



Doing Business in Mali: 2013 Country

Commercial Guide for U.S. Companies

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Chapter 1: Doing Business In Mali

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Market Overview

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Opportunities for well-targeted, price-competitive U.S. exports to Mali's private sector may be found in agriculture, agro-industry, telecommunications, mineral exploitation, oil exploration, power generation and distribution equipment, machinery, new and used clothing, computers, processed foods, vehicles, electronics, consumer goods, office equipment, and water resources. Malian government contracts for donor-supported development projects offer additional opportunities. Such projects might require equipment and technical services for hydroelectric and solar power generation and distribution, irrigation, telecommunications, public health, and agricultural and agro-industrial development. France has traditionally supplied Mali with many imported goods, but imports from other countries, particularly China, have gained market share. Malian entrepreneurs are open to new competitive supply sources.

Brief synopsis of commercial environment:

Cotton and gold represented 88 percent of Malian exports in 2012. In 2002 gold eclipsed cotton as Mali's leading export with approximately 42 percent of total earnings. After hitting an unprecedented record production of 66 tons in 2002, gold output declined during several years due to exploitation difficulties and the phasing out of one of the mines in the western Kayes Region of Mali, bringing output down to 42 tons in 2010. Gold output increased to 43.5 tons in 2011 and jumped to 50 tons in 2012 despite the security, institutional and humanitarian crisis in Mali since January 2012. By 2007, the share of gold mining in GDP had risen to 8 percent. From 2009, tax receipts from gold were 20 percent of total government revenues. In 2012, the value of gold exports was 73.5 percent of total exports. With the operation of two new mines in the western Kayes region, Rand Gold Goukoto and Wassoul'Or Kodieran, and better yield from existing mines, Mali is poised to surpass Ghana as Africa's second largest gold producer after South Africa. The Government of Mali has made mining sector diversification a development priority: cement production began in 2012, and uranium and bauxite are expected to begin respectively in 2014 and 2016. Opportunities also exist in phosphates, iron and manganese.

Cotton is Mali's second largest export. Expanding cotton production has increased Mali's foreign exchange receipts. After ranking first in 2003-2004 and second in 2004-2005 among African cotton producers with respectively 600,000 and 624,000 metric tons production, cotton output dropped during several years, down to 196,000 tons in 2008-2009, due to poor rainy seasons and a drop in the global price of cotton, prompting farmers to experiment more lucrative crops. After a slow increase in 2009-2010 and

2010-2011, cotton production jumped up to 445,143 and 456,000 tons respectively during the 2011-2012 and 2012-2013 harvest as there was adequate rainfall, and many farmers decided to return to cotton farming due to better world prices of cotton. The 2013-2014 production is projected to increase to 522,000 tons as better yields are envisioned.

Eighty percent of Mali's population engages in farming, livestock, or fishing. Domestically manufactured goods include textiles, agricultural implements, cosmetics, batteries, paint, plastics, processed foods, and beverages. Construction materials (including cement), chemicals and pharmaceuticals (including fertilizers), vehicles and spare parts, machinery, electronics, telecommunications, mining equipment, and most other manufactured items are imported. Although French products traditionally dominate imports in certain areas, they have been rapidly eclipsed by Chinese imports. Exports of U.S. goods to Mali totaled \$37.3 million in 2010, \$55 million in 2011 and \$59.7 million in 2012. This consisted mainly of exports of agricultural products, textile and mining machinery, telecommunication equipment, cosmetics/chemicals and plastic materials. Imports to the U.S. from Mali amounted to \$6.3 million in 2010, \$4.1 million in 2011 and \$3.6 million in 2012. Principal U.S. imports from Mali are hides and skins, precious metals such as gold, and handicrafts.

Host country business attitudes toward the United States: Mali maintains good relations with the United States. Since 1992, the government has placed a strong emphasis on free trade and private enterprise as evidenced by economic reform policies supported by the IMF, World Bank, the United States, and other donors. Mali welcomes foreign investment. The government promotes the privatization of public enterprises. Mali's investment, mining, oil, and commercial codes offer duty-free importation of capital equipment and tax benefits for ventures in priority industries, and unhindered repatriation of capital and profits. Mali is eligible for OPIC loan guarantees, investment financing, and insurance programs. Since October 1997, Mali has been on-cover for EXIM Bank short and medium term financing programs for the private sector, and, since 1999, for short term financing programs for the public sector. The United States was Mali's largest donor in 2012, and although USAID's programs in many sectors such as education and economic development were halted due to the 2012 coup d'état, the United States continued providing emergency humanitarian and food security assistance to Mali.

Market Challenges

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In spite of the progress Mali has made in improving its business environment, corruption remains the largest barrier to doing business. In the International Finance Corporation's Doing Business Report, Mali's ranking improved to 151 from 183 in 2012. The process for new business registration is lengthy and takes time, but has improved. Other challenges include limited power supply and poor transport infrastructure. There is insufficient commercial bank credit in the market, and interest rates are high. Insufficient skilled labor poses a challenge in those industries, such as mining, requiring more advanced skills. Mali is landlocked,

hosting a small domestic market for consumer goods, and suffers from severe poverty. The past few years of political crisis in Cote d'Ivoire and corruption on major corridors to Mali from Senegal, Cote d'Ivoire and Ghana have added further hurdles to the entry of imports and the exit of exports.

Market Opportunities

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Major business opportunities: chemical/pharmaceutical products, construction materials, mineral exploitation, water resources development, livestock and hides/leather, food and beverage processing, machinery, energy (turbine-generated and solar), and new and used clothing imports are among business growth areas. International tenders as part of donor-funded development projects offer prospects to sell agricultural, construction, irrigation, telecommunications, and computer equipment and services.

Market Entry Strategy

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Nature of local and third country competition: French enterprises enjoy advantages over Americans in business relations with Malians, including a common business language, time-honored commercial links, greater Malian familiarity with French cultural and business traditions and product names, and generous French trade financing and export subsidies. Cheaper Chinese imports dominate many markets. Mali imports consumer goods, commodities, and petroleum products from Cote d'Ivoire and Senegal, as well as from South Africa, China, Japan, Belgium, the UK, Brazil, and North America. The West-African Economic and Monetary Union (WAEMU) member countries (including Mali) have a common external tariff (TEC) which lifts barriers among member countries and harmonizes tariffs outside the WAEMU boundaries. The TEC aims to further increase trade among WAEMU countries. A visit is recommended to assess conditions and make contact with potential business partners.

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COUNTRY FACT SHEET: MALI

PROFILE

Population in 2011 (Millions): 16

Capital: Bamako

ECONOMY

	2009	2010	2011
Nominal GDP (Current Billions \$U.S.)	9.0	9.4	10.6
Nominal GDP Per Capita (Current \$US)	603	614	669
Real GDP Growth Rate (% change)	4.5	5.8	2.7
Real GDP Growth Rate Per Capita (% change)	1.3	2.7	-0.38
Consumer Prices (% change)	2.2	1.3	3.1
Unemployment (% of labor force)			
Economic Mix in 2007: 24.2% All Industries; 3.1% Manufactures; 36.5% Agriculture			

FOREIGN MERCHANDISE TRADE (\$US Millions)

	2009	2010	2011
Mali Exports to World	0	1,996	0
Mali Imports from World	0	4,704	0
U.S. Exports to Mali	36.7	37.3	55.0
U.S. Imports from Mali	3.7	6.3	4.1
U.S. Trade Balance with Mali	33.0	31.0	51.0
Position in U.S. Trade:			
Rank of Mali in U.S. Exports	169	171	168
Rank of Mali in U.S. Imports	182	171	183
Mali Share (%) of U.S. Exports	0	0	0
Mali Share (%) of U.S. Imports	0	0	0

Principal U.S. Exports to Mali in 2011:

1. Chemicals (31.1%)
2. Machinery, Except Electrical (29.5%)
3. Computer & Electronic Products (10.8%)
4. Transportation Equipment (9.6%)
5. Special Classification Provisions, Nesoi (5.5%)

Principal U.S. Imports from Mali in 2011:

1. Used Or Second-Hand Merchandise (41.1%)
2. Computer & Electronic Products (12.9%)
3. Goods Returned (Exports For Canada Only) (9.7%)
4. Primary Metal Mfg (9.5%)
5. Chemicals (9.2%)

FOREIGN DIRECT INVESTMENT

	2009	2010	2011
U.S. FDI in Mali (US \$Millions)			
FDI in U.S. by Mali (US \$Millions)	0	0	0

DOING BUSINESS/ECONOMIC FREEDOM RANKINGS

World Bank Doing Business in 2012 Rank: 151 of 185

Heritage/WSJ 2012 Index of Freedom Rank: 117 of 179

Source: Created by USDOC/ITA/OTII-TPIS from many sources: FDI from USDOC, Bureau of Economic Analysis. US Trade from USDOC, Census Bureau, Foreign Trade Division. Mali Trade with World from United Nations where available. National Macroeconomic data from IMF/World Bank databases including World Economic Outlook and World Development Indicators. .WORLD and other country aggregates are summaries of available UN COMTRADE, IMF and other data, and coverage varies over time and by source, but typically represents greater than 85 percent of world trade and production. Note: Principal U.S. Exports and Imports Are 3-digit NAICS Categories

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Chapter 2: Political and Economic Environment

For background information on the political and economic environment of the country, please click on the link below to the U.S. Department of State Background Notes.

