

CULTURAL PROPERTY

**Agreement Between the
UNITED STATES OF AMERICA
and MALI**

Signed at Washington September 19, 1997

with

Appendix

and

Agreement Extending the Agreement
Effected by Exchange of Notes at
Bamako September 11 and 17, 2002

and

Agreement Amending and Extending
the Agreement, as Extended
Effected by Exchange of Notes at
Bamako September 11 and 17, 2007



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.”

MALI

Cultural Property

Agreement signed at Washington September 19, 1997;

Entered into force September 19, 1997.

With appendix.

And agreement extending the agreement.

Effected by exchange of notes at Bamako

September 11 and 17, 2002;

Entered into force September 17, 2002.

*And agreement amending and extending the agreement,
as extended.*

Effected by exchange of notes at Bamako

September 11 and 17, 2007;

Entered into force September 17, 2007.

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF MALI
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS
ON ARCHAEOLOGICAL MATERIAL FROM THE
REGION OF THE NIGER RIVER VALLEY
AND THE BANDIAGARA ESCARPMENT (CLIFF)**

The Government of the United States of America and the Government of the Republic of Mali;

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

Desiring to reduce the incentive for pillage of certain categories of irreplaceable archaeological material representing a continuum of civilizations from the Neolithic period to the colonial occupation;

Have agreed as follows:

ARTICLE I

A. The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, will continue to restrict the importation into the United States of the archaeological material listed in the Appendix to this Agreement (hereafter "Designated List"), first promulgated by regulation on September 23, 1993 as an emergency measure. The restriction will continue to apply unless the Government of the Republic of Mali issues a certification or other documentation which certifies that such exportation was not in violation of its laws.

B. The continuation of such import restrictions will 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.

C. The Government of the United States of America shall offer for return to the Government of the Republic of Mali any material on the Designated List forfeited to the Government of the United States of America.

ARTICLE II

A. The Government of the Republic of Mali will use its best efforts to permit the exchange of its archaeological material under circumstances in which such exchange does not jeopardize its cultural patrimony but allows public access for educational, cultural and scientific purposes.

B. The representatives of the Government of the United States of America will participate in joint efforts with representatives of the Government of the Republic of Mali to publicize this Agreement.

C. The Government of the United States of America will use its best efforts to facilitate technical assistance to the Republic of Mali in cultural resource management and security, as appropriate under existing programs in the public and/or private sectors.

D. Both Governments will seek to encourage academic institutions, non-governmental institutions and other private organizations to cooperate in the interchange of knowledge and information about the cultural patrimony of the Republic of Mali, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training and resources.

E. The Government of the Republic of Mali will seek to develop and promote professional training programs for archaeologists and museum staff and public institution administrators responsible for cultural patrimony, and to enhance the capabilities of the National Museum of Mali to care for and exhibit aspects of its rich cultural heritage.

F. The Government of the United States of America, recognizing the successful public education initiatives of the Republic of Mali through the establishment of Cultural Missions that carry out research, site management, and educational programs among local populations at major archaeological sites, encourages the continuation of such measures as part of an overall effort toward sustainable strategies for protecting cultural resources.

G. The Government of the Republic of Mali will use its best efforts in restricting the activities of antiquarians within its borders, in making export controls more effective, and in seeking the cooperation of other importing countries in curbing illicit trade in Malian cultural artifacts.

H. In order for United States import restrictions to be maximally successful in thwarting pillage, the Government of the Republic of Mali will endeavor to strengthen regional cooperation, especially with immediately neighboring states, for the protection of the cultural patrimony of the region, recognizing that political boundaries and cultural boundaries do not coincide.

ARTICLE III

The obligations of both Governments and the activities carried out under this Agreement shall be subject to the laws and regulations of each Government, as applicable, including the availability of funds.

ARTICLE IV

A. This Agreement shall enter into force upon signature. It shall remain in force for a period not to exceed five years, unless extended.

B. This Agreement may be amended through an exchange of diplomatic notes.

C. The effectiveness of this Agreement will be subject to continuous review.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Agreement.

DONE at Washington, in duplicate, this *nineteenth* day of September,
1997, in the English and French languages, each text being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

John R. Carn
Ricard P. Kende

FOR THE GOVERNMENT OF THE
REPUBLIC OF MALI:

[Signature]

**ACCORD ENTRE
LE GOUVERNEMENT DES ETATS-UNIS D'AMERIQUE
ET
LE GOUVERNEMENT DE LA REPUBLIQUE DU MALI
PORTANT SUR LES RESTRICTIONS A L'IMPORTATION DE MATERIEL
ARCHEOLOGIQUE DE LA VALLEE DU NIGER ET DES
FALAISES DE BANDIAGARA**

Le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République du Mali;

Agissant conformément à la Convention de 1970 de l'UNESCO concernant les mesures à prendre pour interdire et empêcher l'importation, l'exportation et le transfert illicite de propriété des biens culturels à laquelle les deux pays sont parties; et

Désireux de réduire l'incitation au pillage de certaines catégories du matériel archéologique irremplaçable représentant un continuum de civilisation allant de la période néolithique à l'occupation coloniale;

Sont convenus de ce qui suit:

ARTICLE I

A. Le Gouvernement des Etats-Unis d'Amérique, conformément à la Loi d'Application de la Convention sur la propriété culturelle, restreindra l'importation aux Etats-Unis du matériel archéologique énuméré en annexe de cet Accord (ci-après "Liste Indiquée"), restrictions initialement promulguées par la décision du 23 septembre 1993, comme une mesure d'urgence. La restriction continuera à être appliquée à moins que le Gouvernement de la République du Mali ne délivre pour ce matériel une autorisation d'exportation ou tout autre document attestant qu'une telle exportation ne se fait pas en violation de ses lois.

