

Law n° 97-022 of 30 June 1997, pertaining to the protection, conservation and presentation of the national cultural heritage.

In view of the Constitution ;

The National Assembly has deliberated and adopted

The President of the Republic hereby enacts the

following law:

HEADING I - GENERALITIES AND DEFINITIONS

Chapter I - Purpose

Article 1 – This law shall determine the basic principles of the legal regime for the protection, conservation and presentation of the national cultural heritage.

It shall define and enunciate the general rules applicable in matters :

- of protection of monuments, cultural property, groups of buildings and sites, their identification, their classification, their presentation and their rehabilitation;
- of archaeological excavations and chance finds;
- of import, export and international transfer of cultural property.

It shall define the mission, the prerogatives and the composition of public services for the protection, conservation and presentation of national cultural heritage.

It shall determine the penalties applicable to contraventions of the laws and regulations pertaining to protection, conservation and presentation of national cultural heritage.

Chapter II - Terminology

Art. 2 – Monuments, groups of buildings and sites defined hereunder shall be deemed cultural heritage.

Art. 3 – Deemed to be monuments shall be architectural works, sculpture or monumental paintings, elements or structures of an archaeological nature, cave dwellings, inscriptions, grottos and combinations of features for which conservation is of public interest from the point of view of the history of the art or science, palaeontology or the environment, archaeology, prehistory, history or literature.

Deemed monuments shall be property, movable or immovable, which on religious or secular grounds is designated as important to palaeontology, archeology, prehistory, history, literature, art or science and which belongs to the following categories :

- a - collections and rare zoological, botanical, mineralogical and anatomical specimens, objects presenting an interest to palaeontology;
- b – property pertaining to history, including the history of sciences and techniques, military and social history as well as the lives of national leaders, thinkers, scholars and artists, and events of national importance;
- c – the products of archaeological excavations and discoveries in particular palaeontological deposits, built up archaeological sites, cave dwellings and archaeological objects of importance;
- d – elements derived from the dismantling of artistic or historic monuments and archaeological sites ;
- e – antiques such as inscriptions, coins and engraved seals ;
- f – ethnological materials;
- g – property of artistic interest such as :
 - i – rare manuscripts and incunabula, books, documents and ancient publications of special interest (historic, artistic, scientific

literary, etc.), in isolation or in collections;

ii – pictures, paintings and drawings done entirely by hand on any support and in all materials (with the exclusion of industrial drawings and hand-decorated manufactured articles) ;

iii – original productions of statutes and sculptures, in all materials;

iv – original engravings, etchings and lithographs ;

v – original frameworks and mountings in all materials ;

vi – postage stamps, revenue stamps and similar items, in isolation or as a collection;

vii - archives, including phonographic, photographic, film, computer and multimedia archives;

viii – antique furniture and musical instruments.

These items shall be designated as "cultural property"

Art. 4 – Groups of buildings shall be isolated or grouped constructions, which, due to their architecture, their homogeneity or their integration in a landscape, are designated of importance from a historical, aesthetic, technological or anthropological point of view

Art. 5 – Sites shall be works of man or the combined works of man and nature, as well as areas, including archaeological sites which are designated as important from a historic, aesthetic, ethnological or anthropological, palaeontological or archaeological point of view.

Art. 6 – Archaeological excavations shall be deemed all digs with the intention of discovering objects which might be of interest to palaeontology, prehistory, art or archaeology and which entail digging of the ground or systematic exploration of the surface or those conducted on the sea-bed or in the subsoil of the sea.

HEADING II - IDENTIFICATION AND INVENTORY OF CULTURAL PROPERTY, MONUMENTS, GROUPS OF BUILDINGS AND SITES ; PROVISIONS APPLICABLE TO MUSEUMS, ARCHAEOLOGICAL CONSERVATORIES AND OTHER SIMILAR INSTITUTIONS IN THE FIELD OF CONSERVATION OF CULTURAL PROPERTY

Chapter 1 – Procedure for the identification of cultural property and national inventory of these properties

Art. 7 – The procedure for the identification of cultural property sites and collections, shall be defined by decree

Art. 8 – An inventory of cultural property, groups of buildings and sites shall be kept according to modalities defined by regulations.

Registration of a cultural property (movable or immovable) in such an inventory shall not modify the title deed of this property nor the copyright.

Art. 9 – Subject to the provisions of Article 8, registration of a property, monument, group of buildings or site in the inventory may result in regulatory encumbrances and obligations for the owners.

The export of the property under the conditions determined in Article 27 hereafter shall be prohibited.

