



January 18, 2022

Cultural Heritage Center (ECA/P/C)
SA-5 Floor C2
U.S. Department of State
2200 C Street NW
Washington, D.C. 20522-05C2

Dear Members of the Cultural Property Advisory Committee:

Together, the **Archaeological Institute of America (AIA)**, with its membership of approximately 200,000 professional archaeologists, corresponding members, students, and enthusiasts united by a shared passion for archaeology and its role in furthering human knowledge, and the **Society for American Archaeology (SAA)**, with approximately 7,000 members representing professional archaeologists in colleges and universities, museums, government agencies, and the private sector in all 50 states as well as many other nations around the world, express their strong support for the request by the Republic of Mali Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological and Ethnological Material of the Republic of Mali under Article 9 of the UNESCO Convention (1970) and the Convention on Cultural Property Implementation Act (1983).

At the core of its mission, the AIA promotes archaeological inquiry and public understanding of the material record of the human past to foster an appreciation of diverse cultures and our shared humanity. The AIA supports archaeologists, their research and its dissemination, and ethical professional practice; educates people of all ages about the significance of archaeological discovery; and advocates for the preservation of the world's archaeological heritage. Since its founding in 1934, the SAA has been dedicated to the research, interpretation, and protection of archaeological heritage.

Here, we provide comments within the framework of the four statutory determinations that must be fulfilled to renew a memorandum of understanding imposing import restrictions on certain classes of undocumented archaeological and ethnological materials. Our observations focus on the first, second, and fourth determinations.

The first determination requires that the cultural patrimony of the requesting State be in jeopardy from the pillage of cultural property. The pillage of archaeological and ethnographic material remains a significant problem in Mali, due to recent conflict. There had been some tentative signs that Mali's considerable efforts at local education, economic interventions, and enhanced policing of cultural heritage sites had led to a reduction in site looting. However, conflict-affected regions have seen increased economic pressure on local communities, and looting appears to be on the increase around Djenné, Mopti, Timbuktu, and Gao. As in the past, and as is typical more generally, regional middlemen have control and are financing teams of looters for transnational trafficking. The conflict situation has entrenched the role of these brokers and made the teams of looters more dangerous. In 2019, for example, a group at Djenné armed themselves to prevent authorities and the local community from intervening to stop their looting activities. Bamako is still a major transshipment point for the international export of Mali's cultural property, but Mali's porous land borders are increasingly becoming a route of choice for trafficking. These developments in the illicit trade in Mali are discussed at length in a 2020 report by the *Enhancing Africa's Response to Transnational Organized Crime Project*, and point to ongoing pillage.¹ As Julia Stanyard and Rim Dhaouadi point out in

¹ Julia Stanyard and Rim Dhaouadi, "Culture in Ruins: The Illegal Trade in Cultural Property, Case Study: Mali" Report by the Enhancing Africa's Response to Transnational Organized Crime Project, November 2020, accessed at



their analysis, the primary destinations for Malian cultural objects including terracottas, bronzes, wooden objects, glass beads, and medieval manuscripts, are Europe and the United States, although an Asian market has also started to emerge.

The second determination requires that a requesting State have “taken measures consistent with the 1970 UNESCO Convention to protect its own cultural patrimony.” Such measures include the adoption and enforcement of legal provisions to protect cultural patrimony, creation of a national inventory of protected cultural property, establishment of an antiquities service (or similar government agency), establishment of scientific and technical institutions such as museums, taking educational measures, and organizing the supervision of archaeological excavations.² Mali’s National Museum originated in 1953 as Le Musée Soudanais as an archaeological and ethnographic museum. The National Museum retains a leadership role over the country’s museum infrastructure. In 2019, Mali’s Directorate of Cultural Patrimony, a national antiquities service, launched a national inventory and database of archeological heritage sites, which will be the first phase of planned efforts to develop a nationwide inventory of such sites. This effort, supported by the U.S. Ambassador’s Fund for Cultural Heritage Preservation, will cover sites in Kayes, Koulikoro, Sikasso, and Segou regions, as well as the District of Bamako. The University of Mali, Bamako conducted significant excavations at sites damaged or destroyed by Al-Qaeda in the Maghreb (AQIM) as part of international reconstruction efforts. These findings, which contributed to educational knowledge about the construction of Timbuktu’s historic architecture, have been shared widely, including in the United States. Mali has historically experimented with novel means of community-funding and micro-loan programs to discourage looting. Altogether, these actions contribute toward “measures consistent with the 1970 UNESCO Convention,” as required by the second determination.

The fourth determination looks to whether import restrictions are “consistent with the general interest of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes.” Among other criteria, this determination looks to whether a requesting State is receptive to collaboration with foreign, especially American, researchers and whether it is willing to lend cultural objects to foreign, particularly American, institutions. Historically, Mali has welcomed American archaeological projects, including prior work from scholars at Rice University, Yale University, and Duke Kunshan University; Abigail Chipps Stone (Illinois State University) also received a Fulbright for archaeological research in country. However, recent civil disturbance in Mali has disrupted regular in-country excavations. Nonetheless, archaeological projects have been conducting scholarly activities through conferences and research on museum collections. The Block Museum of Art at Northwestern University has hosted a gathering of archaeologists working on medieval western Africa. Mali has made museum loans to the major, multi-institutional exhibition titled *Caravans of Gold, Fragments in Time*, which has been touring at the Block Museum of Art, Northwestern University (2019), Aga Khan Museum, Toronto (2019-2020), Smithsonian National Museum of African Art (2021-2022). The Metropolitan Museum recently hosted *Sahel: Art and Empires on the Shores of the Sahara* (2020), which included loans from Mali.

In consideration of the above, we respectfully ask that the committee recommend support of the request by the Republic of Mali to renew the memorandum of understanding that protects its cultural patrimony from pillage. We are grateful for the opportunity to comment.

<https://enactafrica.org/research/research-papers/culture-in-ruins-the-illegal-trade-in-cultural-property-across-north-and-west-africa>.

² This list is based on Article 5 of the UNESCO Convention (1970). It illustrates those measures that the Convention expects States to take and is the basis for the second determination under the Convention on Cultural Property Implementation Act.



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