B. La poursuite de telles restrictions à l'importation prendront effet à compter de la date de publication de la Liste Indiquée dans le Registre Fédéral des Etats-Unis d'Amérique, le journal officiel aux Etats-Unis qui en assure une large diffusion auprès du public.

C. Le Gouvernement des Etats-Unis d'Amérique restituera au Gouvernement de la République du Mali tout matériel de la Liste Indiquée rendu aux Etats-Unis d'Amérique.

ARTICLE II

A. Le Gouvernement de la République du Mali facilitera au mieux l'échange de ses matériels archéologiques dans des conditions qui ne mettent pas en danger son patrimoine culturel, mais qui permettent au public d'y accéder à des fins éducatives, culturelles et scientifiques.

B. Les représentants du Gouvernement des Etats-Unis d'Amérique et les représentants du Gouvernement de la République du Mali conjugueront leurs efforts pour une large diffusion des dispositions du présent accord.

C. Le Gouvernement des Etats-Unis fera de son mieux pour faciliter à la République du Mali, l'accès à l'assistance technique dans la gestion et la sécurité des ressources culturelles, comme il convient sous des programmes existants dans les secteurs public et/ou privé.

D. Les deux Gouvernements chercheront à encourager la coopération entre les institutions académiques, les institutions non-gouvernementales et autres organisations privées dans le domaine des échanges de connaissances et d'information sur le patrimoine culturel du Mali, et à collaborer à la préservation et à la protection de ce patrimoine à travers une assistance technique appropriée, la formation et la disponibilité de ressources.

E. Le Gouvernement de la République du Mali cherchera à développer et à promouvoir des programmes de formation professionnelle pour les archéologues, les personnels de musées et les administrateurs des institutions publiques responsables du patrimoine culturel, et à accroître les capacités du Musée National du Mali à conserver et à exposer les éléments de son riche héritage culturel.

F. Le Gouvernement des Etats-Unis d'Amérique, reconnaissant les initiatives réussies d'éducation du public entreprises par la République du Mali à travers la mise en place de Missions culturelles qui entreprennent des programmes de recherche, de gestion de sites et d'éducation des populations locales sur les grands sites archéologiques, encourage la poursuite de telles mesures comme partie intégrante d'un effort d'ensemble vers une stratégie durable de protection du patrimoine culturel.

G. Le Gouvernement de la République du Mali fera de son mieux pour limiter les activités des antiquaires à l'intérieur de ses frontières pour rendre plus efficaces les contrôles à l'exportation et pour rechercher la coopération d'autres pays importateurs en vue de maîtriser le commerce illicite des objets culturels maliens.

H. Pour que les restrictions à l'importation aux Etats-Unis atteignent un niveau de réussite maximale dans la prévention contre le pillage, le Gouvernement de la République du Mali s'efforcera de renforcer la coopération régionale, en particulier avec ses voisins immédiats, pour la protection du patrimoine culturel régional, étant entendu que les frontières culturelles et les frontières politiques ne coïncident pas.

ARTICLE III

Les obligations des deux Gouvernements et les activités effectuées dans le cadre de cet accord devront se conformer aux lois et réglementations de chaque Gouvernement, s'il y a lieu, y compris en ce qui concerne la disponibilité des fonds.

ARTICLE IV

A. Cet accord sera effectif à partir de sa date de signature. Il restera en vigueur pendant une durée de cinq ans, sauf en cas de prorogation.

B. Cet accord peut-être amendé par échanges de notes diplomatiques.

C. La mise en oeuvre efficace de cet accord fera l'objet de revues régulières.

EN FOI DE QUOI, les soussignés, ayant été dûment autorisés par leurs Gouvernements respectifs, ont signé le présent accord.

FAIT à Washington, en deux exemplaires, ce *dix-neuvième* jour de septembre, 1997, en anglais et en français, les deux textes faisant également foi.

POUR LE GOUVERNEMENT
DES ETATS-UNIS D'AMERIQUE:

Johnie Carson
Rene P. Kalu

POUR LE GOUVERNEMENT DE
LA REPUBLIQUE DU MALI:

[Signature]

**ARCHAEOLOGICAL MATERIAL FROM THE REGION OF
THE NIGER RIVER VALLEY, MALI
AND THE BANDIAGARA ESCARPMENT (CLIFF), MALI**

The following categories of material have been restricted since September 23, 1993 from importation into the United States, unless accompanied by a verifiable export certificate issued by the Government of the Republic of Mali. Under the terms of a new Agreement between the Government of the United States of America and the Government of the Republic of Mali, this restriction continues to apply to the following:

Archaeological material from the Region of the Niger River Valley, Mali and the Bandiagara Escarpment (Cliff), Mali, that includes, but is not limited to, the categories listed below. As this region is further excavated, other types of material may be found and added to an amended list. The following list is representative only. Any dimensions are approximate.