(The following is the new link to the Background Notes)

<http://www.state.gov/r/pa/ei/bgn/index.htm>

<http://www.mali.usembassy.gov>

-- Nature of relationship with the United States: Mali maintains excellent relations with the United States. Malians appreciate U.S. support for democracy and good governance, economic reform, sustainable economic development, health, education, and agriculture.

-- Major political issues adversely affecting business climate: The government of Mali is committed to strengthening private enterprise and free trade, and Mali welcomes foreign investment, but the security and institutional environment hampers some investment. Security threats from terrorists groups that had found safe haven in northern Mali, including Al Q'aida in the Islamic Maghreb (AQIM), Ansardine and MUJAO have been significantly reduced with the military and humanitarian assistance of the international coalition led by France and West African Countries. Malians practice an open and tolerant form of Islam, and extremist ideologies like those espoused by AQIM have made few inroads into Malian society. There is limited infrastructure and business in the northern desert regions, so recent troubles in the north have had little direct impact on business activities in the rest of the country.

-- Brief synopsis of political system, schedule for elections, and orientation of major political parties: Mali is a constitutional democracy with a tripartite system of government consisting of legislative, judicial, and strong executive branches.

The President and Prime Minister head the executive branch. Mali has over 160 political parties, yet fewer than ten carry significant nationwide political weight. No party holds a majority in the 147-seat National Assembly, Mali's parliament. Mali enjoys a relatively independent judiciary as well as a free press. The rule of law is generally respected. Corruption is also a problem within the judiciary. A study released by the Regional Program on the Development of Enterprises of the World Bank listed corruption as a roadblock to doing business in Mali, especially in the sectors of transport and tourism. Presidential, legislative, and municipal elections are normally conducted every five years. The most recent Presidential and legislative elections that were initially scheduled for the first semester of 2012 were postponed following a military coup in March 2012. Former President Amadou Toumani Toure and his government was forced to resign a month before the scheduled elections, which led to the establishment of a transitional government tasked with liberating northern Mali from terrorist groups and organizing free and fair elections as soon as possible. The transitional government announced that the first round of Presidential elections will be held on July 28, 2013, with the second round

to be held two weeks later. Legislative elections are also expected to take place before 2014.

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Using an Agent or Distributor

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U.S. exporters should identify a local agent or distributor to assist in market penetration. The Commercial/Economic Office of the U.S. Embassy can: give suggestions; make preliminary contacts; provide fee-based services such as an International Company Profile (ICP) on a potential Malian distributor that an exporter may have identified; do due diligence on the company before an exporter signs an agreement with them; and/or the Gold Key Service, whereby, the Embassy would arrange a whole set of meetings with potential distributors and/or partners so the exporter may come to Mali and meet with the Malian companies individually prior to making a final decision.

Establishing an Office

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Establishing a business in Mali has been simplified through the creation of the "guichet unique," or one-stop procedure, at the Agency for Investment Promotion API-Mali (for manufacturing and services), and at the National Directorate of Commerce and Competition (for trade), where all applications can be obtained and required documents can be submitted for approval. The Chamber of Commerce and Industry created an office tasked with helping the start-up of businesses called "Centre de Formalités des Entreprises." Most businesses can be set up within 30-45 days after submission of required documents. A recent decision of the Presidential Council for Investment changed the time required to set up a business to three weeks. The International Finance Corporation's Doing Business Report for Mali in 2011 noted that 6 separate procedures were required to establish a business in Mali.

Franchising

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Limited franchising exists in Mali such as soft drink bottling, courier service, and gasoline service stations.

Direct Marketing[Return to top](#)

Direct marketing is not feasible. U.S. firms should seek a local agent or distributor who speaks French and is familiar with local business practices and regulatory requirements. The Embassy Commercial Section can provide agent distributor service (ADS) to firms that make a request through U.S. Department of Commerce Export Assistance Centers.

Joint Ventures/Licensing[Return to top](#)

These types of business arrangements are employed in Mali by some manufacturing and importing concerns, although the law does not have local content requirements.

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Foreign donors support most major procurement needs financially. Promising sales opportunities may exist under open bidding procedures required by multilateral development institutions. With donors' assistance resuming gradually, there may be opportunities to bid on contracts funded by USAID through its NGO and PVO partners and on contracts funded by untied aid provided by other bilateral donors.

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Largely informal and not well developed for most products outside of Bamako.

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French is the business language. Entrepreneurs or their local agents must be proficient in French. Sales and technical literature must be in French. Attractive payment/financing arrangements may be crucial since European and Chinese competitors often provide such options. Competitive pricing often determines purchasing decisions in this low per capita income country.

Electronic Commerce[Return to top](#)

None.

Trade Promotion and Advertising[Return to top](#)

Limited but increasingly used in Mali. Seven daily newspapers (l'Essor, les Echos, Nouvel Horizon, Soir de Bamako, Republicain, Independant and Info-Matin) and three weekly newspapers (Observateur, Reflet, and Aurore) run advertisements. Radio and television advertisements in French and local languages are often more effective because Mali's literacy rate is only 26.7% and even the largest newspapers have relatively small distributions limited to Bamako.

Pricing[Return to top](#)

Price is the single most important factor in selling in Mali, followed closely by generous trade terms/financing packages.

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Offering customer support is important for vehicle or equipment/machine sales arrangements, given the harsh environmental conditions and lack of well-developed downstream service facilities.

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Pirating of U.S. products has occurred. Such cases can be difficult and costly to resolve in the Malian judicial system, which is plagued by lengthy delays and occasional

corruption. There is an ongoing court case involving a Chinese company which allegedly flooded the Malian market with a copy of a U.S.-registered herbicide. The U.S. company brought the case to court and hearings are still underway. Lack of English comprehension limits the appeal of U.S. printed or recorded materials, and the low-level of copying technology is a further constraint.

Protecting Your Intellectual Property in Mali:

Several general principles are important for effective management of intellectual property (“IP”) rights in Mali. First, it is important to have an overall strategy to protect your IP. Second, IP is protected differently in Mali than in the U.S. Third, rights must be registered and enforced in Mali, under local laws. Your U.S. trademark and patent registrations will not protect you in Mali. There is no such thing as an “international copyright” that will automatically protect an author’s writings throughout the entire world. Protection against unauthorized use in a particular country depends, basically, on the national laws of that country. However, most countries do offer copyright protection to foreign works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions.

Registration of patents and trademarks is on a first-in-time, first-in-right basis, so you should consider applying for trademark and patent protection even before selling your products or services in the Mali market. It is vital that companies understand that intellectual property is primarily a private right and that the U.S. government generally cannot enforce rights for private individuals in Mali. It is the responsibility of the rights’ holders to register, protect, and enforce their rights where relevant, retaining their own counsel and advisors. Companies may wish to seek advice from local attorneys or IP consultants who are experts in Mali law. The U.S. Commercial Service can provide a list of local lawyers upon request.

While the U.S. Government stands ready to assist, there is little we can do if the rights holders have not taken these fundamental steps necessary to securing and enforcing their IP in a timely fashion. Moreover, in many countries, rights holders who delay enforcing their rights on a mistaken belief that the USG can provide a political resolution to a legal problem may find that their rights have been eroded or abrogated due to legal doctrines such as statutes of limitations, laches, estoppel, or unreasonable delay in prosecuting a law suit. In no instance should U.S. Government advice be seen as a substitute for the obligation of a rights holder to promptly pursue its case.

It is always advisable to conduct due diligence on potential partners. Negotiate from the position of your partner and give your partner clear incentives to honor the contract. A good partner is an important ally in protecting IP rights. Consider carefully, however, whether to permit your partner to register your IP rights on your behalf. Doing so may create a risk that your partner will list itself as the IP owner and fail to transfer the rights should the partnership end. Keep an eye on your cost structure and reduce the margins (and the incentive) of would-be bad actors. Projects and sales in Mali require constant attention. Work with legal counsel familiar with Mali laws to create a solid contract that includes non-compete clauses, and confidentiality/non-disclosure provisions.

