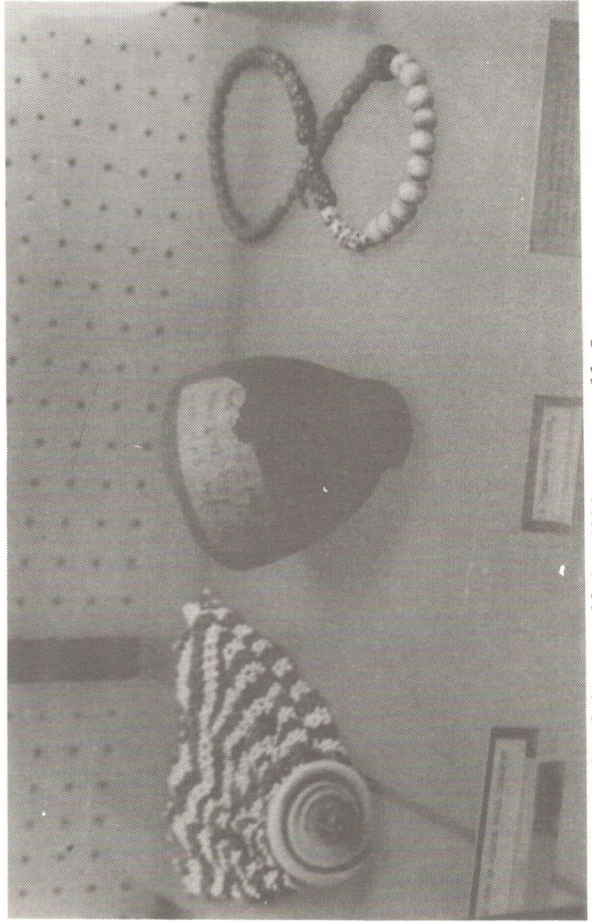
(iv) Archaeological Objects

There are thousands of known archaeological sites in Zambia containing objects of archaeological value ranging in age from 2.5 million years ago to almost the recent past ie. prehistoric, traditional and historic- archaeological objects, that represent the remains of past human existence. Archaeological objects from the Stone Age hunter societies who preceded agriculturists in Zambia may be: regularly chipped stones, bored stones, as well as the rock paintings mentioned above. Bones of humans and animals from the sites of early man also are part of this category.

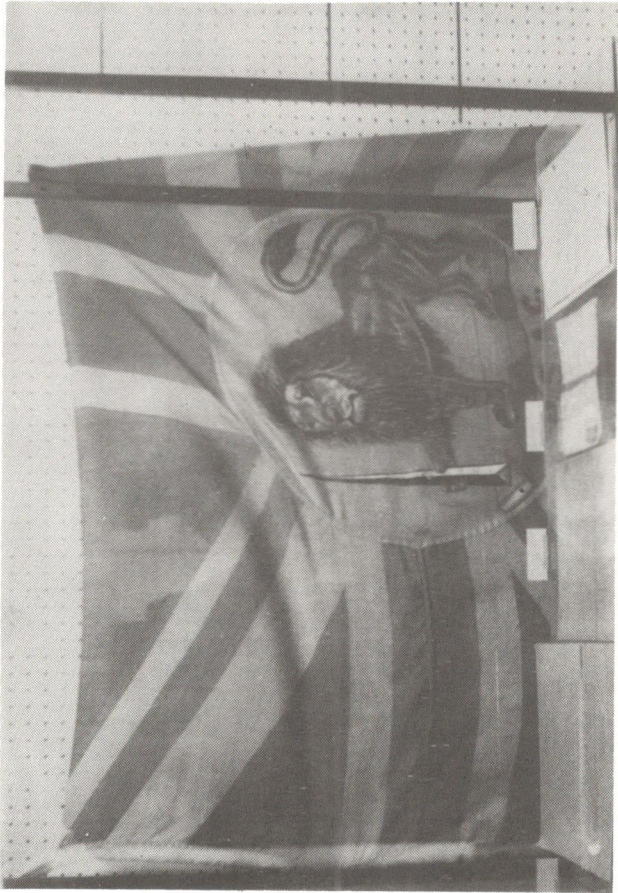
From the early beginnings of settled life



Rock paintings (top and bottom)



Traditional and cultural objects used before 1924 are protected by Law.