I. Ceramics/Terracotta/Fired Clay

Types of ceramic forms (stylistically known as Djenne-jeno or Jenne, Bankoni, Guimbala, Bambara, Bougouni and other stylistic labels) that are known to come from the region include, but are not limited to:

A. Figures/Statues

1. Anthropomorphic figures, often incised, impressed and with added motifs, such as scarification marks and serpentine patterns on their bodies, often depicting horsemen or individuals sitting, squatting, kneeling, embracing, or in a position of repose, arms elongated the length of the body or crossed over the chest, with the head tipped backwards. (H: 6-30 in.)
2. Zoomorphic figures, often depicting a snake motif on statuettes or on the belly of globular vases. Sometimes the serpent is coiled in an independent form. A horse motif is common, but is usually mounted. Includes quadrupeds. (H: 6-30 in.)

B. Common Vessels

1. Funerary jars, ocher in color, often stamped with chevrons. (H: 50-80 cm.)
2. Globular vases often stamped with chevrons and serpentine forms. (H: under 10 in.)

3. Bottles with a long neck and a belly that is either globular or streamlined. Some have lids shaped like a bird's head.
4. Ritual pottery of the Tellem culture, decorated with a characteristic plaited roulette.
 - a. Pot made on a convex mold built up by coiling.
 - b. Hemispherical pot made on three or four legs or feet resting on a stand. (H: 18 cm.)
5. Kitchen pottery of the Tellem culture with the paddle-and-anvil technique decorated with impressions from woven mats. (H: 20 cm.)

II. Leather

Objects of leather found in Tellem funerary caves of the Bandiagara Escarpment include, but are not limited to:

A. Clothing

1. Sandals often decorated and furnished with a leather ankle protection
2. Boots profusely painted with geometric designs
3. Plaited bracelets
4. Knife-sheaths
5. Loinskin
6. Bag

III. Metal

Objects of metal from the region of the Niger River Valley and the Bandiagara Escarpment include the following components:

A. Copper and Copper Alloy (such as Bronze)

1. Figures/Statues

a. Anthropomorphic figures, including equestrian figures and kneeling figures. (Some are miniatures no taller than 2 inches; others range from 6-30 inches.)

b. Zoomorphic figures, such as the bull and the snake.

2. Bells (4-5 in.) and finger bells (2-3 in.)

3. Pendants, known to depict a bull's head or a snake (H: 2-4 in.)

4. Bracelets, known to depict a snake (5-6 in.)

5. Bracelets, known to be shaped as a head and antelope (3-4 in.)

B. Iron

1. Figures/Statues

a. Anthropomorphic figures (H: 5-30 in.)

b. Zoomorphic figures, sometimes representing a serpent (H: 5-30 in.)

2. Headrests of the Tellem culture

3. Ring-bells or fingerbells of the Tellem culture

4. Bracelets and armlets of the Tellem culture

5. Hairpins, twisted and voluted, of the Tellem culture

IV. Stone

Objects of stone usually found in Tellem funerary caves of the Bandiagara Escarpment include, but are not limited to:

A. Carnelian beads (faceted)

B. Quartz lip plugs

V. Glass Beads

Glass beads have been recovered in the Tellem funerary caves and in archaeological sites in the region of the Niger River Valley.

VI. Textiles

Textile objects, or fragments thereof, have been recovered in the Tellem funerary caves of the Bandiagara Escarpment and include, but are not limited to:

A. Cotton

1. Tunics
2. Coifs
3. Blankets

B. Vegetable Fiber

Skirts, aprons and belts - made of twisted and intricately plaited vegetable fiber

C. Wool

Blankets

VII. Wood

Objects of wood may be found archaeologically (in funerary caves of the Tellem or Dogon peoples in the Bandiagara Escarpment, for example).

Archaeological material of wood. Following are representative examples of wood objects usually found archaeologically:

A. Figures/Statues

1. Anthropomorphic figures - usually with abstract body and arms raised standing on a platform, sometimes kneeling (H: 10-24 in.)
2. Zoomorphic figures - depicting horses and other animals (H: 10-24 in.)

B. Headrests

C. Household Utensils

1. Bowls
2. Spoons - carved and decorated

D. Agricultural/Hunting Implements

1. Hoes and axes - with either a socketed or tanged shafting without iron blades
2. Bows - with a notch and a hole at one end and a hole at the other with twisted, untanned leather straps for the "string"
3. Arrows, quivers
4. Knife sheaths

E. Musical Instruments

1. Flutes with end blown, bi-toned
2. Harps
3. Drums

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 171

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Mali and has the honor to refer to the Agreement Between the Government of the United States of America and the Government of the Republic of Mali Concerning the Imposition of Import Restrictions on Archaeological Material from the Region of the Niger River Valley and the Bandiagara Escarpment (Cliff) done at Washington September 19, 1997 (hereinafter referred to as "the Agreement").