It is also recommended that small and medium-size companies understand the importance of working together with trade associations and organizations to support

efforts to protect IP and stop counterfeiting. There are a number of these organizations, both Mali or U.S.-based. These include:

- The U.S. Chamber and local American Chambers of Commerce
- National Association of Manufacturers (NAM)
- International Intellectual Property Alliance (IIPA)
- International Trademark Association (INTA)
- The Coalition Against Counterfeiting and Piracy
- International Anti-Counterfeiting Coalition (IACC)
- Pharmaceutical Research and Manufacturers of America (PhRMA)
- Biotechnology Industry Organization (BIO)

IP Resources

A wealth of information on protecting IP is freely available to U.S. rights holders. Some excellent resources for companies regarding intellectual property include the following:

- For information about patent, trademark, or copyright issues -- including enforcement issues in the US and other countries -- call the STOP! Hotline: **1-866-999-HALT** or register at www.StopFakes.gov.
- For more information about registering trademarks and patents (both in the U.S. as well as in foreign countries), contact the US Patent and Trademark Office (USPTO) at: **1-800-786-9199**.
- For more information about registering for copyright protection in the US, contact the US Copyright Office at: **1-202-707-5959**.
- For more information about how to evaluate, protect, and enforce intellectual property rights and how these rights may be important for businesses, a free online training program is available at www.stopfakes.gov.
- For US small and medium-size companies, the Department of Commerce offers a "SME IP Advisory Program" available through the American Bar Association that provides one hour of free IP legal advice for companies with concerns in Brazil, China, Egypt, India, Russia, and . For details and to register, visit: http://www.abanet.org/intlaw/intlproj/iprprogram_consultation.html
- For information on obtaining and enforcing intellectual property rights and market-specific IP Toolkits visit: www.StopFakes.gov This site is linked to the USPTO website for registering trademarks and patents (both in the U.S. as well as in foreign countries), the U.S. Customs & Border Protection website to record registered trademarks and copyrighted works (to assist customs in blocking imports of IP-infringing products) and allows you to register for Webinars on protecting IP.
- The U.S. Commerce Department has positioned IP attachés in key markets around the world. You can get contact information for the IP attaché who covers Mali at: Johannesburg.office.box@trade.gov

Due Diligence

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Highly recommended for establishing a business. The Embassy Commercial Section can perform International Company Profile (ICP) and Gold Key Services (GKS) for a fee, through Department of Commerce Export Assistance Centers.

Local Professional Services

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-- Need for a local attorney: highly recommended for establishing a business, and essential for resolving business disputes and litigation.

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Export-Import Bank of the United States: <http://www.exim.gov>

Country Limitation Schedule: http://www.exim.gov/tools/country/country_limits.html

OPIC: <http://www.opic.gov>

Trade and Development Agency: <http://www.tda.gov/>

SBA's Office of International Trade: <http://www.sba.gov/oit/>

USDA Commodity Credit Corporation: <http://www.fsa.usda.gov/cc/default.htm>

U.S. Agency for International Development: <http://www.usaid.gov>

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Chapter 4: Leading Sectors for U.S. Export and Investment

There are opportunities for well-targeted, price-competitive U.S. exports to Mali of agriculture products such as fertilizers, hybrid seeds, grain and nut grinding mills, agricultural equipment such as tractors and husking equipment; veterinary supplies, medical equipment, and pharmaceuticals; cotton ginning and textile production equipment and spare parts; gold mining and ore processing equipment; oil exploration equipment; diesel power generation and distribution equipment; new and used clothing; computers, especially IBM-compatible PCs and software; processed foods, especially dried or long shelf-life items; sedans, four-wheel drive utility vehicles and motorcycles; electronics, office equipment, telecommunication equipment; and irrigation systems/pumps.

Malian government contracts for donor-supported development projects also present export opportunities in the areas of hydroelectric and solar power generation and distribution equipment; irrigation systems; public health - generic drugs and supplies; and telecommunications - digital or analog telephone switching and radiotelephone equipment. The Government of Mali is re-structuring the poorly managed electric utility EDM and has a goal to increase the electrification rate from 25% in 2010 to 55% in 2015. Immense power outages in 2012 and 2013 prompted the government to seek foreign investment for B.O.T. operations both for hydro and solar energy production. Additionally, it has been projected that the phone ownership rate will increase from 40% in 2010 to 60% in 2013. A third private telecommunications operator was granted a license a few months ago and is scheduled to start operating by September 2013.

Investment opportunities exist in the mining and agriculture sectors.

The Embassy cautions U.S. investors that importing gold from Mali is a high-risk activity. Following the step outlined below does not significantly reduce that risk. The Embassy knows of numerous cases where gold was “switched out” just prior to being loaded onto an airplane, or where Malian transporters absconded with advance fees paid by the U.S. client. Please be advised that there is essentially no recourse for recovering money as a result of a gold scam. Upon arrival in Mali, it is recommended that you visit the “guichet unique,” or one-stop shop, of the National Directorate for Commerce (DNCC) where you will receive all relevant information about procedures and fees.

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Import Tariffs

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Export tariffs were eliminated in 1990, with the exception of a three percent fee on cotton and gold exports. Import tariffs on many goods were reduced or eliminated in 1994 after the CFA franc devaluation. Some taxes have been reinstated on a case-by-case basis, depending on inventory levels in the country. The external common tariff (TEC) of the West-Africa Economic and Monetary Union (WAEMU) has been in effect since January 2000.

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There are no legal or regulatory barriers to investment and trade by foreign companies. There is no discriminatory treatment against non-national firms. Business registration procedures have been simplified. There are no restrictions on the repatriation of capital or profits.

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Documentation is required for those wishing to import to Mali. This can usually be obtained within one month upon presentation of proof of citizenship and a certificate of good conduct. Companies wishing to import must present proof of official business status.

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Some export controls exist. Bulls fewer than five years of age and cows of reproductive age cannot be exported except under special agreements for breeding purposes. Live animals, meat and plant exports require health certificates. Handicraft exports require authorization from the ministry in charge of culture and tourism. Handicraft export authorizations are issued through the National Museum. Mali concluded a cultural protection and a cultural property agreement with the United States in 1994 and 1997 respectively to discourage export of Malian antiquities.

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Goods and equipment may be granted temporary entry for display at trade shows, use on construction projects, or for other temporary purposes.

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Requirements are monitored by the National Directorate of Industries (DNI) under the Ministry of Industry and Commerce and the Standard and Quality Control Agency.

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Narcotics and foreign products labeled as originating in Mali are prohibited imports. The following products require prior approval from the concerned ministry: medicines, veterinary products, vehicles larger than sedans, arms and ammunition, tobacco products, and fishing nets with holes less than 50 millimeters in diameter.

Customs Regulations and Contact Information

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A customs union among WAEMU states was established on January 2000 and customs duties are being harmonized with other members of the WAEMU. In early 2003, the government signed a decree authorizing customs valuation on the transactional value of goods as required by the WTO agreement.

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The Government established a National Systems of Standards and Quality Control in 1992. Mali is a member of the Regional Standard Organizations as well as the International Standard Organization (ISO) and the CODEX Alimentarius.

Standards Organizations

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Agence Malienne de Normalisation et de Promotion de la Qualité (AMANORM) is the National Standard Organisation.

NIST Notify U.S. Service

Member countries of the World Trade Organization (WTO) are required under the Agreement on Technical Barriers to Trade (TBT Agreement) to report to the WTO all proposed technical regulations that could affect trade with other Member countries.

Notify U.S. is a free, web-based e-mail subscription service that offers an opportunity to review and comment on proposed foreign technical regulations that can affect your access to international markets. Register online at Internet URL:

<http://www.nist.gov/notifyus/>

Conformity Assessment

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AMANORM is in charge of conformity assessment.

Product Certification

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AMANORM is tasked by the Government to do product certification. Specific entities are also created to proceed with product certification like in the domain of precious metals.

Accreditation

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AMANORM is in charge of Accreditation.

Publication of Technical Regulations

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Technical regulations are made public by AMANORM.

Labeling and Marking

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Labeling and marking are monitored by AMANORM and DNI (Direction Nationale des Industries).

Contacts

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Agence Malienne de Normalisation et de Promotion de la Qualité
Tel : 223 – 2073 8982
Cel : 223 – 6362 1325
Email : amanormmali@yahoo.fr

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Mali has trade agreements with all countries of the West African Economic and Monetary Union (WAEMU) and with the Economic Community of West African States (ECOWAS).

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Openness to Foreign Investment

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Mali generally encourages foreign investment. Foreign and domestic investments receive equal treatment. The structural adjustment facility agreements signed by the IMF/World Bank and Mali since 1992 encourage foreign investment. The government's national strategy to fight poverty presented to the IMF, World Bank, and other donors emphasizes the role of the private sector in developing the economy. Mali is a member of the Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (WAEMU), which aim to reduce trade barriers, harmonize monetary policy, and create a common market.

The investment, mining, commerce, and labor codes have the stated intention to encourage investment and attract foreign investors. Mali has privatized a number of state-owned enterprises, and foreign companies have responded successfully to calls for bids in several cases.

The Malian government has instituted policies promoting direct investment and export-oriented businesses. Foreign investors go through the same screening process as domestic investors. Criteria for granting authorization under the 2012 investment code include the size of the proposed capital investment, the use of locally produced raw materials, and the level of job creation. Mali maintains a one-stop shop for prospective investors, the Agence pour la Promotion de l'Investissement (API-Mali). Mali continues to improve its ranking in the World Bank's Doing Business Report 2012 to 146 of 183

economies from 148 of 183 economies in 2011. On the regional level, Mali ranks 22 of 46 sub-Saharan economies. Mali has also created, with World Bank support, a Presidential Investment Council. The council is comprised of foreign and national businesspeople and is aimed at improving the business climate in Mali and identifying best prospects for investment.

The investment code gives the same incentives to both domestic and foreign companies for licensing, procurement, tax and customs duty deferrals, export and import policies, and export zone status if all production is to be exported. Export taxes and import duties have been reduced or eliminated as part of ongoing economic reforms. Price controls are applied to petroleum products and cotton, and occasionally to other commodities, such as rice, on a case by case basis. Incentives include exemptions from duties on imported equipment and machinery. Investors may also receive tax exemptions on the use of local raw materials. In addition, specific incentives may be negotiated on a case-by-case basis.