The British South African Company flag and documents

up to modern times (C. 1924) different classes of protected archaeological objects include: ceramics (pottery), copper crosses, iron and copper tools, weapons, beads, etc. bone and ivory items and many other items organic and inorganic.

v) Objects of aesthetic value

These are those objects that pertain to a sense of beauty and are predominantly art objects. Objects whether traditional, prehistorical or historical but made before 1924.

vi) Objects of cultural value

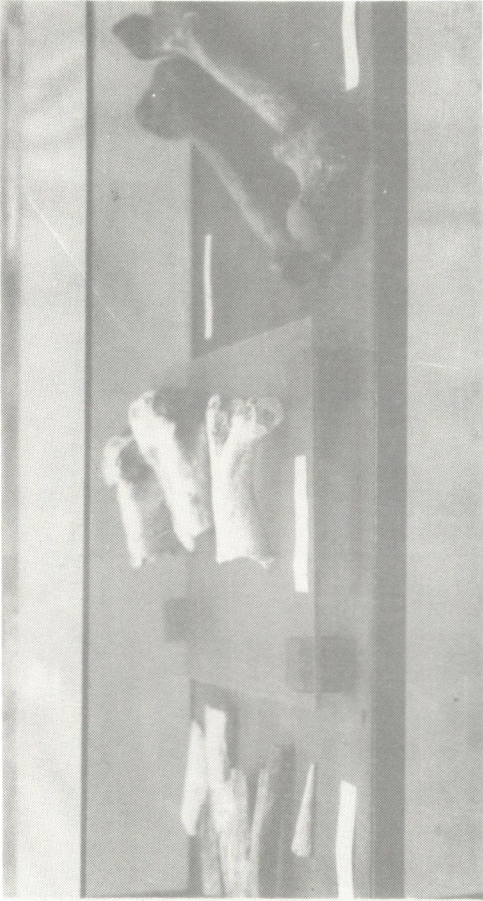
These are those tangible aspects of Zambia's cultural value both past and present but dating before 1924. They include all types of objects associated or representative of Zambian peoples and their activities and events either in the

recent present or in the past. They also include plants, animals and other material resources culturally defined as food, manufacturing and ceremonial items. This group really encompasses all those objects not covered in the above categories.

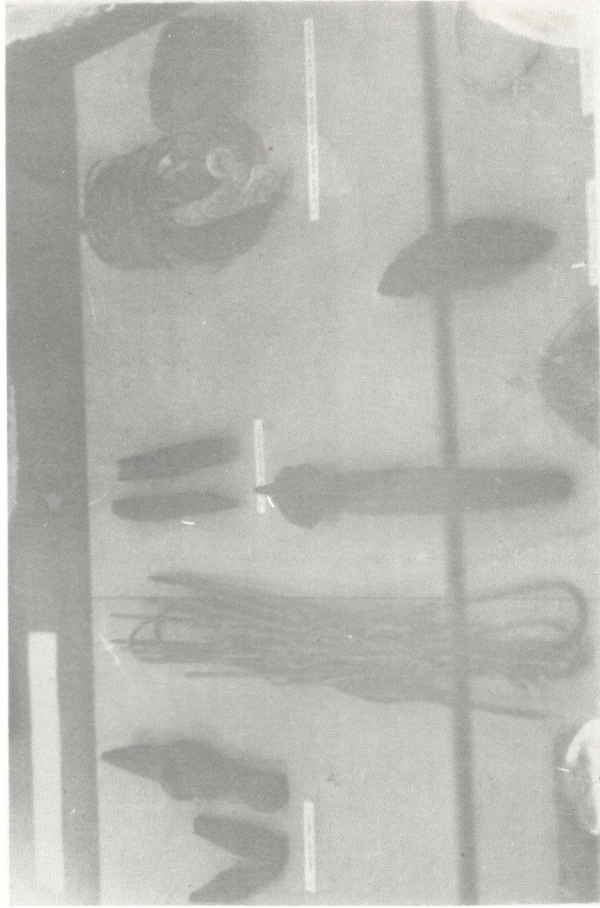
D. Any Object of Ethnological Interest

This includes literally any old or used traditional object that characterise the past or evolution of Zambia's people. Those, however, presently (ethnographic) made for sale are not included. Those bought from outside Zambia, may be re-exported on production of evidence of foreign origin.

