

DECREE-LAW
of 31 October 1941^{1/}

Elie Lescot
President of the Republic

Given Articles 30 and 35 of the Constitution;

Given Article 30 of the Law of 23 April 1940, classifying as historical monuments immovables whose conservation is in the public interest;

Considering that archaeological objects discovered on Haitian territory are the property of the Nation;

Considering that such objects constitute a precious source for research relating to Haitian archaeology and ethnology;

That a Bureau of Ethnology should be established in order to collect and conserve these objects;

On the basis of the report of the Secretary of State for the Interior;

Following the deliberation of the Council of Secretaries of State;

And with the approval of the Standing Committee of the National Assembly;

DECREES

Article 1 - A Bureau of Ethnology is hereby established whose duties shall be defined by order of the President of the Republic.

Article 2 - All archaeological and ethnographical specimens discovered on Haitian territory are hereby declared to be the property of the Nation and their owners, if such there be, shall only be authorized to retain them with the status of keepers after declaring them to the Bureau of Ethnology.

Article 3 - All artefacts of scientific or artistic significance produced by the pre-Columbian population of the Republic are considered as archaeological objects.

Article 4 - No archaeological specimen may be exported without the authorization of the Department of the Interior, issued on the basis of a report by the Bureau of Ethnology.

Article 5 - In case of uncertainty as to the origin, nature or value of an archaeological specimen, the final decision shall rest with a Commission appointed by the Bureau of Ethnology of the Republic of Haiti with the approval of the Secretary of State for the Interior.

1/ Unofficial translation prepared by Unesco.

Article 6 - Archaeological objects discovered by individuals shall be declared to the Bureau of Ethnology of the Republic of Haiti. This Bureau shall appoint, with the authorization of the Secretary of State for the Interior, a competent Commission which shall draw up an inventory on behalf of the State and shall decide whether the aforesaid objects shall be included in the national collections. The State reserves the right to retain any specimen which is recognized as being unique or of major scholarly interest.

Article 7 - No archaeological excavation may be undertaken without the authorization of the Secretary of State for the Interior, who shall grant the necessary permission on the recommendation of the Bureau of Ethnology of the Republic of Haiti solely to Haitian or foreign institutions of recognized scholarly authority and to Haitian or foreign nationals representing scholarly institutions or associations with a well-established reputation.

Article 8 - The State reserves the right to send to the excavation site a representative, to be nominated by the Bureau of Ethnology of the Republic of Haiti in consultation with the Secretary of State for the Interior.

Article 9 - Any foreign archaeologist with the necessary authorization shall submit the results of his excavations to the Bureau of Ethnology, which shall list them and conserve on behalf of the State: 1. unique specimens; 2. specimens representative of series. Other specimens, after sorting, shall remain at the disposal of the institution or individual responsible for the excavation.

Article 10 - The Law requires all individuals and institutions to report the discovery or acquisition of an archaeological specimen to the Bureau of Ethnology of the Republic of Haiti.

Article 11 - Any breach of the provisions of the present decree-law shall be punished by a period of imprisonment of from six months to one year and by a fine of from 500 to 1,000 gourdes.

Article 12 - This decree-law annuls all laws, decree-laws and provisions in laws and decree-laws to the contrary, specifically Article 30 of the Law of 23 April 1940, classifying as historical monuments immovables whose conservation is in the public interest, and shall be executed by the Secretaries of State for the Interior, Public Education and Finance, in their respective areas of concern.

Done at the National Palace, Port-au-Prince, 31 October 1941, in the 138th year of Independence,

Elie Lescot

By the President: The Secretary of State for the Interior:

Vely Thebaud

By authorization of the Standing Committee of the National Assembly,

Chairman of the Standing Committee of the National Assembly:

Nemours

IN THE NAME OF THE REPUBLIC

The President of the Republic orders the seal of the Republic to be affixed to the above decree-law which shall be printed, published and executed.

Done at the National Palace, Port-au-Prince, 5 November 1941, in the 138th year of Independence.

Elie Lescot

UNESCO Cultural Heritage Laws Database
(Copyright and Disclaimer apply)