The Embassy proposes that, pursuant to Article IV A of the Agreement, the Agreement be extended for an additional five-year period.

If the foregoing proposal is acceptable to the Government of the Republic of Mali, the Embassy of the United States proposes that this note and the Ministry's note in reply, shall constitute an agreement to extend the Agreement, which shall enter into force on the date of your note in reply and shall be effective September 19, 2002.



Embassy of the United States of America,

Bamako, September 11, 2002.

**MINISTRE DES AFFAIRES ETRANGERES
ET DES MALIENS DE L'EXTERIEUR****REPUBLIQUE DU MALI****Un Peuple - Un But - Une Foi****DIRECTION DES AFFAIRES JURIDIQUES**

Bl 9/17



7156

N°/MAEME/DAJ-DAJCC-SAB. H

Le Ministère des Affaires Etrangères et des Maliens de l'Extérieur présente ses compliments à l'Ambassade des Etats-Unis d'Amérique à Bamako et, accusant réception de sa note n° 171 en date du 11 septembre 2002, a l'honneur de lui notifier l'accord du Gouvernement de la République du Mali à sa proposition de prorogation pour une période supplémentaire de cinq (5) ans de l'Accord entre le Gouvernement de la République du Mali et le Gouvernement des Etats-Unis d'Amérique portant sur les restrictions à l'importation de matériel archéologique de la vallée du Niger et des falaises de Bandiagara, fait à Washington le 19 septembre 1997.

En conséquence, le Ministère porte à la connaissance de l'Ambassade que le Gouvernement de la République du Mali accepte les termes de la proposition ci-dessus et confirme que la note de l'Ambassade sus-visée et cette note constituent un Accord entre les deux pays portant prorogation de l'Accord du 19 septembre 1997, qui entrera en vigueur à partir du 19 septembre 2002.

Le Ministère des Affaires Etrangères et des Maliens de l'Extérieur remercie l'Ambassade des Etats-Unis d'Amérique à Bamako de son aimable coopération et saisit cette occasion pour lui renouveler les assurances de sa haute considération./.

Koulouba, le 17 SEP 2002

AMBASSADE DES ETATS-UNIS D'AMERIQUE**- BAMAKO -**



Translation

Republic of Mali
Ministry of Foreign Affairs and Malians Abroad
Bureau of Legal Affairs

No. 7156/MAEME/DAJ-DAJCC-SAB. [Initials]

The Ministry of Foreign Affairs and Malians Abroad presents its compliments to the Embassy of the United States of America at Bamako and, acknowledging receipt of its note No. 171 of September 11, 2002, has the honor to notify it of the acceptance by the Government of the Republic of Mali of its proposal to extend, for an additional five-year period, the Agreement between the Government of the Republic of Mali and the Government of the United States of America Concerning the Imposition of Import Restrictions on Archaeological Material from the Region of the Niger River Valley and the Bandiagara Escarpment (Cliff) done at Washington on September 19, 1997.

Consequently, the Ministry hereby informs the Embassy that the Government of the Republic of Mali accepts the terms of the above-mentioned proposal and confirms that the Embassy's note referred to above and this note shall constitute an agreement between the two governments to extend the Agreement of September 19, 1997, which shall enter into force beginning on September 19, 2002.

[Complimentary close]

Koulouba, September 17, 2002

[Initialed]

[Ministry stamp]

Embassy of the United States of America,
Bamako.

No. 202

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and International Cooperation of the Republic of Mali and has the honor to refer to the Agreement between the Government of the United States of America and the Government of the Republic of Mali concerning the Imposition of Import Restrictions on Archaeological Material from the Region of the Niger River Valley and the Bandiagara Escarpment (Cliff) signed at Washington September 19, 1997 as extended (hereinafter referred to as "the Agreement"). The Embassy, on behalf of the Government of the United States of America, proposes that, pursuant to Article IV.A of the Agreement, the Agreement be extended for an additional five-year period.

The Embassy further proposes that, pursuant to Article IV. B of the Agreement, the Agreement be amended by replacing Article II with the attached revised Article II. The Embassy also proposes that the title of the Agreement be changed to "Agreement between the Government of the United States of America and the Government of the Republic of Mali concerning the Imposition of Import Restrictions on Archaeological Material from Mali from the Paleolithic Era (Stone Age) to Approximately the Mid-Eighteenth Century" to reflect the broader scope of archaeological material to be protected under the Agreement as hereby amended and extended.

If the foregoing proposals are acceptable to the Ministry of Foreign Affairs, the Embassy proposes that this note, including the attached revised Article II, and the Ministry's note in reply, shall constitute an agreement to amend and extend the Agreement, which shall enter into force on the date of your note in reply and shall take effect on September 19, 2007.

The Embassy of the United States of America takes this opportunity to renew to the Ministry of Foreign Affairs and International Cooperation of the Republic of Mali the assurances of its highest consideration.

Attachment:

As stated



Embassy of the United States of America,
Bamako, September 11, 2007.