E. Any ethnographical material associated with traditional beliefs such as witchcraft,



Pre-historic long bones of the Broken Hillman and bone tools (gorges and points) are all protected archaeological remains.



Hammer heads, copper wire, wire drawing plates and copper bangles from Ingombe Ilede, a 14th century site, all protected archaeological objects.

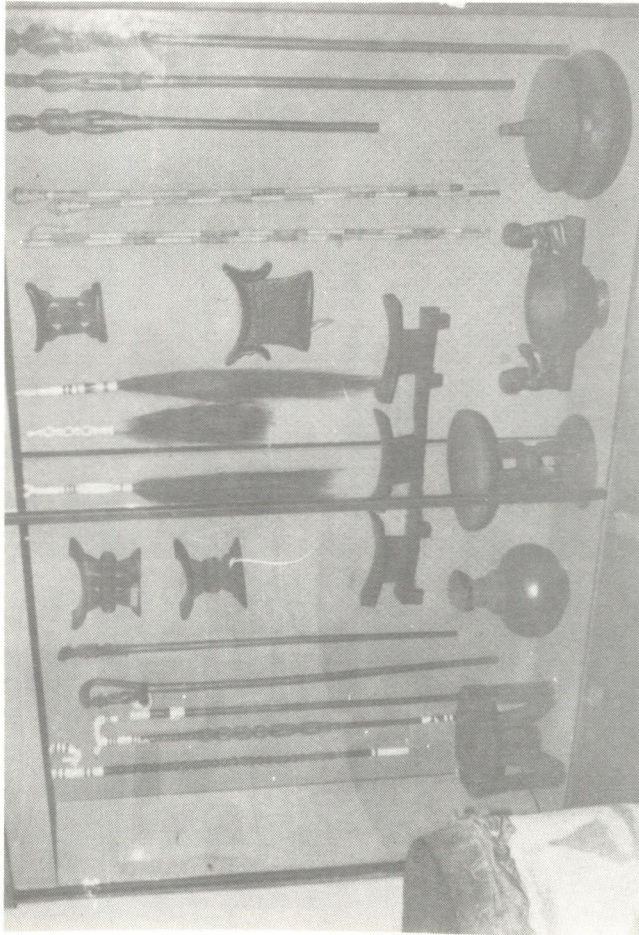
sovereignty, exorcism, rituals or other rites.

This group includes a wide range of objects which can further be grouped under sub-categories as follows:

i) **Witchcraft objects:** these include all bizarre items, used or believed to have been used in witchcraft practices, such as mirrors, home made guns, fly

end of season, harvest, initiation and many others associated with any of Zambia's indigenous traditional culture. Examples of some objects used in such are drums, oars, walking sticks, fly whisks, spears, stools, dancing attire, bows and arrows, *makishi* costumes, masks and all other related relics.

iii) **African magical items:** under this we have a vast range of items

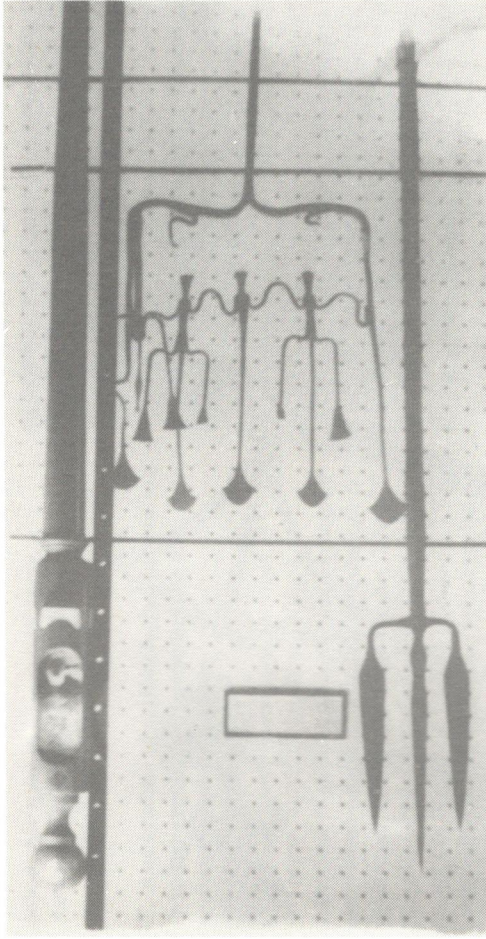


Walking sticks, head rests, stools, fly whisks, water pots and food bowls, mudima drum, all objects of cultural value.

