MINISTRY OF CULTURE
AND COMMUNICATION

MINISTRY OF HANDICRAFT AND
TOURISM

INTERMINISTERIAL ORDER No. 94-7968/MCC-MAT TO REGULATE THE PROFESSION OF DEALERS IN CULTURAL PROPERTY, PROSPECTING, MARKETING AND EXPORT OF CULTURAL PROPERTY

The Minister of Culture and Communication;
The Minister of Handicraft and Tourism;

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 regulating the profession of dealer in cultural property;
MINDFUL of Decree No. 275/PG- RM of 4 November 1985 to regulate archeological excavations;
MINDFUL of Decree No. 299/PG- RM of 19 September 1986 to regulate the prospecting, marketing and export of cultural properties;
MINDFUL of Decree No. 94-067/P-RM of 6 February 1994 to appoint members of the Government;

HEREBY ORDER AS FOLLOWS:

ARTICLE 1: This Inter-Ministerial Order regulates the profession of dealer in cultural property, as well as prospecting, marketing and export of cultural property.

CHAPTER 1: APPROVAL

ARTICLE 2: The prospecting, marketing and export of cultural property shall be subject to approval by the Minister in charge of Culture.

ARTICLE 3: The approval shall lead to the issue of a cultural property dealer’s card by the Minister in charge of Culture following the opinion of the commission set up for that purpose. The Commission shall comprise:
- the National Director of Arts and Culture;
- the Director of the National Museum;
- a representative of the Ministry in charge of Territorial Administration;
- a representative of the Ministry of Trade;
- a representative of the Ministry in charge of the Environment;
- a representative of the Ministry in charge of Handicraft and Tourism;
- a representative of the Ministry in charge of Justice;
- a representative of the Ministry in charge of Internal Security.

ARTICLE 4: Persons who obtain approval shall be registered on the roll of dealers in cultural property.

ARTICLE 5: The application file for approval shall comprise, in addition to all the documents indicated in Article 6 of Decree No. 299/PG- RM of 19 September 1986:
- three identity photographs;
- an undertaking to comply with the laws in force on the prospecting, marketing and export of cultural property.

As regards legal entities, the file shall also comprise:
- a notarized copy of the Articles of Association published in the Official Gazette, Essor or the Bulletin of the Chamber of Commerce and Industry of Mali;
- an attestation of subscription and payment of the share capital;
- the attestation issued by the National Social Insurance Institute (INPS).

The application for approval shall bear a CFAF 100 stamp and be addressed to the Minister in charge of Culture.

The police record shall be less than three months old.

ARTICLE 6: The cultural property dealer’s card shall indicate:
- the name and address of the dealer;
- the place of practice of the profession;
- the registration number on the roll of dealers in cultural property;
- the statistical number of the dealer in cultural property;
- an identity photo.

ARTICLE 7: The issue of the cultural property dealer’s card shall be subject to the payment of a
fixed tax of CFAF 1,000 and presentation of a receipt showing payment of the sum of two hundred and fifty thousand francs for the deposit mentioned in Section 7 of Law No. 96-61/AN- RM of 26 July 1986 relating to the profession of dealer in cultural property.

ARTICLE 8: The card shall be strictly personal and valid for one year. Its renewal shall be subject to the submission of a copy of the trading licence, police record, payment of the fixed sum of CFAF 1,000 and renewal of the undertaking.

CHAPITRE II: PROSPECTING

ARTICLE 9: Prospecting, as defined by Decree No. 299/ PG- RM of 19 September 1986, shall be subject to obtaining a prospecting permit. It shall be exclusively reserved for holders of the cultural property dealer’s card.

ARTICLE 10: The prospecting permit shall be valid for a period of three months. It shall be strictly personal and issued against payment of a fixed tax of five thousand (5,000) CFA francs. It shall be valid for a specific zone and for only one prospecting. The prospecting permit shall be endorsed at the entry and exit of the administrative unit by the competent administrative authorities. It shall be presented on demand to all officers duly authorized by the Minister in charge of Culture or any other officers approved for that purpose.

ARTICLE 11: In special circumstances, the Minister in charge of Culture may, by Order, prohibit the prospecting of some zones.

ARTICLE 12: The prospecting permit shall entitle the holder to the purchase of fifty (50) copies of old objects based on ethnographic or archeological objects and ten (10) ethnographic objects that are unclassified or not proposed for classification or not belonging to a collective heritage.

ARTICLE 13: The prospecting permit does not in any case authorize the practice of drillings on archeological sites or acquisition of archeological objects or collection of fragments classified monuments.

ARTICLE 14: Any cultural property acquired following prospecting shall be presented to the National Museum for inventory and evaluation no later than 15 days after expiry of the prospecting permit.

ARTICLE 15: Any cultural property acquired after prospecting and for which expert evaluation requires classification may undergo the classification procedure.

In such a case, the intention to propose it for classification shall be notified immediately to the owner by the Director of the National Museum and confirmed within 15 days by a proposal for classification notified by the Minister in charge of culture.