United States of America-Republic of Mali Memorandum of Understanding
Extension 2007
Revised Article II

- A. The Government of the Republic of Mali shall use its best efforts to permit the exchange of its archaeological material for educational, cultural and scientific purposes under circumstances in which such exchange does not jeopardize its cultural patrimony.
- B. Representatives of the Government of the United States and representatives of the Government of the Republic of Mali will take action to publicize this Agreement.
- C. As appropriate under existing programs in the public and/or private sectors, the Government of the United States shall use its best efforts to 1) respond to requests from the Republic of Mali for technical assistance in cultural resource management and security, and 2) promote professional exchanges to enhance the capacity of the Republic of Mali in exhibition preparation and conservation science.
- D. Both Governments shall seek to encourage academic institutions, non-governmental institutions, and other organizations to cooperate in the interchange of knowledge and information about the cultural patrimony of the Republic of Mali, and to collaborate in the preservation and protection of its cultural patrimony through appropriate technical assistance, training and resources.
- E. The Government of the Republic of Mali shall seek to develop and promote professional training programs for archaeologists, museum staff, and public institution administrators responsible for cultural patrimony.
- F. Recognizing the successful initiatives of the Government of the Republic of Mali through the establishment of Cultural Missions that carry out research, site management, and educational programs among local populations at major archaeological sites, the Government of the United States encourages the continuation of such measures as part of an effort toward sustainable strategies for protecting cultural resources.
- G. The Government of the Republic Mali shall establish an interministerial committee to coordinate activities to preserve cultural heritage and shall strengthen efforts to reduce the internal sale and export of the restricted antiquities, and sensitize tour operators and others about the need to protect archaeological sites against looting in regions such as the Sahara. This interministerial committee and the U.S. Embassy shall meet once a year to review the status of the Agreement.
- H. The Government of the Republic of Mali shall endeavor to strengthen cooperation with its neighboring states, for the protection of the cultural patrimony of the region. The Government of the Republic of Mali shall also seek the cooperation of other nations where there is a market for illicit Malian archaeological material to reduce the importation into those countries of such material.

KC/A7

MINISTERE DES AFFAIRES ETRANGERES
ET DE LA COOPERATION INTERNATIONALE

REPUBLIQUE DU MALI
Un Peuple - Un But - Une Foi

DIRECTION DES AFFAIRES JURIDIQUES



00005627

N°/MAECU/DAJ-DAICC.

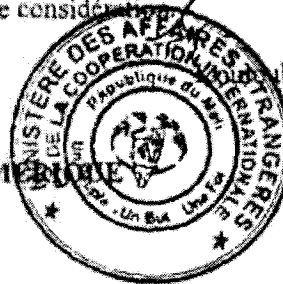
Le Ministère des Affaires Etrangères et de la Coopération Internationale présente ses compliments à l'Ambassade des Etats-Unis d'Amérique à Bamako et a l'honneur d'accuser réception de sa note n°202 en date du 11 septembre 2007, relative à l'Accord entre le Gouvernement de la République du Mali et le Gouvernement des Etats-Unis d'Amérique portant sur les restrictions à l'importation de matériel archéologique de la vallée du Niger et des falaises de Bandiagara, signé à Washington le 19 septembre 1997.

En retour, le Ministère voudrait porter à la connaissance de l'Ambassade que le Gouvernement de la République du Mali accepte la prorogation pour une période supplémentaire de cinq (5) ans de l'Accord susvisé avec les amendements ci-après :

- amendement du titre de l'Accord, modifié comme suit : « Accord entre le Gouvernement de la République du Mali et le Gouvernement des Etats-Unis d'Amérique portant sur les restrictions à l'importation de matériel archéologique du Mali allant de l'ère paléolithique (âge de la pierre taillée) à la mi-dix-huitième siècle » ;
- amendement de l'article II de l'Accord (comme ci-joint).

La note de l'Ambassade et la présente notification constituent un Accord entre les deux pays, qui entrera en vigueur à partir du 19 septembre 2007.

Le Ministère des Affaires Etrangères et de la Coopération Internationale remercie l'Ambassade des Etats-Unis d'Amérique de son aimable coopération et saisit cette occasion pour lui renouveler les assurances de sa haute considération.



Bamako, le 17 SEPT 2007

AMBASSADE DES ETATS-UNIS D'AMERIQUE

-BAMAKO-

Republic of Mali
Ministry of Foreign Affairs and International Cooperation
Bureau of Legal Affairs

No. 00005627/MAEC/DAJ/DAICC

The Ministry of Foreign Affairs and International Cooperation presents its compliments to the Embassy of the United States of America at Bamako and has the honor to acknowledge receipt of its note No. 202 of September 11, 2007, regarding the Agreement between the Government of the Republic of Mali and the Government of the United States of America concerning the imposition of import restrictions on archeological material from the Valley of the Niger and the Bandiagara Escarpment, signed at Washington on September 19, 1997.

In response, the Ministry wishes to inform the Embassy that the Government of the Republic of Mali accepts the renewal of the above-mentioned Agreement for an additional five-year period, with the following amendments:

- The title of the Agreement shall be amended to read as follows: "Agreement Between the Government of the Republic of Mali and the Government of the United States of America Concerning the Imposition of Import Restrictions on Archeological Material from Mali from the Paleolithic Era (Stone Age) to the Eighteenth Century;
- Article II of the Agreement shall be amended as set forth in the attachment.