whisks, horns, masks, metal pieces and all related relics;

ii) **Ceremonies and rites:** under this sub category falls all items used in all sorts of traditional ceremonies of Zambia. This includes ceremonies associated with the indigenous people's royal establishments, hunting,

used in performing magic in the Zambia traditional context, such as fly-whiskers, animals' skins or nails, baskets, etc. Generally this includes all sorts of items used in performing black magic by magicians, witchfinders and traditional rulers.



Forked spears associated with burial sites and a special ceremonial walking stick are objects of aesthetic interest

iv) **Religion:** has mainly to do with Zambia's traditional religions such as beliefs in ancestral spirits - all items used in such practices as done at shrines as well as offering sacrifices. This includes items like knives, plates, baskets, buckets, axes, beads, etc.



An array of witchcraft objects, all protected

F. Any Object associated with a person or an event prominent in Zambian history.

A good example of objects associated with events is the flag or torch that was used on October 24th 1964 the day Zambia attained Independence. There are many such objects associated with other prominent events in Zambia's history.

Objects associated with persons prominent in Zambia's history include literally anything from personal objects to properties. Objects associated with prominent political struggle persons like late Harry Mwanga Nkumbula, Simon Mwansa Kapwepwe, Nalumino Munda, etc., are accordingly protected. Dr. Kenneth David Kaunda a veteran independence struggle politician



Ceremonial axes used during special ceremonies



Fly switches used in magical and divination ceremonies - all protected

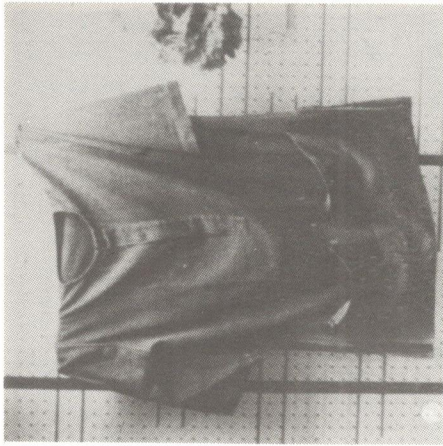
already has some of his personal items preserved at Chilenje House and all those items are protected.

C. Any product of archaeological excavation (whether regular or clandestine) or of archaeological discoveries

This group is similar to those described in C (iv) above, but these are those products of authorised or indeed clandestine archaeological excavations (dug-out) or indeed archaeological discoveries whether authorised or not. The range of objects really is similar to C (iv) above except that here, even remains postdating 1924 are covered as long as they are from excavation work or discovery.

H. Any anthropological, historical or archaeological contents of any ancient heritage

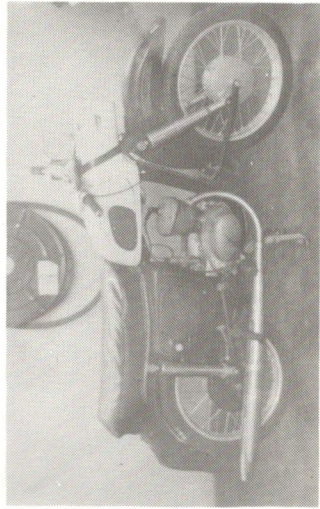
This category is basically similar to C above except that the objects involved here either are the constituents, part of or associated with any site, place or thing which is believed to have been erected, constructed or used as the case may be, before 1st January 1924, whether above ground, underground or underwater e.g. objects that are part of a 1900 Royal Burial, furniture that is part of a 1903 Governor's residence or the contents (metals, ceramics, other remains, etc.) of Kalundu Mound archaeological site, all fall under this category.



