

## FIJI

Preservation of Objects of Archaeological and Palaeontological Interest Act 1940.

Customs Act 1968.

Customs (Prohibited Exports) Order.

### 1. Cultural property subject to export control

Monuments and objects of archaeological or palaeontological interest. An "object of archaeological or palaeontological interest" includes, besides a number of specified immovables, any rock, rock drawing, painting, sculpture, inscription, monolith or any remains of these, fossil remains of man or animals or plants or any object, or remains of it, which is of archaeological, anthropological, ethnological, prehistoric or historic interest (1940 Act, s.2).

Whale's teeth, breast plates of pearl and ivory and ivory necklaces (Schedule Item 3); all Fijian weapons made for war as distinct from those made for the souvenir trade, including clubs, throwing clubs, spears, bows, arrows and slings; forks of bone, ivory or wood made for the eating of human flesh, as distinct from modern replicas thereof made for the souvenir trade; all artefacts made from whaletooth including breast plates, pendants, necklaces, food hangers and human and animal figures; all stone adzes and pounders; all wooden or stone carvings of human or animal figures, as distinct from modern replicas made for the souvenir trade (Order, Second Schedule, Item 10).

### 2. Type of export control

Prohibition of export of objects of archaeological or palaeontological interest without a permit from the Board of Trustees of the Fiji Museum (1940 Act, s.19(1)). The Board may issue the permit subject to such terms and conditions as it sees fit or refuse one without reason (s.19(2)).

Prohibition of export of items listed in Schedule 2, Item 3 without written permission of the Permanent Secretary for Fijian Affairs and Rural Development, and of items in Schedule 2, Item 10 without a licence from the Permanent Secretary for Urban Development and Housing.

### 3. Transfer of ownership

The Minister has power to acquire a monument if it is in danger of being destroyed, damaged or falling into decay. A "monument" includes any object of archaeological or palaeontological interest which the Minister has declared to be a monument (1940 Act, ss.11, 2, 6).

#### **4. Penalties and sanctions**

For contravention of the export provisions of the Act the penalty is a fine of up to \$200, or imprisonment for up to six months or both (s.17).

For contravention of the Customs (Prohibited Exports) Order, the penalties of the Customs Act apply. These include forfeiture of the goods and of vessels, containers etc used in the handling of the goods (Customs Act, ss.197, 198) and a fine of up to \$400 or three times the value of the goods, whichever is the greater (s.206). These provisions apply also to aiding and abetting and attempted offences (ss.211, 212). Persons are also liable for misstatements, false documents or incorrect statements (s.207).

#### **5. International instruments**

At 31 December 1987, Fiji was not a party to any international instruments concerning unlawfully exported cultural property.