

**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 J. 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:

Johnnie Carson

Rene P. Kulu

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