The mourning shirt designed by Kapwepwe during the Federation struggle in 1955 and some objects used during the struggle

I. Any other object of historical, scientific, anthropological, archaeological, aesthetic or cultural value declared a relic by the Minister

This group really covers all the above (A-H), only that here the list could be very wide as it is not limited to time. At present no such objects have been declared but the list will be produced from time to time when such declarations are made.



Motor bike used by Dr. Kenneth Kaunda during the pre-colonial presidential elections

PART II

REMOVAL, COLLECTION AND ACQUISITION OF RELICS WITHIN ZAMBIA

3. The following legal clauses are the guide to acquisition, removal or collection of relics in Zambia:

Section 33 - No removal or collection without consent of the National Heritage Conservation Commission.

No person shall without the written consent of the Commission collect or remove from original site any relic or part of it.

Section 35 - Application for Removal of relics.

1. Any person who intends to remove from its original site any relic shall apply to the Commission for permission.

2. The applicant shall:

- state the nature and extent of the intended removal, and the locality of the area;
- supply diagrams or sketch plans and any other relevant information; and
- define the type of object, its age, where possible, size and what material it is made of.

Section 37 - Application for a permit to collect relics.

1. Any person who desires to collect relics shall apply to the Commission for a collection permit.

2. The applicant shall give details of:

- the project;
- the exact location of the area;
- the problems, scope and objectives of the investigation or collection; and
- any other relevant information.

Section 38 - Conditions of collecting permit.

A permit issued under section thirty-seven shall be subject to the following conditions:

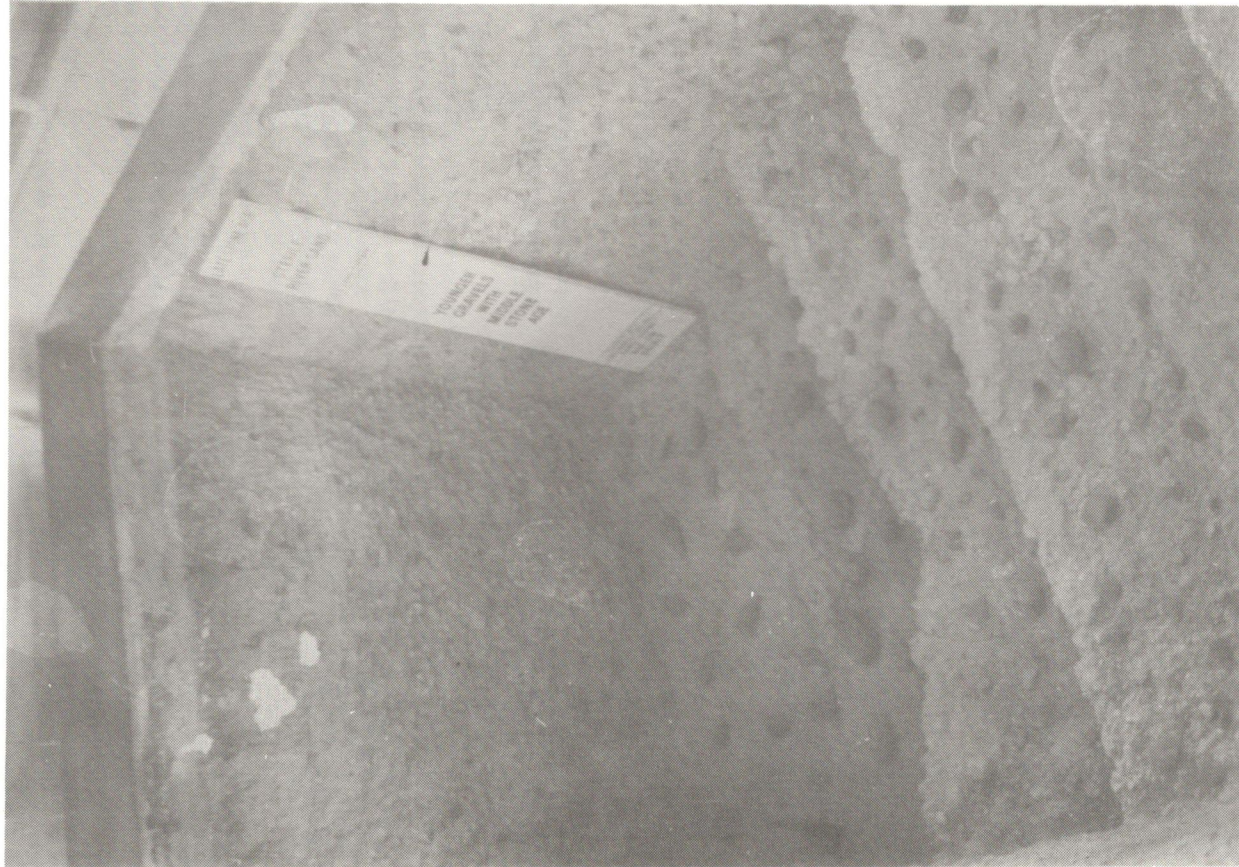
- the holder shall within the time specified in the permit, furnish to the Commission a progress report on the work done in such detail as the Commission may require;
- any other conditions the Commission may prescribe according to the circumstances.