Embassy of the United States of America,
Bamako.

The Embassy's note and this notification shall constitute an agreement between our two countries, which shall enter into force as of September 19, 2007.

The Ministry of Foreign Affairs and International Cooperation thanks the Embassy of the United States of America for its cooperation in this matter and [complimentary close].

Koulouba, September 17, 2007

[Initialed]

[Ministry stamp]

CULTURAL PROPERTY

**Agreement Between the
UNITED STATES OF AMERICA
and MALI**

**Extending the Agreement of
September 19, 1997**

Effected by Exchange of Notes at
Bamako August 15 and September 5, 2012



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.”

MALI

Cultural Property

*Agreement extending the agreement of
September 19, 1997.
Effectuated by exchange of notes at Bamako
August 15 and September 5, 2012;
Entered into force September 5, 2012.*

No. 110

The Embassy of the United States of America presents its compliments to the Ministry of Culture of the Republic of Mali and has the honor to refer to the Agreement Between the Government of the United States of America and the Government of the Republic of Mali Concerning the Imposition of Import Restrictions on Archaeological Material from Mali from the Paleolithic Era (Stone Age) to Approximately the Mid-Eighteenth Century, done at Washington September 19, 1997, as amended and extended (hereinafter referred to as "the Agreement"). The Embassy, on behalf of the Government of the United States of America, proposes that, pursuant to Article IV.A of the Agreement, the Agreement be extended for an additional five-year period.

The Embassy further proposes that, pursuant to Article IV. B of the Agreement, the Agreement be amended by replacing Article II with the attached revised Article II.

If the foregoing proposals are acceptable to the Ministry of Culture, the Embassy proposes that this note, including the attached revised Article II, and the Ministry's note in reply, shall constitute an agreement to extend and amend the Agreement, which shall enter into force on the date of your note in reply and shall take effect on September 19, 2012.

The Embassy of the United States of America takes this opportunity to renew to the Ministry of Culture of the Republic of Mali the assurances of its highest consideration.

Attachment: as stated.

Embassy of the United States of America,
Bamako, August 15, 2012.

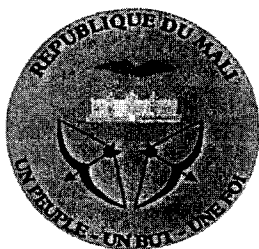


DIPLOMATIC NOTE

2012 Extension - Amended Article II

- A. Representatives of the Government of the United States of America and representatives of the Government of the Republic of Mali shall take steps to publicize this Agreement.
- B. Recognizing the successful initiatives of the Government of the Republic of Mali through the establishment of Cultural Missions that carry out research, site management, and educational programs among local populations at major archaeological sites, the Government of the United States of America encourages the continuation of such measures as part of an effort toward sustainable strategies for protecting cultural resources.
- C. The Government of the United States of America recognizes that the Government of the Republic of Mali has a history of permitting the interchange of archaeological materials for exhibition and educational purposes to enable public appreciation of and access to Mali's cultural heritage. The Government of the Republic of Mali agrees to use its best efforts to encourage further interchange through consideration of accommodating requests for extended international loans of archaeological material to United States museums and academic institutions for educational, cultural, and scientific purposes under circumstances in which such exchange does not jeopardize Mali's cultural patrimony.
- D. As appropriate under existing programs in the public and/or private sectors, the Government of the United States of America shall use its best efforts to 1) respond to requests from the Republic of Mali for technical assistance in cultural resource management and security, and 2) promote professional exchanges to enhance capacity of the Republic of Mali in exhibition preparation and conservation science.
- E. Both Governments shall seek to encourage academic institutions, non-governmental institutions, and other organizations to cooperate in the interchange of knowledge and information about the cultural patrimony of the Republic of Mali, and to collaborate in the preservation and protection of Mali's cultural patrimony through appropriate technical assistance, training, and resources.
- F. The Government of the Republic of Mali shall seek to develop and promote professional training programs for archaeologists, museum staff, and public institution administrators responsible for cultural patrimony.
- G. The Government of the Republic of Mali shall initiate the work of its authorized inter-ministerial committee to coordinate activities to preserve cultural heritage, strengthen efforts to reduce the internal sale and export of the restricted antiquities, and sensitize tour operators and others about the need to protect archaeological sites against looting in regions such as the Sahara. This inter-ministerial committee and the U.S. Embassy shall meet once a year to review the status of the Agreement.
- H. The Government of the Republic of Mali shall endeavor to strengthen cooperation with its neighboring states, for the protection of the cultural patrimony of the region.