Foreign investors can own 100 percent of any businesses they create. They can also purchase shares in parastatal companies being privatized or in other local companies. Foreign companies may also start joint-venture operations with Malian enterprises. The repatriation of capital and profit is guaranteed.

Despite a generally favorable investment regime, foreign investors face challenges. The investment environment has dramatically deteriorated since armed extremists seized control of much of the north of Mali in an offensive beginning in January 2012, and since a coup d'état toppled the elected government in March. As a consequence of these two major developments, foreign donors suspended their budgetary and significant development assistance to the government of Mali; and several important sectors of the Malian economy collapsed, leading to a negative growth rate of – 1.3 percent for FY 2012. Other challenges include reports that tax collectors interpret tax laws to discriminate against foreign companies or companies with foreign capital and a tax system that remains complicated in spite of ongoing efforts to improve it. Foreign companies have also reported delays with clearing customs when importing machinery. A foreign mining company complained of having to make under-the-table payments clear customs for machinery and petroleum product imports. Enforcement of contracts in Mali can be problematic. Corruption in the judiciary is pervasive, and companies can often find themselves at a disadvantage vis-à-vis Malian or third country investors.

Some key economic indicators:

Measure	Index/Ranking
TI Corruption Index	34 out of 100
Heritage Economic Freedom	56.4 out of 100
World Bank Doing Business	151 of 183
MCC Government Effectiveness	56 percent
MCC Rule of Law	78 percent
MCC Control of Corruption	69 percent

MCC Fiscal Policy	92 percent
MCC Regulatory Quality	80 percent
MCC Business Start Up	35 percent
MCC Land Rights Access	39 percent
MCC Natural Resource Management	22 percent

(Please note: these rankings are retrospective, and therefore do not reflect the impact of Mali's 2012 crises.)

Conversion and Transfer Policies

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The investment code allows the transfer of funds associated with investments, including profits. As a WAEMU member, Mali uses the Francophone Africa Common Franc (FCFA) currency. Linked to the Euro, the FCFA is fully convertible at a rate of Euro 1 = FCFA 655.957. No parallel conversion market exists because the FCFA is a fully convertible currency supported by the French treasury, which ensures a fixed rate of exchange.

As of January 2013, the U.S. Embassy purchased local currency at a rate of approximately FCFA 500 per U.S. dollar. The U.S. Embassy obtains currency through the Department of State's Financial Service Center and through a local bank.

The FCFA has not been devalued since January 1994. There are no limits on the inflow or outflow of funds for repatriation of profits, debt service, capital, or capital gains. In the FCFA zone there is no restriction on the export of capital provided that adequate documentation to support a transaction is presented. Most commercial banks have direct investments in western capital markets. No physical transfer of funds is authorized outside the borders of the FCFA zone. It takes less than one week to transfer funds abroad.

Expropriation and Compensation

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Expropriation of private property for public purposes is rare. By law, the expropriation process should be public and transparent, and in accordance with the principles of international law. Compensation based on market value is awarded by court decision.

The government may exercise eminent domain to undertake large-scale public projects, such as in cases of bankrupt companies that have had a government guarantee for their financing, or in certain cases when a company has not complied with the requirements of an investment agreement with the government. In 2000, the government expropriated land in the vicinity of the Bamako city airport for air safety reasons. Notifications of the expropriation were sent via direct mail and published in public and private media. In 2010 / 2011, the government expropriated private land on the outskirts of Bamako for the construction of low and medium income housing. The prior owners have initiated a legal case against the government, arguing that housing projects should not be considered large-scale public works projects.

Disputes occasionally arise between the government or state-owned enterprises and foreign companies. Some cases involve wrongdoing on the part of companies and/or corrupt government officials.

In November 1991, an independent commercial court was established with the encouragement of the U.S. Government to expedite the handling of business litigation. Commercial courts are located in Bamako, Kayes, and Mopti. In areas where there is no commercial court, disputes are first heard at local courts of first instance. Since its inception, the commercial court has handled cases involving foreign companies. The court is staffed by magistrates assisted by elected Malian Chamber of Commerce and Industry representatives. Teams composed of one magistrate and two Chamber of Commerce and Industry representatives conduct hearings. The magistrate's role is to ensure that decisions are rendered in accordance with applicable commercial laws, including internationally recognized bankruptcy laws, and that court decisions are enforceable under the law.

Despite efforts to improve, the judicial system is slow and inefficient, and is widely reputed to be corrupt. In 2006, an appeals court ordered an American company to pay damages to a Chinese company after the American company filed apparently legitimate charges alleging trademark infringement. In January 2009, the Malian Supreme Court overruled the appeals court, and sent the case back to the appeals court for a new hearing. Litigation in this case is still pending. U.S. companies, bound by the Foreign Corrupt Practices Act (FCPA), have expressed the view that they are at a disadvantage when it comes to legal proceedings vis-à-vis other foreign companies that are not bound by similar legislation. For the past four years, German investors have been involved in a dispute with the state-owned Malian Housing Bank (BHM) over expropriation of property, though the case is still pending.

The investment code allows a foreign company that has a signed agreement with the government to refer to international arbitration any case that the local courts are unable to resolve. Mali is a member of the African Organization for the Harmonization of Business Law (OHADA) and has ratified the 1993 Treaty creating the Joint Arbitration Court. OHADA has a provision for allowing litigation between foreign companies and domestic companies or the government to be tried in an appellate court outside of Mali. Mali is a member of the International Center for the Settlement of Investment Disputes (ICSID - also known as the Washington Convention). Mali is a member of the New York Convention of 1958 on the Recognition and Enforcement of Foreign Arbitrage Awards. Mali has been a member of the World Bank Multilateral Investment Guarantee Agency (MIGA) since 1990.

The investment code offers incentives to companies that reinvest profits to expand existing businesses or diversify into another relevant sector. The code also encourages the use of locally sourced inputs, which can offer tax exemptions. Companies that use at least 60 percent of locally produced raw materials are eligible for certain tax exonerations. Companies that invest at least five percent of their turnover in supporting

local research and development are eligible for a reduction of payroll taxes for Malian employees.

There is no requirement that Malian nationals own shares in a foreign investment or that foreign equity be reduced over time. In the case of joint ventures with the government, the government share may not exceed 20 percent ownership. OHADA regulations specify that a company with less than 35 percent government equity is legally considered a private company.

Most businesses are located in the capital, and the investment code encourages the establishment of new businesses in other areas. Incentives include income tax exemptions for five to eight year periods, reduced-energy prices, and the installation of water supply, electric power, and telecommunication lines to areas lacking public utility services.

Any company, domestic or foreign, that plans to export at least 80 percent of its production is free of all taxes for a period of 30 years. The law allows up to 20 percent of total production to be sold domestically, subject to the same taxation as other similar imported products. Mali currently has no dedicated free trade zones.

The National Assembly approved a new petroleum code in June 2004. The new law allows an initial period of four years for prospecting, renewable for two successive periods of three years each. Prospecting and exploitation permits, as well as their renewal, are subject to the payment of fixed taxes ranging from one million to ten million CFA (approximately USD 2,000 to 20,000). In addition, permit holders are liable for the payment of taxes while prospecting ranging from CFA 500 – 2,500 (USD 1-5) per square kilometer and taxes of CFA 1,000,000 (USD 2,000) per square kilometer during exploitation. Permit holders and the companies associated with those permit holders are subject to a 35 percent tax on net profits. In 2004, the government created a marketing office for petroleum exploration, l'Autorité pour la Promotion de la Recherche Pétrolière, or AUREP. This agency drafts, plans and implements oil research programs, and collects data on oil reserves. AUREP is also the interface with the government for private sector petroleum investors.

The government has identified priority sectors for furthering economic development. Special incentives are offered for investment in the following areas:

- Agribusiness
- Fishing and fish processing
- Livestock and forestry
- Mining and metallurgical industries
- Water and energy production industries
- Tourism and hotel industries
- Communication
- Housing development
- Transportation
- Human and animal health promotion enterprises
- Vocational and technical training enterprises
- Cultural promotion enterprises

Right to Private Ownership and Establishment

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The government has price controls on petroleum products and locally produced cotton, and occasionally controls the price of basic commodities, such as rice. The free market determines prices of other goods. Domestic and foreign companies compete on an equal basis with public enterprises and they share equal rights to private ownership and establishment. The government's privatization program for state enterprises manages investment opportunities through a process of open international bidding. In the past several years, the government has privatized parastatal enterprises including the cotton processing company, Huilerie cotonnière du Mali (HUICOMA); the International Bank of Mali (BIM); and the telecommunications company, Société des Telecommunications du Mali (SOTELMA).

The government still remains committed to the process of privatizing the cotton marketing parastatal, Compagnie malienne pour le développement des textiles (CMDT). The process has reached its final stage in 2012; out of the three companies (including two foreign) that have submitted technical and financial offers, only one of the foreign companies has remained in the process (the two others withdrew their offers with no public explanation). The remaining company and the Government have not reached an agreement for a final award decision. The government envisions launching a new call for bids as soon as possible. Local media has questioned the transparency of the bidding and contracts award process, though no concrete evidence of corruption has been presented.

Protection of Property Rights

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Property rights are protected by law in Mali. The government established the Malian Center for the Promotion of Industrial Property and charged it with implementing the legal regime of property rights protection, including the World Trade Organization (WTO) TRIPS agreements. This agency is a member of the African Property Rights Organization (IAPO) and works with international agencies recognized by the United Nations Industrial Development Organization (UNIDO). Patents, copyrights, and trademarks are covered.