Section 39 - Acts authorised by permit.

A permit issued under section thirty-seven authorises the holder to do some or all of those acts specified in the application, at such time or within such period and subject to such terms, conditions, restrictions or directions as may be specified by the Commission.

Section 40 - Offence and penalty.

- No person shall collect any relic or part thereof, or remove from its original site any relic contrary to the above sections.



An excavation pit at Victoria Falls Field Museum, Livingstone, depicting protected archaeological stone tools.



Help stop the looting of Zambia's heritage

2. Any person who contravenes sub-section (i) shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding ten thousand kwacha, or to imprisonment for a term not exceeding four years, or to both.

3. The Court in addition to any fine or imprisonment may order that person: in the case of any relic which has been removed and which is still in the possession of that person, to restore such relic to the Commission.

Section 42 - Discovery of relic

Any person, who discovers what appears to be a relic shall:

- a) report his discovery to the Commission within fourteen days;

- b) suspend his operations in the immediate vicinity of his discovery until thirty days after the delivery of his report, unless the Commission authorises their continuance; and

- c) deliver to the Commission as soon as practicable, or request the Commission to examine and remove any object which is, or appears to be, a relic.

Section 43 - Powers of the Commission when discovery is reported.

Upon receipt of a report under section forty-two the Commission may;

- a) examine and remove any relic;
- b) allow the person to continue his activities;
- c) order suspension of the operations not in excess of thirty days to carry out an environmental impact assessment or archaeological survey or recovery analysis of the discovery areas; or
- d) order the engineering, mining or agricultural project to pay for the costs of the assessment, survey, or analysis.

Section 44 - Resumption of operations.

If the Commission does not exercise any of its powers under section forty-three the person may resume his operations thirty days after delivery of his report.

Section 45 - Ownership of relics.

Any relic whose ownership cannot be reasonably determined shall be deemed to belong to the Commission. However, relics legally acquired, from legal owners shall be deemed to belong to the person acquiring them.

Section 46 - Compensation for removal of relic.

Where a relic is not owned by any person and the Commission removes the relic from land, the compensation to be paid to the person occupying the land shall only be for the temporary loss of use of the land or any damage caused during the time required by the Commission to remove the relic.

Section 47 - Acquisition of relics by the National Heritage Conservation Commission.

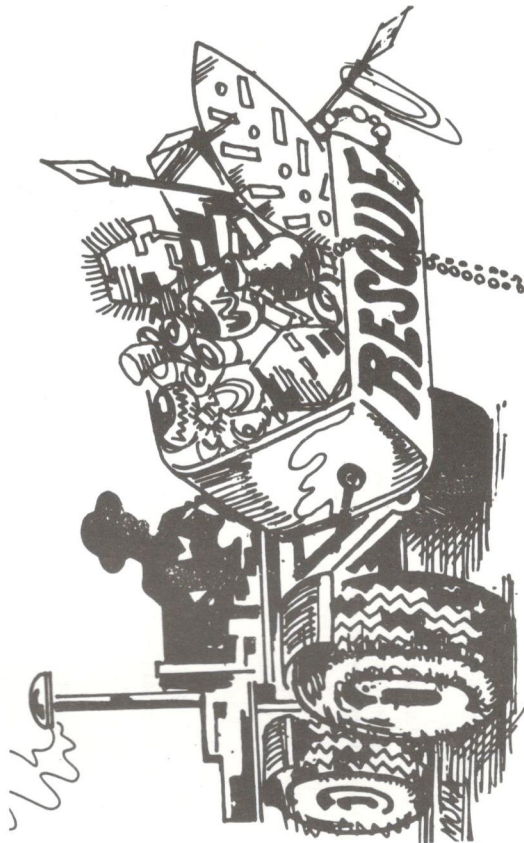
1. Where a relic is owned by a person, the Commission shall have a right or option to acquire the ownership of the relic so discovered upon payment to the owner of a sum of money to be agreed upon as fair and reasonable compensation, or, failing agreement, by reference to two arbitrators in accordance with the Arbitration Act.