- I. The Government of the Republic of Mali shall seek the cooperation of other nations where there is a market for illicit Malian archaeological material to reduce the importation into those countries of such material.
- J. The Government of the Republic of Mali shall endeavor to identify and record the locations of undocumented archaeological sites through field surveys, and to use its best efforts to protect these sites. The Government of the Republic of Mali shall continue its registration and monitoring of known archaeological sites.
- K. The Government of the Republic of Mali shall develop and maintain a comprehensive record of reported incidents of looting of archaeological sites. Such record shall include an indication of the eventual outcome of cases that result in prosecution or penalties.
- L. Each Government shall keep the other informed of the effectiveness of the measures agreed to in this Agreement; reports shall be exchanged in October 2014 to coincide with an interim review, and in March 2017, should there be a proposal to extend the Agreement.



Bamako, le 05 SEPT 2012

Le Ministre de la Culture

M

**Son Excellence Madame l'Ambassadeur
des Etats-Unis d'Amérique au Mali
BAMAKO**

**S /C Monsieur le Ministre des Affaires
Etrangères et de la Coopération
Internationale
- KOULOUBA-**

N° 0035 /MC-SG

Objet : *Prorogation de l'Accord entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République du Mali sur les restrictions à l'importation de matériels archéologiques pour une période supplémentaire de cinq ans.*

Madame l'Ambassadeur,

Le Ministère de la Culture de la République du Mali présente ses compliments à l'Ambassade des États-Unis d'Amérique et a l'honneur d'accuser réception de la note n° 110 du 15 août 2012 concernant l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Mali portant sur les Restrictions à l'importation de matériels archéologiques du Mali allant de l'ère paléolithique (âge de la pierre taillée) jusque vers la mi-dix-huitième siècle, signé à Washington le 19 septembre 1997, tel qu'amendé et prorogé (ci-après dénommé « l'Accord »), qui se lit comme suit :

« L'Ambassade des États-Unis d'Amérique présente ses compliments au Ministère de la Culture de la République du Mali et a l'honneur de se référer à l'Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Mali portant sur les Restrictions à l'importation de matériels archéologiques du Mali allant de l'ère paléolithique (âge de la pierre taillée) jusque vers la mi-dix-huitième siècle, signé à Washington le 19 septembre 1997, tel qu'amendé et prorogé (ci-après dénommé « l'Accord »). L'Ambassade, au nom du Gouvernement des États-Unis d'Amérique, propose que, suivant les dispositions de l'alinéa A de l'article IV de l'Accord, celui-ci soit prorogé pour une période supplémentaire de cinq ans.

L'Ambassade propose en outre que, suivant les dispositions de l'alinéa B de l'article IV de l'Accord, celui-ci soit amendé en remplaçant l'article II par l'article II révisé ci-joint.

Si le Ministère de la Culture accepte les termes des propositions précédentes, l'Ambassade propose que cette note, avec l'article II révisé ci-joint, et la note du Ministère y donnant réponse, constituent un accord portant prorogation et amendement de l'Accord, qui entrera en vigueur à la date de votre réponse et prendra effet à partir du 19 septembre 2012 ».

Le Ministère de la Culture de la République du Mali a l'honneur d'informer l'Ambassade des États-Unis d'Amérique que le Gouvernement de la République du Mali accepte les termes de la proposition ci-dessus et confirme que la note de l'ambassade n°110, et la présente note en réponse, constituent un accord entre nos Gouvernements qui entrera en vigueur à cette date et prendra effet à partir du 19 septembre 2012.

Bamako, le 05 SEPT 2012

LE MINISTRE

Pièces jointes :

- une copie de la Note Verbale ;
- une copie du Projet d'Article II tel qu'amendé
- une copie de l'Accord



[Signature]
Boubacar Hamadoun KEBE
Ministre du Mérite National

Prorogation 2012 – Projet d'article II tel qu'amendé

- A. Les représentants du Gouvernement des États-Unis d'Amérique et les représentants du Gouvernement de la République du Mali prendront des mesures pour diffuser les dispositions du présent Accord.
- B. Le Gouvernement des États-Unis d'Amérique, reconnaissant les initiatives réussies entreprises par le Gouvernement de la République du Mali à travers la mise en place de missions culturelles qui entreprennent des programmes de recherche, de gestion de sites et d'éducation des populations locales sur les grands sites archéologiques, encourage la poursuite de telles mesures comme partie intégrante d'un effort d'ensemble vers une stratégie durable de protection des ressources culturelles.
- C. Le gouvernement des États-Unis d'Amérique reconnaît que le Gouvernement de la République du Mali a traditionnellement autorisé les échanges de matériels archéologiques aux fins d'exposition et d'éducation, dans le but de permettre au public d'apprécier le patrimoine culturel du Mali et d'y avoir accès. Le Gouvernement de la République du Mali s'engage à déployer tous ses efforts pour encourager plus avant ces échanges, notamment en envisageant de donner suite aux demandes de prêts internationaux de longue durée de matériel archéologique à des musées et institutions universitaires des États-Unis à des fins pédagogiques, culturelles et scientifiques à condition que ces échanges ne menacent en rien le patrimoine culturel malien.
- D. Selon qu'il est approprié au titre des programmes existant actuellement dans les secteurs public et/ou privé, le Gouvernement des États-Unis utilisera tous les moyens en son pouvoir pour 1) répondre aux demandes d'assistance technique de la République de la République du Mali portant sur la gestion et la sûreté des ressources culturelles et 2) promouvoir les échanges professionnels aux fins de renforcer les capacités du Mali en matière d'organisation d'expositions et de sciences de la conservation.
- E. Les deux Gouvernements chercheront à encourager la coopération entre les établissements d'enseignement supérieur, les organisations non gouvernementales et autres organisations dans le domaine des échanges de connaissances et d'information sur le patrimoine culturel de la République du Mali; et à collaborer à la préservation et à la protection de ce patrimoine à travers une assistance technique appropriée, la formation et la disponibilité de ressources.
- F. Le Gouvernement de la République du Mali cherchera à développer et à promouvoir des programmes de formation professionnelle pour les archéologues, les personnels de musées et les administrateurs des institutions publiques responsables du patrimoine culturel.