These structures notwithstanding, property rights are not always adequately protected in practice. As already noted in the dispute settlement section, a U.S. herbicide manufacturer has been mired in a three-year long legal battle with a Chinese company that is claimed to be infringing on the U.S. companies' trademark rights. In spite of a favorable ruling by the Supreme Court, the case was remanded to a lower court in 2010 and the outcome of the case still remains unclear.

Transparency of Regulatory System

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As reflected in agreements with the International Monetary Fund (IMF) and World Bank, the government of Mali has adopted a transparent regulatory policy and laws to foster competition. The commerce and labor codes adopted in 1992 are designed to meet the requirements of fair competition, to ease bureaucratic procedures, and to facilitate the hiring and firing of employees. The investment code simplifies the application process to establish a business, and favors investments that promote handicrafts, exports, and labor-intensive businesses. The 2013 Doing Business Report notes that it takes an

average of four procedures and eight days in order to establish a business in Mali, which is consistent with the previous year's report. The Mining Code encourages investments in small and medium mining enterprises, awards two-year exploration permits free of charge, and does not require a commitment from the exploring firm to lease the area explored thereafter. Mali is a member of OHADA and implements the Accounting System of West African States (SYSCOA), which harmonizes business practices among several African countries consistent with international norms.

Efficient Capital Markets and Portfolio Investment

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WAEMU statutes and the BCEAO determine the banking system and monetary policy in Mali. BCEAO headquarters are located in Dakar, Senegal. Commercial banks enjoy considerable liquidity. Banks' deposit funds are split 75/25 between demand deposits and time deposits, respectively. The majority of banks' loanable funds, however, do not come from deposits, but rather from other liabilities, e.g. lines of credit from the BCEAO and North African and European banks. In spite of having sufficient loanable funds, commercial banks in Mali tend to have highly conservative lending practices. Bank loans generally support short-term activities, such as letters of credit to support export-import activities and short-term lines of credit and bridge loans for established businesses. Small- and medium-sized businesses have difficulty obtaining access to credit. In order to strengthen the banking sector, WAEMU raised the minimum stockholders equity capital required of banks and financial institutions by end-2010 to CFA 5 billion (USD 10 million) and CFA 1 billion (USD 2 million), respectively. Following this first phase, WAEMU will establish a timetable to raise the minimum stockholders equity capital requirement to CFA 10 billion (USD 20 million) for banks and CFA 3 billion (USD 6 million) for financial institutions. This projected requirement applies immediately to new banks and financial institutions.

Portfolio investment is not a current practice, although the legal and accounting systems are now somewhat transparent and are similar to the French system. In 1994 the government instituted a system of treasury bonds available for purchase by individuals or companies. The payment of dividends or the repurchase of the bonds may be done through a compensation procedure offsetting corporate income taxes or other sums due to the government.

The WAEMU stock exchange program based in Abidjan has a branch in each WAEMU country, including Mali. To date, no Malian company is listed on the stock exchange. The privatization programs of the electric company, EDM, the telecommunications entity, SOTELMA, and cotton ginning company, CMDT, and the forthcoming privatization of Bamako-Senou Airport offer prospects for some companies to be listed on the WAEMU stock exchange.

The government of Mali first participated in the Sovereign Credit Rating Program, sponsored by the State Department, in 2002. As part of this program, Fitch Ratings won a competitive contract to conduct the ratings. The U.S. Treasury Department provided technical assistance to the Malian Ministry of Economy with the support of the U.S. State Department. Fitch completed its evaluation in 2004 and awarded a B- to Mali. Parallel to this effort, Standard and Poor's awarded Mali a BBB- rating in 2005 through a UNDP-funded program. Standard and Poor's has not rated Mali since 2005. In December 2009, Fitch Ratings affirmed Mali's long-term foreign and local currency Issuer Default Ratings

(IDRs) at B- with Stable Outlooks respectively, Country Ceiling at BBB-, and short-term foreign currency IDR at B. After completion of the State Department-sponsored rating program, Fitch announced in December 2009 it would no longer provide rating or analytical coverage of Mali, and all ratings have been withdrawn. There has been no rating of Mali since.

Mali's IDR of B- reflects the country's high level of poverty, vulnerability to external shocks and slow economic growth. Mali consistently runs a current account deficit, due to its high dependence on energy imports and low export base. Fitch does not expect any improvement in Mali's creditworthiness in the medium to long term. However, the country's external situation is not a constraint, as Mali is part of the West African Economic and Monetary Union: the CFA is pegged to the Euro and the French Treasury guarantees its convertibility.

Competition from State Owned Enterprises

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Private and public enterprises compete under the same terms and conditions. No preferential treatment is awarded to State-Owned Enterprises (SOEs), although they can be at a competitive disadvantage due to the limited flexibility they have in their management decision-making process.

Mali is in the process of privatizing its SOEs, but a number of SOEs still exist. The government is active in the agricultural sector: the Niger River Authority (Office du Niger) controls much of the irrigated rice fields and vegetable production in the Niger River inland delta, although more private operators were granted plots of land to develop. Under an MCC-funded irrigation project, Mali granted titles to small private farmers, including women; an adjacent tranche developed with MCC was to have been open to large scale private investment through a public tender process. However, all MCC projects were suspended as a result of the coup d'état March 21. The national cotton production company, CMDT, which is yet to be privatized, provides financing for fertilizers and inputs to cotton farmers, sets cotton prices, purchases cotton from producers and exports cotton fiber via ports in neighboring countries. The government is still active in the banking sector. While it no longer has a majority stake in the Malian Development Bank (BDM), it has significant influence over its operations, as the Minister of Finance serves as the head of the Board of Directors. The Malian government also owns the Agricultural Development Bank (BND), the Malian Solidarity Bank (BMS), and the Housing Bank (BHM). In addition, the electricity and water company, Energie du Mali, or EDM, is majority owned by the government after a failed privatization attempt. Senior government officials from different ministries make up the board of SOEs. Major procurement decisions or equity raising decisions are referred to the Council of Ministers. Government powers remain in the hands of Ministries or government agencies reporting to the Ministries. No SOE has delegated powers from the Government.

SOEs are required by law to publish an annual report. They hold a mandatory annual Board of Directors meeting to discuss the financial statements prepared by a certified public accountant and certified by an outside auditor in accordance with domestic standards (which are comparable to international financial reporting standards). Mali's independent auditor general conducts an annual review of public spending, which may result in the prosecution of specific cases of corruption. Mali has no sovereign wealth fund.

There is no general awareness of corporate social responsibility in Mali among producers or consumers. Foreign mining and oil exploration companies sometimes provide schools and health clinics to communities in proximity of their activities. This is not always done with strict adherence to generally accepted principles such as the OECD Guidelines for Multinational Enterprises, but is rather the result of individual negotiations between the company and the leaders of neighboring communities.

Throughout two decades of multi-party democracy, Mali has consistently encouraged private enterprise and investment. However, a political crisis that unfolded throughout 2012 pushed the country into unprecedented turmoil, deterioration of the economic situation, and uncertainty in the investment climate. The U.S. Embassy issued a Travel Warning, updated frequently during the year, urging U.S. citizens to refrain from travelling to Mali and calling on citizens currently in Mali to consider leaving the country.

Violence in the North

Northern Mali had long suffered from periodic episodes of violence related to inter-tribal politics, smuggling and other criminal activities, and friction between local tribes and the central government. A violent rebellion occurred from 2006-2009, when certain Tuareg tribes of the Kidal Region rebelled against central government control. A new wave of violence began in the first days of 2012, when several armed extremist groups emboldened by the influx of arms and Tuareg mercenaries returning from Libya, launched a series of attacks on military installations in the north. By April, they had pushed the Malian armed forces out of the three Northern regions of Gao, Timbuktu and Kidal, and part of Mopti, effectively denying the government control of half of the national territory. Political tensions related to the military reversals in the north led to a coup d'état, and the overthrow of Mali's democratically-elected government on March 21, 2012.

Mali was put back on the long road toward resolution of its political crisis in beginning April, when the Economic Community of West African States "ECOWAS" mediated a transfer of power to an Interim Government, which was charged with organizing elections within a year's time. In January 2013, the Malian government approved a "Roadmap for Political Transition," after an extensive process of broad-based consultations. While these developments are encouraging, the political situation in Mali remains fragile.

The security situation in Mali is equally fragile. In the first days of January 2013, French and African forces intervened in Mali in response to a new extremist offensive that threatened southern Mali. Within a few weeks, the intervention forces had retaken the major northern cities, substantially reversing the 2012 extremist takeover of the north, if not necessarily ensuring their long-term security against further attacks. While the Malian government has taken steps to reassert control over some of the major cities, the north remains highly unstable. While the extremist groups retreated into their desert strongholds, they continue to demonstrate their capacity by attacking cities such as Gao.