2. If within six months after receipt of the first notice of any discovery in terms of section forty-two the Commission has failed to notify the owner of such relic that it intends to exercise its option, such option shall be deemed to have lapsed.

4. By implication of the above sections, any person can own or acquire a relic. But the owner of any relic must take cognisance of the above sections in disposing of or alienation of ownership of his relic. For the purchaser or collector, as long as he acquires the relics legally, they will belong to him or her.

In the case of those relics owned by the Commission, the Commission can lend or give them to any Museum or other public institution, with the authority of the Minister. So if you were to collect or remove from original site relics owned by the Commission, a permit does not afford you ownership but authority to collect for the purpose applied for. Should you wish to own such relics, you will need to indicate this specifically in your application and you will either be given, loaned, lent the relics or even denied their ownership altogether.

Relics can thus be removed from original site or collected; they can also be owned by any person for any purpose as long as the provisions of Chapter 23 of the Laws are complied with.



PART III

EXPORT OF RELICS FROM ZAMBIA

5. The following legal clauses are the guide to the export of relics from Zambia:

Section 33 - No export of relics without a permit.

No person shall without the written consent of the Commission export, from Zambia, any relic or part of it.

Section 34 - Application for a permit to export relics.

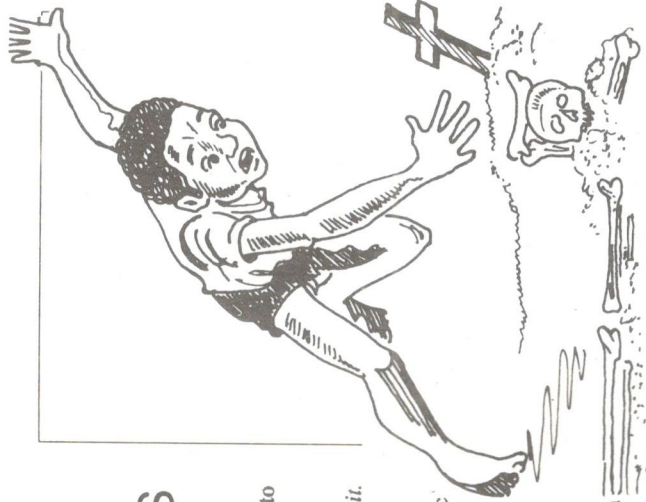
Any person who desires to export from Zambia any relic or part thereof shall apply to the Commission for an export permit.

The applicant shall -

- a) supply the Commission with a drawing showing the site where the item is located and shall state the exact locality in which it is situated (where applicable) and the place to which he desires to export it;
- b) define the type of object, its age, size and what material it is made of; and
- c) give details of any other relevant information e.g. objectives of the intended export.

Section 40 - Offence and penalty.

1. No person shall export any relic or part thereof contrary to the above sections.
2. Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable, upon conviction to a fine not exceeding ten thousand kwacha or to imprisonment for a term not exceeding four years, or both.



6. a) Permits under this Act can only be issued by the National Heritage Conservation Commission or its duly appointed agents and will bear the Commission's or Agent's rubber stamp; but will always be on National Heritage Conservation Commission's permit form. Such permits shall state the conditions pertaining thereto, including responsibility for the conservation and protection of the object and duration, if on loan.

b) As the objects covered as "relics" in the Act, have no monetary value within the country, the National Heritage Conservation Commission's permit is sufficient. Where the Commission, however, judges these to be of a real value over K10 000 it will be a condition of the permit that an export license be obtained from the Ministry of Commerce Trade and Industry.