Chapter II – Provisions applicable to museums, archaeological conservatories and other similar institutions in the area of conservation of cultural property

Art. 10 Museums, archaeological conservatories and

Similar institutions (religious buildings, palaces of traditional chieftainships, protected archaeological sites) shall proceed with the systematic inventory and indexation of movable property which they possess.

They shall adopt and implement a comprehensive system of practical and security measures.

They must prepare and implement a risk management programme comprising the determination, classification, control and funding of all types of risk.

HEADING III - CLASSIFICATION

Chapter 1 – Common provisions

Art 11 – Objects which may be totally or partially classified shall be monuments, movable and immovable property and sites registered or not in the inventory referred to in Article 8 above whose conservation is in the public interest from the view point of archaeology, palaeontology, prehistory, history of art or science, literature, technique, ethnology, anthropology, aesthetics, natural beauty or the environment.

Also classifiable shall be lands incorporating old fields and buildings which require classification in order to isolate, evacuate or sanitize a property which has been classified or proposed for classification

Art 12 – The designation of a competent authority to determine classification as well as the procedure for classification shall be carried out by decree in Council of Ministers.

A list of classified elements shall be prepared and kept up to date for each category (monuments, groups of buildings and sites).

Art. 13 – The effects of classification shall follow the monument, group of buildings or site through whichever hands it may pass.

No individual shall be able to acquire rights by prescription over a classified monument, group of buildings or site.

Any person disposing of a classified monument, group of buildings or site shall be obliged to inform the purchaser of the existence of the classification prior to the transfer of the property.

Monuments, groups of buildings, sites and portions of these cannot be destroyed or displaced, even partially, nor be subject to rehabilitation, repair or any modifications without the prior authorization of a competent authority defined by regulations.

Works authorized shall be executed under the supervision of the said authority.

Art 14 – The competent authority may spontaneously, at government expense, cause to have carried out repairs and maintenance work deemed vital to the conservation of the classified property.

Chapter II • Buildings.

Art. 15 – Regulations shall determine the regime applicable:

- to building sites within the confines of the compound of religious edifices and places of worship ;
- to buildings belonging to the State, to territorial communities and to public establishments; ,
- to buildings belonging to persons other than those referred to in preceding articles;
- to the declassification of a classified building.

Art. 16 – No classified building or one proposed for classification may be included in a procedure for expropriation for reasons of public utility nor in a procedure for land or urban development, prior to the Ministry for Culture being called upon to submit observations to the relevant authority.

Art 17 – The State may expropriate in the manner prescribed by legislation on expropriation for reasons of public utility, those classified buildings or buildings proposed for classification, as well as buildings for which acquisition is necessary in order to isolate, evacuate, sanitize or develop a classified building or one proposed for classification.

Art 18 – The conditions under which the works vital to the conservation of the classified buildings may take place shall be defined by decree.

Chapter III – Movable Property

Art. 19 – A decree in Council of Ministers shall regulate the legal regime for the classification of :

- movable assets belonging to the State, to territorial communities and public establishments ;
- movable property situated in religious edifices and places of worship;
- property belonging to individuals ;
- collections.

Art 20 – The acquisition of movable property in contravention of the provisions stipulated in Articles 11 to 13 and 16 shall be null and void. Actions for invalidity or claims may be brought at any time either by the relevant authority or the original owner. They shall be brought without prejudice to claims for damages which may be directed, either against the contracting parties, jointly and severally liable, or against the public officer who assisted with the transfer of the property.

The purchaser or sub-purchaser acting in good faith, from whose possession the property is claimed, shall be entitled to reimbursement of the purchase cost. If the claim is submitted by the relevant authority it shall have recourse against the original vendor for the integral amount of the compensation that it is required to pay to the purchaser or sub-purchaser.

The provisions of this article shall be applicable to lost or stolen objects.

Art 21 - The conditions of care, conservation, presentation and loan to the authority of classified movable property shall be determined by regulations.

Chapter IV – Groups of buildings and sites

Art. 22 – Prohibitions, encumbrances and protection zones may be decreed for the conservation of groups of buildings and sites.

HEADING IV - NATIONAL COUNCIL FOR THE PROTECTION, CONSERVATION AND PRESENTATION OF CULTURAL HERITAGE (monuments, groups of buildings and sites)

Art. 23 - A National Council for the Protection, Conservation and Presentation of Cultural Heritage is hereby established. Its composition shall be determined by a decree in Council of Ministers.

Art. 24 – The Council shall be consulted on :

- all proposals for the classification of monuments, groups of buildings and sites;