The Algerian-origin terrorist group AQIM, long entrenched in northeastern Mali remains dangerous. AQIM has demonstrated a pattern of kidnapping hostages for ransom and launching operations against neighboring Algeria, Mauritania, and Niger. AQIM executed a French citizen in July 2010 and was responsible for the deaths of one British and three French citizens in failed kidnap for ransom attempts over the past three years. In November 2011, two additional French citizens were kidnapped in the northern village of Hombori followed few days later by the kidnapping of three westerners and the killing of a fourth one in the city of Timbuktu. AQIM has claimed responsibility for the kidnappings and killing. A total of 13 hostages currently may be held in northern Mali.

Corruption

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Corruption, including bribery, raises the costs and risks of doing business. Corruption has a corrosive impact on both market opportunities overseas for U.S. companies and the broader business climate. It also deters international investment, stifles economic growth and development, distorts prices, and undermines the rule of law.

It is important for U.S. companies, irrespective of their size, to assess the business climate in the relevant market in which they will be operating or investing, and to have an effective compliance program or measures to prevent and detect corruption, including foreign bribery. U.S. individuals and firms operating or investing in foreign markets should take the time to become familiar with the relevant anticorruption laws of both the foreign country and the United States in order to properly comply with them, and where appropriate, they should seek the advice of legal counsel.

The U.S. Government seeks to level the global playing field for U.S. businesses by encouraging other countries to take steps to criminalize their own companies' acts of corruption, including bribery of foreign public officials, by requiring them to uphold their obligations under relevant international conventions. A U. S. firm that believes a competitor is seeking to use bribery of a foreign public official to secure a contract should bring this to the attention of appropriate U.S. agencies, as noted below.

U.S. Foreign Corrupt Practices Act: In 1977, the United States enacted the Foreign Corrupt Practices Act (FCPA), which makes it unlawful for a U.S. person, and certain foreign issuers of securities, to make a corrupt payment to foreign public officials for the purpose of obtaining or retaining business for or with, or directing business to, any person. The FCPA also applies to foreign firms and persons who take any act in furtherance of such a corrupt payment while in the United States. For more detailed information on the FCPA, see the FCPA Lay-Person's Guide at: <http://www.justice.gov/criminal/fraud/>

Other Instruments: It is U.S. Government policy to promote good governance, including host country implementation and enforcement of anti-corruption laws and policies pursuant to their obligations under international agreements. Since enactment of the FCPA, the United States has been instrumental to the expansion of the international framework to fight corruption. Several significant components of this framework are the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Antibribery Convention), the United Nations Convention against Corruption (UN Convention), the Inter-American Convention against Corruption (OAS Convention), the Council of Europe Criminal and Civil Law Conventions, and a growing list of U.S. free trade agreements. This country is party to the United Nations

Convention against Corruption (UN Convention but generally all countries prohibit the bribery and solicitation of their public officials.

OECD Antibribery Convention: The OECD Antibribery Convention entered into force in February 1999. As of March 2009, there are 38 parties to the Convention including the United States (see <http://www.oecd.org/dataoecd/59/13/40272933.pdf>). Major exporters China, India, and Russia are not parties, although the U.S. Government strongly endorses their eventual accession to the Convention. The Convention obligates the Parties to criminalize bribery of foreign public officials in the conduct of international business. The United States meets its international obligations under the OECD Antibribery Convention through the U.S. FCPA. Mali is not a member country of OECD.

UN Convention: The UN Anticorruption Convention entered into force on December 14, 2005, and there are 158 parties to it as of November 2011 (see <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>). The UN Convention is the first global comprehensive international anticorruption agreement. The UN Convention requires countries to establish criminal and other offences to cover a wide range of acts of corruption. The UN Convention goes beyond previous anticorruption instruments, covering a broad range of issues ranging from basic forms of corruption such as bribery and solicitation, embezzlement, trading in influence to the concealment and laundering of the proceeds of corruption. The Convention contains transnational business bribery provisions that are functionally similar to those in the OECD Antibribery Convention and contains provisions on private sector auditing and books and records requirements. Other provisions address matters such as prevention, international cooperation, and asset recovery. Mali is a party to the UN Convention.

OAS Convention: In 1996, the Member States of the Organization of American States (OAS) adopted the first international anticorruption legal instrument, the Inter-American Convention against Corruption (OAS Convention), which entered into force in March 1997. The OAS Convention, among other things, establishes a set of preventive measures against corruption, provides for the criminalization of certain acts of corruption, including transnational bribery and illicit enrichment, and contains a series of provisions to strengthen the cooperation between its States Parties in areas such as mutual legal assistance and technical cooperation. As of December 2009, the OAS Convention has 34 parties (see <http://www.oas.org/juridico/english/Sigs/b-58.html>). Mali is not a party to the OAS Convention.

Council of Europe Criminal Law and Civil Law Conventions: Many European countries are parties to either the Council of Europe (CoE) Criminal Law Convention on Corruption, the Civil Law Convention, or both. The Criminal Law Convention requires criminalization of a wide range of national and transnational conduct, including bribery, money-laundering, and account offenses. It also incorporates provisions on liability of legal persons and witness protection. The Civil Law Convention includes provisions on compensation for damage relating to corrupt acts, whistleblower protection, and validity of contracts, inter alia. The Group of States against Corruption (GRECO) was established in 1999 by the CoE to monitor compliance with these and related anti-corruption standards. Currently, GRECO comprises 49 member States (48 European countries and the United States). As of December 2011, the Criminal Law Convention has 43 parties and the Civil Law Convention has 34 (see www.coe.int/greco). Mali is not a party to the Council of Europe Conventions.

Free Trade Agreements: While it is U.S. Government policy to include anticorruption provisions in free trade agreements (FTAs) that it negotiates with its trading partners, the anticorruption provisions have evolved over time. The most recent FTAs negotiated now require trading partners to criminalize “active bribery” of public officials (offering bribes to any public official must be made a criminal offense, both domestically and trans-nationally) as well as domestic “passive bribery” (solicitation of a bribe by a domestic official). All U.S. FTAs may be found at the U.S. Trade Representative Website: <http://www.ustr.gov/trade-agreements/free-trade-agreements>. Mali does not have an FTA with the United States.

Local Laws: U.S. firms should familiarize themselves with local anticorruption laws, and, where appropriate, seek legal counsel. While the U.S. Department of Commerce cannot provide legal advice on local laws, the Department’s U.S. and Foreign Commercial Service can provide assistance with navigating the host country’s legal system and obtaining a list of local legal counsel.

Assistance for U.S. Businesses: The U.S. Department of Commerce offers several services to aid U.S. businesses seeking to address business-related corruption issues. For example, the U.S. and Foreign Commercial Service can provide services that may assist U.S. companies in conducting their due diligence as part of the company’s overarching compliance program when choosing business partners or agents overseas. The U.S. Foreign and Commercial Service can be reached directly through its offices in every major U.S. and foreign city, or through its Website at www.trade.gov/cs.

The Departments of Commerce and State provide worldwide support for qualified U.S. companies bidding on foreign government contracts through the Commerce Department’s Advocacy Center and State’s Office of Commercial and Business Affairs. Problems, including alleged corruption by foreign governments or competitors, encountered by U.S. companies in seeking such foreign business opportunities can be brought to the attention of appropriate U.S. government officials, including local embassy personnel and through the Department of Commerce Trade Compliance Center “Report A Trade Barrier” Website at tcc.export.gov/Report_a_Barrier/index.asp.

Guidance on the U.S. FCPA: The Department of Justice’s (DOJ) FCPA Opinion Procedure enables U.S. firms and individuals to request a statement of the Justice Department’s present enforcement intentions under the anti-bribery provisions of the FCPA regarding any proposed business conduct. The details of the opinion procedure are available on DOJ’s Fraud Section Website at www.justice.gov/criminal/fraud/fcpa. Although the Department of Commerce has no enforcement role with respect to the FCPA, it supplies general guidance to U.S. exporters who have questions about the FCPA and about international developments concerning the FCPA. For further information, see the Office of the Chief Counsel for International Counsel, U.S. Department of Commerce, Website, at http://www.ogc.doc.gov/trans_anti_bribery.html. More general information on the FCPA is available at the Websites listed below.

Exporters and investors should be aware that generally all countries prohibit the bribery of their public officials, and prohibit their officials from soliciting bribes under domestic laws. Most countries are required to criminalize such bribery and other acts of corruption by virtue of being parties to various international conventions discussed above.

Corruption is considered a crime punishable under the penal code. However, bribery is reported frequently in many large contracts and investment projects. Corruption poses an obstacle to foreign direct investment. Government officials often solicit bribes in order to complete otherwise routine procedures. Using assessments by the African Development Bank, the World Bank, and the World Economic Forum, in 2012 Transparency International assigned Mali a score of 34 on a 0 to 100 scale of perceived public sector corruption, zero representing the worst score. Mali ranked 105 of 176 countries surveyed.

Corruption seems most pervasive in government procurement and dispute settlement. The government has addressed this by requiring procurement contracts to be inspected by the Directorate General for Public Procurement, which determines whether the procedure meets fairness, price competitiveness, and quality standards. Mali's international donor community has been working with the government to reduce corruption, but progress has been slow.