- G. Le Gouvernement de la République du Mali entamera les travaux de son comité interministériel autorisé pour coordonner les activités de protection du patrimoine culturel, renforcera les efforts visant à réduire la commercialisation interne et l'exportation des antiquités interdites et sensibilisera les tours opérateurs et d'autres acteurs à la nécessité de protéger les sites archéologiques contre le pillage dans les régions comme le Sahara. Ce comité interministériel et l'Ambassade des Etats-Unis se réuniront une fois par an pour faire le point de l'Accord.
- H. Le Gouvernement de la République du Mali s'efforcera de renforcer la coopération avec ses voisins immédiats, pour la protection du patrimoine culturel régional.
- I. Le Gouvernement de la République du Mali s'efforcera d'obtenir la coopération d'autres pays où il existe un marché pour les biens archéologiques illicites provenant du Mali, afin de réduire l'importation de ces biens dans ces pays.
- J. Le Gouvernement de la République du Mali s'efforcera d'identifier et d'enregistrer les emplacements de sites archéologiques non documentés par le biais de relevés de terrain et déploiera tous ses efforts pour assurer la protection de ces sites. Le Gouvernement de la République du Mali poursuivra son enregistrement et sa surveillance des sites archéologiques connus.
- K. Le Gouvernement de la République du Mali mettra en place et assurera la tenue d'un registre complet de tous les incidents signalés de pillages de sites archéologiques. Ce registre inclura notamment une indication du résultat éventuel des affaires résultant en poursuites ou en sanctions.
- L. Chaque Gouvernement tiendra l'autre informé de l'efficacité des mesures consenties au titre du présent Accord ; un échange de rapports se produira en octobre 2014, date prévue pour coïncider avec l'évaluation intérimaire, et en mars 2017, s'il est proposé de proroger l'Accord.



TRANSLATION

Republic of Mali
Ministry of Culture
Office of the Secretary General

Minister of Culture

No. 0835/MC-SG

Bamako, September 5, 2012

Her Excellency Mary Beth Leonard
Ambassador of the United States of America to Mali
Bamako

c/o

Mr. Tieman Coulibaly
Minister of Foreign Affairs and International Cooperation
Koulouba

Subject: *Extension of the Agreement between the Government of the United States of America and the Government of the Republic of Mali Concerning the Imposition of Export Restrictions on Archaeological Material from Mali*

Madam Ambassador:

The Ministry of Culture of the Republic of Mali presents its compliments to the Embassy of the United States of America and has the honor to acknowledge receipt of Note No. 110 of August 15, 2012 regarding the Agreement Between the Government of the United States of America and the Government of the Republic of Mali Concerning the Imposition of Import Restrictions on Archaeological Material from Mali from the Paleolithic Era (Stone Age) to Approximately the Mid-Eighteenth Century, done at Washington September 19, 1997, as amended and extended (hereinafter referred to as "the Agreement"), which reads as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Culture of the Republic of Mali and has the honor to refer to the Agreement Between the Government of the United States of America and the Government of the Republic of Mali Concerning the Imposition of Import Restrictions on Archaeological Material from Mali from the Paleolithic Era (Stone Age) to Approximately the Mid-Eighteenth Century, done at Washington September 19, 1997, as amended and extended (hereinafter referred to as "the Agreement"). The

Embassy, on behalf of the Government of the United States of America, proposes that, pursuant to Article IV.A of the Agreement, the Agreement be extended for an additional five-year period.

The Embassy further proposes that, pursuant to Article IV. B of the Agreement, the Agreement be amended by replacing Article II with the attached revised Article II.

If the foregoing proposals are acceptable to the Ministry of Culture, the Embassy proposes that this note, including the attached revised Article II, and the Ministry's note in reply, shall constitute an agreement to extend and amend the Agreement, which shall enter into force on the date of your note in reply and shall take effect on September 19, 2012."

The Ministry of Culture of the Republic of Mali has the honor to inform the Embassy of the United States of America that the foregoing proposal is acceptable to the Government of the Republic of Mali and to confirm that the Note No. 110 and this Note in reply shall constitute an agreement between our two Governments which shall enter into force on this date and be effective on September 19, 2012.

[Seal: Ministry of Culture]
[Signature]
Boubacar Hamadou Kébé
Minister of Culture

Attachments:

- Copy of the Note Verbale
- Copy of Draft Article II, as amended
- Copy of the Agreement

Ministry of Culture,

Bamako, September 5, 2012.