PART IV

WHY CONTROL REMOVAL, COLLECTION OR EXPORT OF SUCH OBJECTS

7. It is reasonable to ask why there should be control on the categories of objects included in the Act. An understanding of reasons for this control will allow those involved in relics removal, collection or export to appreciate the need for such control.

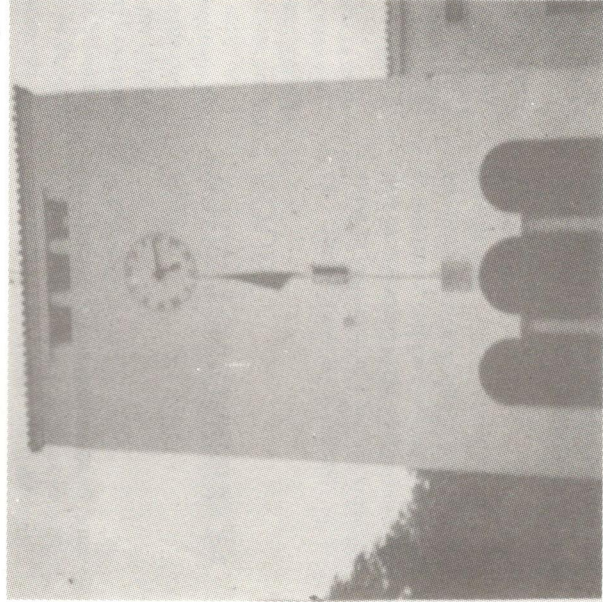
8. Some categories of objects made by Zambian societies in the past are part of the inheritance of

all her people. Wood carvings, objects of traditional veneration and importance to a community, old copper or iron workings, beads and personal adornments of the men and women of the past - such things belong to Zambia, either in the society whose history they represent, or to a museum where they can be seen, studied and valued by the present and future generations. Zambia today has very few museums, meaning most of her heritage is out there waiting to be collected. The concept of regional museums, requires a base from which to collect. Without controls no such museum will be possible as the rate of trade or pillage, may exceed that of collection for preservation.

National identity or community identity too is at stake; if such heritage can be collected without controls for sure in no time Zambia or some of its ethnic groups will have lost their identity altogether.

9. Most of this type of heritage particularly the ethnological ones has no date of manufacture, making identification by age difficult. "Looking old" is, therefore, regarded as a guide for control purposes.

10. Objects such as we have described are increasingly of commercial value to foreign dealers, world over. An object such as an old wood carving, or a copper cross from the precolonial period may in Zambia have a sentimental, traditional or educational interest. To the foreign dealer their value is financial: an easy gain, perhaps on an object acquired legally or perhaps on



Livingstone Museum



something removed by smooth talk from a village elder. The Act ensures that Zambia is aware of what is happening to its heritage and that it controls and regulates such activities.

11. Not all those removing such protected objects need be dealers. Many may be genuine collectors, wishing to preserve these aspects of Zambia's heritage e.g. museums, art galleries, etc. Careful note must be taken of the difference between objects of genuine traditional context (relics) and objects designed/made for trade or tourist sale (crafts, curios, etc.). A removal permit is needed for the former but not for the common instance of the latter. Tourists are thus free to acquire aspects of Zambia's modern heritage to save as reminders of their visit here.

12. Many objects of both human and natural origins - fossils, stone tools, old pottery - may have most value in scientific research to allow the scientist to say something about Zambia's past. What to a collector is just an object of market value may have great value to the scientist and thus certain objects should not be removed from original context without permission; otherwise their meaning shall be

lost.

13. The interpretation of the Act requires sympathetic thought, in each instance the "letter of the law" is less of a guide than common sense. The Act does not prohibit trade in heritage objects, but if they are protected permission is required to acquire them justifying why they are being collected or acquired.

PART V

WHAT TO DO WHEN IN DOUBT

14. Queries about the application of the Act either in general or in a particular instance, may be addressed to the Commission by post or telephone, and the Commission welcomes enquiries from anybody if in doubt over a specific item.

Please contact:

The Director

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