

PRESIDENCY OF THE REPUBLIC

**GENERAL SECRETARIAT
OF THE GOVERNMENT**

**REPUBLIC OF MALI
ONE PEOPLE –ONE GOAL – ONE FAITH**

Decree No. 299/PG-RM regulating the prospecting, marketing and export of cultural properties

THE PRESIDENT OF THE REPUBLIC,

MINDFUL of the Constitution;
MINDFUL of Law No. 85-40 / AN- RM of 26 July 1985 relating to the protection and promotion of the national cultural heritage;
MINDFUL of Law No. 86-61 / AN- RM of 26 July 1986 relating to the profession of dealer in cultural property;
MINDFUL of Decree No. 174 / P-RM of 6 June 1986 to appoint members of the Government;

DECIDING IN CABINET MEETING,

HEREBY DECREES AS FOLLOWS:

CHAPTER I: GENERAL PROVISIONS

ARTICLE 1: Under this decree:

- prospecting means searching for cultural properties in order to acquire them for profit-making purposes;
- marketing means the purchase and sale of cultural properties;
- export means the transfer, to another country, of the cultural properties belonging to the national cultural heritage.

ARTICLE 2: The prospecting, marketing and export of cultural properties shall be subject to the following provisions.

ARTICLE 3: It is prohibited to prospect for, market, or export cultural properties from archeological sites.

CHAPTER II: PROSPECTING, MARKETING AND EXPORT

Section 1: Conditions required

ARTICLE 4: Only persons practising the profession of dealer in cultural property shall market cultural property or engage in prospecting.

ARTICLE 5: Applicants for the profession of dealer in cultural property shall lodge a request for approval with the Minister in charge of Culture. The request shall specify if the applicant intends to

market cultural property, prospect or carry out the two activities.

ARTICLE 6: The request shall be accompanied by:

1. a copy of the civil status certificate;
2. a copy of the police record;
3. a certificate of nationality;
4. a certificate of residence;
5. a copy of the trading licence.

SECTION 2: Prospecting

ARTICLE 7: The dealer in cultural property shall possess a prospecting permit before undertaking any prospecting.

ARTICLE 8: The prospecting permit shall be issued by the Minister in charge of Culture. An Inter-Ministerial Order shall determine the conditions of obtaining and using the permit.

ARTICLE 9: An Order of the Minister in charge of Culture shall each year determine the areas where prospecting shall be prohibited.

ARTICLE 10: The collected cultural properties shall be presented for inventory and evaluation to the authorized service that issued the prospecting permit.

ARTICLE 11: Any cultural property acquired following prospecting, which has not been recorded in the inventory and for which expert evaluation requires classification, may be proposed for classification.

Section 3: Marketing and Export

ARTICLE 12: Without prejudice to the commercial regulations in force, any dealer in cultural property may export cultural property for commercial purposes if he holds an authorization issued by the Minister in charge of Culture.

ARTICLE 13: Any cultural property intended for export shall be presented to the competent service

which shall evaluate it and issue the export authorization.

ARTICLE 14: Any cultural property intended for export, which has not been recorded in the inventory and for which expert evaluation requires classification, may be proposed for classification.

ARTICLE 15: Obtaining an export authorization shall be subject to the payment of a tax determined by Inter-Ministerial Order.

ARTICLE 16: Any natural person may obtain, against payment of the tax specified in Article 15, an export authorization for gifts and souvenirs of a maximum value and numeric characteristics that shall be determined by an Inter-Ministerial Order.

ARTICLE 17: Any person practising the profession of dealer in cultural property of a maximum value and numeric characteristics exceeding those determined by the Inter-Ministerial Order provided for in Article 16 shall do so care of a Malian dealer in cultural property.

ARTICLE 18: A special authorization may be issued where the cultural property intended for export is used for scientific purposes.

CHAPTER III: SANCTIONS

ARTICLE 19: Any person who undertakes or attempts to undertake prospecting without a permit or export without authorization shall be liable to a fine of CFAF 50,000 to CFAF 250,000 without prejudice to the confiscation of the cultural properties seized.

ARTICLE 20: Any dealer in cultural property who violates the provisions of Article 8 shall be liable to the sanctions specified in Article 19 above.

ARTICLE 21: Whoever violates the provisions of Article 3 shall be liable to a fine of CFAF 250,000 to CFAF 5,000,000 without prejudice to the confiscation of the cultural properties seized.

ARTICLE 22: In the event of further violations as specified in Articles 19, 20 and 21, the penalty shall be doubled.

ARTICLE 23: All previous provisions repugnant hereto are repealed.

ARTICLE 24: The Minister of Sports, Arts and Culture, the Minister of National Defence, the Minister of Natural Resources and Livestock, the Minister of Territorial Administration and Grassroots Development, and the Minister Finance and Trade shall be responsible, each in his own sphere, for the implementation of this decree which shall be registered and published in the Official Gazette.

KOULOUBA, 19 SEPTEMBER 1986
PRESIDENT OF THE REPUBLIC
GENERAL MOUSSA TRAORE