The President created an Office of the Auditor General (OAG) in 2004, an independent agency tasked to audit public spending. Since inception, the OAG has uncovered several large cases of corruption. In its November 2012 report, the Auditor General announced that USD 20 million of public funds were embezzled. The anti-corruption prosecutor announced in early 2011 that approximately USD 15 million of embezzled public funds have been recovered in certain cases, however, none of these cases have resulted in prosecutions. Similarly, inspectors from the Global Fund for AIDS, Tuberculosis and Malaria have uncovered cases of embezzlement of public and donor funds at the Ministry of Health. Several high-ranking Ministry of Health officials were prosecuted, and the Minister of Health resigned and was subsequently indicted. However, the subsequent trial acquitted the Minister and all other 18 co-defendants, by reason of lack of evidence.

Questionable judgments in commercial cases have occasionally been successfully overturned at the court of appeals or the Supreme Court. In 2007, the Auditor General organized a discussion with magistrates to find ways by which the Office of the Auditor General and the judiciary could work to bring economic crimes to trial. There is a general perception among the populace that while prosecution of minor economic crimes is routine, official corruption, particularly at the higher levels, goes largely unpunished.

Anti-Corruption Resources

Some useful resources for individuals and companies regarding combating corruption in global markets include the following:

- Information about the U.S. Foreign Corrupt Practices Act (FCPA), including a "Lay-Person's Guide to the FCPA" is available at the U.S. Department of Justice's Website at: <http://www.justice.gov/criminal/fraud/fcpa>.
- Information about the OECD Antibribery Convention including links to national implementing legislation and country monitoring reports is available at: http://www.oecd.org/departement/0,3355,en_2649_34859_1_1_1_1_1,00.html. See also new Antibribery Recommendation and Good Practice Guidance Annex for companies: <http://www.oecd.org/dataoecd/11/40/44176910.pdf>.

- General information about anticorruption initiatives, such as the OECD Convention and the FCPA, including translations of the statute into several languages, is available at the Department of Commerce Office of the Chief Counsel for International Commerce Website: http://www.ogc.doc.gov/trans_anti_bribery.html.
- Transparency International (TI) publishes an annual Corruption Perceptions Index (CPI). The CPI measures the perceived level of public-sector corruption in 180 countries and territories around the world. The CPI is available at: http://www.transparency.org/policy_research/surveys_indices/cpi/2009. TI also publishes an annual *Global Corruption Report* which provides a systematic evaluation of the state of corruption around the world. It includes an in-depth analysis of a focal theme, a series of country reports that document major corruption related events and developments from all continents and an overview of the latest research findings on anti-corruption diagnostics and tools. See <http://www.transparency.org/publications/gcr>.
- The World Bank Institute publishes Worldwide Governance Indicators (WGI). These indicators assess six dimensions of governance in 213 countries, including Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law and Control of Corruption. See <http://info.worldbank.org/governance/wgi/index.asp>. The World Bank Business Environment and Enterprise Performance Surveys may also be of interest and are available at: <http://data.worldbank.org/data-catalog/BEEPS>.
- The World Economic Forum publishes the *Global Enabling Trade Report*, which presents the rankings of the Enabling Trade Index, and includes an assessment of the transparency of border administration (focused on bribe payments and corruption) and a separate segment on corruption and the regulatory environment. See <http://www.weforum.org/s?s=global+enabling+trade+report>.
- Additional country information related to corruption can be found in the U.S. State Department's annual *Human Rights Report* available at <http://www.state.gov/g/drl/rls/hrrpt/>.
- Global Integrity, a nonprofit organization, publishes its annual *Global Integrity Report*, which provides indicators for 106 countries with respect to governance and anti-corruption. The report highlights the strengths and weaknesses of national level anti-corruption systems. The report is available at: <http://report.globalintegrity.org/>.

Bilateral Investment Agreements

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Mali has signed the International Center for Settlement of Investment Disputes (ICSID) treaty sponsored by the World Bank group. During the past six years, Mali has signed investment protection agreements with South Africa, Algeria, Senegal, and Libya.

African Growth and Opportunity Act Eligibility

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The African Growth and Opportunity Act (AGOA) was signed into law on May 18, 2000 as Title 1 of The Trade and Development Act of 2000. The Act offers tangible incentives

for African countries to continue their efforts to open their economies and build free markets. Mali was deemed eligible for AGOA benefits on October 2, 2000. However, after the March 2012 coup d'état, the annual review panel suspended Mali's AGOA eligibility, effective January 1, 2013.

OPIC and Other Investment Insurance Programs

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Since October 1997, Mali has been eligible for U.S. Exim Bank programs for short and medium term insurance and guarantees for the private sector, and long term insurance or guarantees for the Government in target sectors. Mali is also eligible for certain OPIC programs. Mali has been a member of the World Bank's Multilateral Investment Guarantee Agency (MIGA) since 1990.

Labor

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Labor is widely available, though skilled labor is in short supply. Workers have the right to unionize. Relations between labor and management are often contentious. Although a warning notice for strikes is not required in the private sector, mediation procedures are generally followed before resorting to a strike. The government has signed the International Labor Organization agreement protecting the rights of workers. Although the labor code adopted in 1992 (and amended in December 2011) improved hiring and firing procedures, it still requires simplification. Powerful labor unions play an important role in national affairs. Compensation plan negotiations and firing procedures are very long and closely scrutinized by the Ministry of Labor and the judiciary. Mali has a history of labor disputes which have caused major difficulties for both Malian and foreign employers. Although not a requirement, it is advisable to have regular contacts with labor inspectors, especially when concluding new hiring contracts or considering terminations or reductions in force.

Foreign-Trade Zones/Free Ports

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By law, there is no discrimination between foreign-owned firms and host country entities with regard to investment opportunities. Companies (domestic or foreign) that export at least 80 percent of their production are entitled to tax-free status. As such, they benefit from duty free-status on all equipment and other inputs they need for their operations. To date, there are no dedicated free trade zones in Mali.

Foreign Direct Investment Statistics

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Companies from Australia, Canada, Great Britain, India, Japan, and South Africa have made significant investments in the mining sector. France, Germany, and China have made significant investments in the manufacturing and food processing sectors. In its 2012 World Investment Report, the United Nations Conference on Trade and Development (UNCTAD) reported that Mali received foreign direct investment (FDI) of USD 178 million in 2011, while total FDI stock for 2011 was USD 2.2 billion. FDI inflows to West Africa decreased in 2011 to USD 42.6 billion from USD 43.1 billion in 2010.

Web Resources

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Mali Investment Promotion Agency – API Mali: www.apimali.gov.ml

Mali Employers National Council - CNPM: www.cnpmali.org
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Chapter 7: Trade and Project Financing

- [How Do I Get Paid \(Methods of Payment\)](#)
- [How Does the Banking System Operate](#)
- [Foreign-Exchange Controls](#)
- [U.S. Banks and Local Correspondent Banks](#)
- [Project Financing](#)
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How Do I Get Paid (Methods of Payment)

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Local buyers can sometimes obtain local bank financing (revolving lines of credit and letters of credit). How Does the Banking System Operate

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Mali has twelve commercial banks. The government has stakes in some of the banks, especially to support the agricultural and housing sectors. As a result of World Bank recommendations that the government pull out of the banking sector, three banks have been privatized. Bamako also has a national branch of the WAEMU central bank (BCEAO).

General financing availability: tight credit policies by Malian banks make local financing difficult to obtain if a firm is not an established customer. High interest rates that had been used to support the overvalued CFA have begun to come down.

Foreign-Exchange Controls

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There are no controls. The West-African Central Bank (BCEAO), however, will not purchase franc notes taken outside the zone. The CFA franc is a convertible currency whose exchange rate is pegged to the euro at a ratio of 655.956 CFA francs to one euro.

U.S. Banks and Local Correspondent Banks

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Citibank New York, and American Express Bank are the U.S. correspondents for five major banks in Mali: Bank of Africa (BOA), Banque de Developpement du Mali (BDM), and Banque Internationale pour le Mali (BIM), Banque Internationale pour le Commerce et l'Industrie (BICIM) and Ecobank.

Project Financing

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Foreign donors fund most development projects. U.S. firms can bid on projects funded by multilateral development banks, USAID and on some projects funded by other bilateral donors.

Export-Import Bank of the United States: <http://www.exim.gov>

Country Limitation Schedule: http://www.exim.gov/tools/country/country_limits.html

OPIC: <http://www.opic.gov>

Trade and Development Agency: <http://www.tda.gov/>

SBA's Office of International Trade: <http://www.sba.gov/oit/>

USDA Commodity Credit Corporation: <http://www.fsa.usda.gov/cc/default.htm>

U.S. Agency for International Development: <http://www.usaid.gov>

(Insert a link to the applicable Multilateral Development Bank here and any other pertinent web resources.)

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Chapter 8: Business Travel

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- [Travel Advisory](#)
- [Visa Requirements](#)
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Business Customs

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Malians place great emphasis on protocol and courtesy. Discussions should begin with an extensive exchange of pleasantries.

Travel Advisory

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Travel to the three northern regions of Mali is highly discouraged for security reasons. Additionally, traffic accidents, medical, and health hazards represent the greatest threats to business travelers. Banditry and carjacking have historically plagued the northern regions of Mali and areas near the Mauritanian, Algerian, and Nigerien borders. Visitors are encouraged to consult the Department of State Consular Information Sheets. Travelers are urged to exercise caution while traveling in the north or to any isolated area within Mali.

There is little violent crime against foreigners in Bamako. Petty crimes, such as pick-pocketing and simple theft, are most common. Visitors to Bamako should exercise the same precautions they would exercise in any U.S. urban area.

