



THEME No 2.

Cultural property

CARD 1.

CONTROL OF EXPORTS

**PLANNING CODE – BOOK I – TITLE V
NATURAL AND CULTURAL HERITAGE OF THE TERRITORY, SITES,
MONUMENTS, DEPENDING OBJECTS AND ELEMENTS LISTING
AND PROTECTION, AND EXCAVATIONS REGULATION**

CHAPTER 3 – CONTROL OF EXPORTS

Article D. 153-1:

Export outside the territory of objects listed or registered on the list provided for in article D. 151-1 is prohibited.

However the head of the territory, in council of government, following opinion of the natural sites and monuments committee, may authorise it exceptionally.

Besides, a list of categories of objects having a historical, legendary, scientific or folkloric interest is set up by order of the head of the territory, taken in council of government, following opinion of the natural sites and monuments committee. Objects listed in these categories cannot be exported outside the territory without authorisation of the head of the territory, in council of government, following opinion of the natural sites and monuments committee

Article D. 153-2:



The head of the territory is entitled to keep, either for the territory or for a commune or public institution, objects for which export is asked, in return for payment to the exporter of a fair indemnity.

Amount of this indemnity is fixed by amicable arrangement or following expert if the exporter asks for an expert report.

This right of lien is applicable for six months.

Order 97 AA of 10 January 1962 determining categories of objects having a historical, legendary, scientific or folkloric interest, of which export is subjected to administrative authorization. Gazette of 31 January 1962, page 36

NB- taken in application of proceedings of 1961 regarding the planning code

The Governor of Polynesia, head of the territory,

Considering decree of 28 December 1885 regarding government of the French establishments of Oceania and subsequent amending acts;

Considering decree 31*812 of 22 July 1957 regarding establishment of a council of government and extension of the powers of the territorial assembly in French Polynesia;

Considering ordinance 58-1337 of 11 December 1958 regarding council of government and territorial assembly of French Polynesia;

Considering order 460 b.t of 15 April 1950 fixing implementing rules of decree of 23 August 1937 (abrogated);

Considering articles 85 to 87 and 97 of deliberation of 8 April 1961 regarding general regulation of planning of the territory in planning, habitat, allotment, sites and monuments protection, dwellings, hygiene and safety of public roads and buildings, dangerous, unsanitary and inconvenient establishments and public establishments matters;

The council of government having deliberated on the session of 10 January 1962,
Orders

Article 1:

Besides objects listed or registered under article 71 of the abovementioned proceedings and which export is prohibited, traditionally made objects or having any writings or traces that may interest Polynesian prehistoric culture as well as ancient bones and funerary remains cannot be exported without authorisation of the head of the government, taken in council of government, following opinion of the natural sites and monuments committee.

A list is enclosed to this order.



Article 2:

As for export of modern objects, the department in charge of control of exports is entitled to request a certificate of manufacture stating the modern nature of the object and in case of dispute, a certificate of survey from the delegate to the natural sites and monuments committee or from an expert authorized by the department.

Article 3:

Relating to movables, the delegate to the natural sites and monuments committee, and authorized people, are competent in determining the ancient nature of an object and give his opinion regarding authorisation of export applications.

Article 4:

Interested merchants are requested to tell the delegate to natural sites and monuments committee, ancient objects defined in article 1 as well as objects from authorised or accidental excavations, of grottos or burial places, in order :

- on the one hand, that prohibition of export is given by a mark to the knowledge of an potential buyer;
- on the other hand, that the delegate of the commission is entitled to enforce, for the territory, the société des études océaniques or the museum of Papeete, the right of pre-emption provided for in article 85, (paragraph 3 in fine) or the right of lien provided for in article 8 of proceedings of 8 April 1961.

Article 5:

Transgressions to these provisions are liable to penalties provided for in article 97 of the proceedings.

Article 6:

Article 7 of order 460 b.t. of 15 April 1950 is abrogated.

Article 7:

The natural sites and monuments committee and its delegate, together with the head of the customs department, are in charge, each one in their respective field of competence, in charge of the implementation of this decree, which shall be registered and communicated and published if necessary

Papeete 10 January 1962, A. GRIMALD.

List of objects provided for in article 1



1- Stone equipment

- pounders
- adzes and blanks
- fishing stones
- sinker
- plummet sinker
- sling stones
- discs
- grinding stones or polishing stones
- punching stones
- stone or coral figures of gods
- marae stones, fragments of megalithic monuments

2- Fishing gear

- fishhooks, blanks
- octopus lures
- implement : limes et forets files and drills

3- Ornaments

- pendants
- earrings
- necklaces
- bracelets
- tatoo needles

4- Objects made in perishable materials

- beatles, anvils and wooden board for tapa making
- ancient canoes and paddles
- wood vessel 'ümete
- sennit coffins
- lintel
- arrowheads
- spears (omore and ihe)
- clubs and spears