ARTICLE 16: The intention to initiate the classification procedure shall allow the Director of the National Museum to keep the cultural property in question pending its confirmation by the Minister in charge of Culture.

In accordance with Sections 12 and 13 of Law No. 85-40/AN- RM of 26 July 1985, it is prohibited to export such cultural property. Its displacement and transfer of ownership shall require a three (3) months’ prior notice.

ARTICLE 17: Without prejudice to the commercial regulations in force, the dealer in cultural property shall keep an inventory register of his collections in which are indicated his acquisitions, his sales and his transfers. The register, with serial numbers and initialled, shall be subject to control by officers authorized by the Minister in charge of Culture. The register shall indicate:
- the nature of the object;
- the name of the object;
- the date and place of acquisition;
- the name and address of the buyer;
- the price of the object.

ARTICLE 18: In addition to the inventory register referred to in the previous Article, the dealer in cultural property shall keep accurate regular accounts. He shall, in particular, possess:
- a day book;
- a cash book;
- a receipt booklet.

ARTICLE 19: Without prejudice to the legislation in force on archeological research, prospecting to constitute collections for scientific purposes shall be reserved for special cases. It shall be subject to a request addressed to the Minister in charge of culture. The application file shall comprise:
- a statement of reasons for the request;
- an undertaking to comply with the legislation on the protection of the cultural heritage.

In the event of approval by the Minister in charge of Culture, the prospecting shall be undertaken in
collaboration with the National Museum. The collection shall be made in duplicate at the requester’s expense, one belonging to the National Museum. Single copy objects shall be the property of the National Museum.

CHAPTER II: EXPORT

ARTICLE 20: The export of cultural property, with the exception of new handicraft objects, shall be subject to an export authorization issued by the National Director of Cultural Heritage following an opinion of the Director of the National Museum. Properties intended for export shall be presented to the National Museum which shall conduct an evaluation.

ARTICLE 21: The export authorization shall be issued against payment of an evaluation tax equivalent to 10% of the value of the object. The value shall be based on the purchase invoice or, if need be, the average market price.

ARTICLE 22: The export authorization shall concern only the property for which it is issued. It shall be valid for one month with effect from the date of issue. It may not be renewed free of charge for the same properties.

ARTICLE 23: The export authorization shall be regularly presented to the external trade services, the customs authority of the exit point who shall endorse it after ensuring conformity between the objects to be exported and the items indicated on the authorization.

ARTICLE 24: The export authorization shall be presented when required to all officers authorized by the Minister in charge of Culture and other officers approved for that purpose.

ARTICLE 25: Cultural property other than archeological items proposed for export, which expert evaluation considers necessary to keep in the country, shall be seized for a period of three (3) months to enable the State to acquire it at a fair price. However, the State may, on an exceptional basis, exercise its preemptive right in accordance with Section 4 of Law No. 85-40/AN-RM of 26 July 1985 relating to the protection and promotion of the national cultural heritage.

ARTICLE 26: The export of archeological objects shall be strictly prohibited. Objects proposed for export or discovered during export shall be seized and handed over to the National Museum.

ARTICLE 27: The export of cultural properties for commercial purposes shall be reserved for dealers in cultural property. Any other person wishing to export cultural properties for commercial purposes shall do so care of and under the responsibility of an approved dealer in cultural property.

ARTICLE 28: Natural persons other than dealers in cultural property, wishing to export cultural properties as gifts and souvenirs, may do so against payment of the tax provided for in Article 23 of this Order. However, the total value of the objects shall not exceed one hundred thousand (100,000) CFA francs. The number of statues and masks among these objects shall not exceed ten (10).

ARTICLE 29: Where the export authorization is requested for scientific reasons or under cultural agreements, a special export authorization shall be issued free of charge. The export authorization shall specify the nature, quantity and duration of the export.

CHAPTER IV: SANCTIONS

ARTICLE 30: Whoever practices the profession of dealer in cultural property without approval shall be liable to the penalties provided for in Section 11 of Law No. 86-61/AN-RM of 26 July 1986.

ARTICLE 31: Whoever violates the provisions of Article 10 of this Order shall be liable to the penalty provided for in Section 11 of Law No. 86-61/AN-RM of 26 July 1986.

ARTICLE 32: Any dealer in cultural property who undertakes prospecting on an archeological site, prospects without a prospecting permit, or exports without authorization shall be liable, in addition to the penalties provided for in Article 19 of Decree No. 299/PG-RM of 19 September 1986, to suspension of the approval for twelve months and permanent withdrawal of the approval in the event of further offence.

ARTICLE 33: Any dealer in cultural property who exports archeological property, or property proposed for classification or classified property shall be struck off the roll of the profession without prejudice to the penalties provided for in Sections 38 and 39 of Law No. 85-40/AN-RM of 26 July 1985.
ARTICLE 34: This Order shall be registered, published and communicated wherever necessary.

Bamako, 18 July 1994

Mrs. FATOU HAIDARA
MINISTER OF HANDICRAFT AND TOURISM

Cheick Detteba Kamissoko
MINISTER OF CULTURE AND COMMUNICATION,