Visa Requirements

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U.S. travelers to Mali must obtain a visa in advance from a Malian Embassy or Consulate.

U.S. Companies that require travel of foreign businesspersons to the United States should be advised that security evaluations are handled via an interagency process. Visa applicants should go to the following links.

State Department Visa Website: <http://travel.state.gov/visa/>

American Embassy Bamako's Consular section:
<http://mali.usembassy.gov/consular.html>

Telecommunications

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Local and long-distance telephones, fax, and internet service are available in Bamako and other major cities. Mali obtained internet access in 2000, and there are currently thirteen Internet service providers in Bamako. Service is quite reliable but normal dial-up and VSAT speeds are slower than in the United States. International mail is slow and not wholly reliable. Private courier services including DHL, Federal Express, EMS Postadex and Airborne Express operate in Bamako.

Transportation

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Taxis are common in Bamako, but poorly maintained and dangerous. Taxis are hard to find elsewhere in Mali. Privately operated public transport vans and pick-up trucks, referred to as "Bachés" or "Sotramas", are poorly maintained, routinely overloaded, and dangerous. Their use is not recommended. Intra- and inter-urban bus service is available, yet of poor quality. Passenger rail service exists between Bamako and Dakar, Senegal; however, the trip requires a minimum of 36 hours and is subject to significant delays. Most business visitors rent four-wheel-drive vehicles with drivers for in-country travel. Passenger air service exists between Bamako and Mopti/Sevare and Timbuktu, as well as West Africa and Paris. Travelers should carry copies of their passports while travelling within Mali.

Language

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Knowledge of French is very useful. Commercial interpreters and translation services are available if required, and cost roughly \$250-300 per day. The U.S. Embassy Economic and Commercial Office can provide lists of local translation and interpretation services.

Health

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All travelers must have international vaccination cards (WHO) with current yellow fever immunization documented. Mali has chloroquine-resistant malaria. Specific information can be found on the website of the Centers of Disease Control. It is strongly recommended that travelers not drink tap water and take malaria prophylaxis.

Local Time, Business Hours, and Holidays

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Mali is on universal time. Business hours are Monday through Thursday, 0730 to 1600, and Friday, 0730 to 1230 then 1430 to 1730. Saturday and Sunday are non working days.

Holidays in Mali in 2013:

January 01 – New Year's Day
January 20 – Army Day
January 24 – Mawloud
January 30 – The Prophet's Baptism
March 26 – Day of Democracy
April 1 – Easter Monday
May 01 – International Labor Day
May 25 – Day of Africa
September 22 – Independence Day
August 08 (approximate) – Ramadan Celebration
December 25 – Christmas
October 15 (approximate) – Tabaski (Eid – Sacrifice Holiday)
(Dates listed as “approximate” are Muslim holidays based on the lunar calendar and therefore subject to variation).

Temporary Entry of Materials and Personal Belongings

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Temporary entry of materials are subject to prior approval of an authorization from the customs department, when there is proof that materials will be re-exported out of the country at the end of the stay.

Web Resources

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U.S. Embassy Bamako Commercial Service:

http://export.gov/southafrica/doingbusinessinsub-saharanafrica/westafrica/mali/eg_za_058729.asp

Mali Investment Promotion Agency - API Mali: www.apimali.gov.ml

Mali Employers National Council – CNPM: www.cnpmali.org

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Chapter 9: Contacts, Market Research and Trade Events

- [Contacts](#)
- [Market Research](#)
- [Trade Events](#)

Contacts

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1. Trade Associations:

Chambre de Commerce et d'Industrie du Mali
BP 46 Bamako, Mali
A/President: Mr. Mamadou Tiening Konaté
Tel: (223) 2022 5764; fax: (223) 2022 2120

Chambre d'Agriculture du Mali
BP 288 Bamako, Mali
President: Bakary Togola
Tel: (223) 2021 8725; fax: (223) 2022 8737

Conseil National du Patronat du Mali
BP 2445 Bamako, Mali
President: Mamadou Sidibe
Tel: (223) 2022 6311

West African Enterprise Network (WAEN)
BP: Bamako, Mali
President: Djibril Baba Tabouré
Tel: (223) 2021 3504

Jeune Chambre Economique
BP: Bamako, Mali
President: Amadou Yalcouyé
Tel: (223) 2021 4025; fax: (223) 2021 4026

2. Government Agencies

Ministry of Energy and Water Resources
Bamako, Mali
Minister: Mr. Makan Aliou Tounkara
Tel: (223) 2022 4184

Ministry of Mines
Bamako, Mali
Minister: Dr. Amadou Baba Sy
Tel: (223) 2079 1759

Ministry of Investment, Industry and Commerce
Bamako, Mali
Minister: Mr. Tiéna Coulibaly
Tel: (223) 2022 8750; fax: (223) 2023 0267

Ministry of Agriculture
Bamako, Mali
Minister: Mr. Baba Berthé
Tel: (223) 2022 2785; fax: (223) 2022 4378

Ministry of Livestock and Fishery
Bamako, Mali
Minister: Mrs. Diané Mariam Koné
Tel: 2029 5197

Ministry of Equipment and Transport
BP 78, Bamako, Mali
Minister: Colonel Abdoulaye Koumaré
Tel: (223) 2022 2901; fax: (223) 2022 0874

Agency for Investment Promotion API-Mali
BP 1980 Bamako, Mali
Director: Mr. Modibo Keita
Tel: (223) 2029 5212; fax: (223) 2029 8085

National Directorate for Industries
BP 278 Bamako, Mali
Director: Mr. Seydounour Diallo
Tel: (223) 2022 5756

National Directorate for Commerce
BP 201, Bamako, Mali
Director: Mr. Modibo Keita
Tel: (223) 2021 2314 fax: (223) 2021 3577

3. Major Country Banks

Banque Internationale du Mali (B.I.M)
BP 15 Bamako, Mali
Director: Mr. Mohamed Krisni
Tel (223) 2022 5066; fax: (223) 2022 4566

Banque de Developpement du Mali (BDM)
BP 94 Bamako, Mali
President: Mr. Abdoulaye Daffé
Tel: (223) 2022 2050; fax: (223) 2022 5085

Bank of Africa-Mali (BOA)
BP 2249 Bamako, Mali
President: Mr. Pierre Deremaux
Tel: (223) 2024 761; fax: (223) 2024 653

Banque de l'Habitat du Mali - BHM
Ex-Base, Bamako, Mali
President: Mr. Modibo Cissé
Tel: (223) 2022 9190; fax: (223) 2022 9350

Banque Nationale de Developpement Agricole - BNDA
BP: 2424, Bamako, Mali
Director: Mr. Moussa Alhassane Diallo
Tel: (223) 2029 6464; fax: (223) 2029 2575

Ecobank
BP 7019, Bamako, Mali
Director: Mrs. Ndoye Binta Touré
Tel: (223) 2023 3300

BICIM
Quartier du Fleuve, Bamako, Mali
Director: Mr. Pierre Beregovoy
Tel: (223) 2023 3375 fax: (223) 2023 3376

4. Washington-based U.S. Government Contacts

Dr. Ada Adler
Commercial Coordinator
Economic Policy Staff
Bureau of African Affairs, Department of State
Washington, DC 20520
Tel: (202) 647 6485
Fax: (202) 647 0610

Ms. Saliha Loucif
International trade specialist
U.S. Dept. of Commerce, RM. # 2037
14th and Constitution, NW
Washington, DC 20230

Market Research

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To view market research reports produced by the U.S. Commercial Service please go to the following website: <http://www.export.gov/mrktresearch/index.asp> and click on Country and Industry Market Reports.

Please note that these reports are only available to U.S. citizens and U.S. companies. Registration to the site is required, and is free.

Please click on the link below for information on upcoming trade events.

<http://www.export.gov/tradeevents/index.asp>

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Chapter 10: Guide to Our Services

The President's National Export Initiative aims to double exports over five years by marshaling Federal agencies to **prepare U.S. companies to export successfully, connect them with trade opportunities** and **support them once they do have exporting opportunities**.

The U.S. Commercial Service offers customized solutions to help U.S. exporters, particularly small and medium sized businesses, successfully expand exports to new markets. Our global network of trade specialists will work one-on-one with you through every step of the exporting process, helping you to:

- Target the best markets with our world-class research
- Promote your products and services to qualified buyers
- Meet the best distributors and agents for your products and services
- Overcome potential challenges or trade barriers
- Gain access to the full range of U.S. government trade promotion agencies and their services, including export training and potential trade financing sources

To learn more about the Federal Government's trade promotion resources for new and experienced exporters, please click on the following link: www.export.gov

For more information on the services the U.S. Commercial Service offers to U.S. exporters, please click on the following link: (Insert link to Products and Services section of local buyusa.gov website here.)

U.S. exporters seeking general export information/assistance or country-specific commercial information can also contact the **U.S. Department of Commerce's Trade Information Center** at **(800) USA-TRAD(E)**.

To the best of our knowledge, the information contained in this report is accurate as of the date published. However, **The Department of Commerce** does not take responsibility for actions readers may take based on the information contained herein. Readers should always conduct their own due diligence before entering into business ventures or other commercial arrangements. **The Department of Commerce** can assist companies in these endeavors.

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