

**PRESIDENCY OF THE REPUBLIC**

**REPUBLIC OF MALI**

**GENERAL SECRETARIAT OF THE  
GOVERNMENT**

**ONE PEOPLE- ONE GOAL- ONE FAITH**

**Decree No. 275/PG- RM to regulate archeological excavations**

**THE PRESIDENT OF THE REPUBLIC,**

MINDFUL of the Constitution;

MINDFUL of Law No. 85-40 /AN- RM of 26 July 1985 relating to the protection and promotion of the national cultural heritage;

MINDFUL of Decree No. 322/ P-RM of 31 December 1984 to appoint members of the Government;

**DECIDING IN CABINET MEETING,**

**HEREBY DECREES AS FOLLOWS:**

ARTICLE 1: Archeological excavations shall be regulated in accordance with the provisions of this decree.

ARTICLE 2: Under this decree, archeological excavations or drilling shall refer to any excavation on an archeological site in order to know the history and material culture.

ARTICLE 3: Archeological excavations shall be subject to prior authorization by the competent authority.

ARTICLE 4: The request for authorization shall be submitted to the Minister in charge of Culture six months before the envisaged works.

ARTICLE 5: The request for authorization shall be considered by the Ministry in charge of Culture in collaboration with the Ministry in charge of Scientific Research. If a response is not received within six months, the authorization shall be deemed to have been granted. The authorization shall be followed by the signing of a contract between the interested parties prior to the start of works. A renewable annual authorization shall then be issued to the requester.

ARTICLE 6: The excavations shall be made by the person who requested and obtained the authorization and under his responsibility. They shall be made in accordance with the prescriptions and under the supervision of a representative of the Ministry in charge of Culture. Any movable or immovable discovery shall be conserved and immediately declared to the representative.

ARTICLE 7: The competent authority may annul the contract and withdraw the authorization:

1. If the prescriptions concerning the conduct of research or conservation of discoveries are not followed;
2. If on account of the importance of these discoveries, the authority deems that it should continue the excavations or purchase the land. In this case, the withdrawal decision shall be submitted to the Cabinet Meeting for consideration. With effect from the day on which the competent authority notifies the decision to withdraw the authorization, the excavations must be suspended.

ARTICLE 8: In the event of withdrawal of the authorization for non-fulfilment of the prescribed conditions, the author of the research shall not be entitled to any compensation for his eviction or expenditures made. In the event of disagreement, the civil court shall be competent to hear any matter arising.

ARTICLE 9: If the authorization for excavations is withdrawn to enable the authority to pursue the said excavations, the author of the research shall not receive any compensation from the competent authority; however, he may obtain the reimbursement of the excavation and laboratory expenditures, whose amount shall be determined by an expert.

ARTICLE 10: The competent authority may undertake excavations or drillings on lands which do not belong to it. The owner may, for the duration of the excavations, transfer the lands either free of cost or against compensation paid by the competent authority. The consent of the owner shall be required in all cases. In the absence of an amicable

agreement, if the excavations or drillings are of national importance, it shall be declared to be of public utility by decree issued by the Cabinet Meeting. The decree shall also authorize the temporary occupancy of the lands. The duration of the occupancy shall be determined by decision of the competent court. At the time of occupation of the land, a report shall be prepared on the state of the land.

Temporary occupancy shall lead to compensation in the event of prejudice as a result of temporary deprivation of use of the land.

ARTICLE 11: All movable and immovable objects discovered during excavations made on or in the soil of public or private State property shall be the property of the State.

ARTICLE 12: Where the discoveries are made on or in the soil of the land of local authorities or public establishments belonging to individuals, natural persons or legal entities, ownership of the movable discoveries shall be shared between the State and the owner of the land in accordance with the rules of ordinary law. The State may lay claim on the objects found.

ARTICLE 13: In case of special agreement providing for the sharing of discovered objects between the State and another party, the objects shall be shared in such manner that the State is allocated the single specimen or rare objects.

ARTICLE 14: From the day of their discovery to their final allocation, all objects to be shared shall be considered as temporarily classified and all the effects of classification shall apply to them.

ARTICLE 15: In view of the specific nature of some major works and their influence on the ecosystem

**Ahmed Mohamed Ag HAMANI**

**MINISTER OF SPORTS, ARTS  
AND CULTURE**

**Mamadou Haidara  
MINISTER OF TRANSPORT  
AND PUBLIC WORKS**

**Dianka Kaba Diakite  
MINISTER OF FINANCE AND TRADE**

(industrial and immovable complexes, construction of large dams, highways), the archeological component shall be included in the feasibility costs of the said structures.

ARTICLE 16: Where following works or any event, monuments, ruins, remains of houses, ancient burial places, inscriptions and generally speaking, objects that could be of interest for history, thought and technology are found, the inventor of these objects and the owner of the building in which they were discovered shall stop the works and immediately declare their discovery to the competent authority. The competent authority shall, within one month following the declaration, notify temporary suspension of works and the safeguard measures to be taken. If these measures are not notified within this time limit, the effects of the suspension shall cease.

ARTICLE 17: Violations of the provisions of this decree shall be punished in accordance with Law No. 85 -40/AN- RM of 26 July 1985 relating to the protection and promotion of the national cultural heritage.

ARTICLE 18: The Minister of Sports, Arts and Culture, the Minister of National Defence, the Minister of State in charge Industrial Development and Tourism, the Minister of Transport and Public Works, the Minister of the Interior, the Minister of Finance and Trade and the Minister of Justice, Keeper of the Seals, shall be responsible, each in his own sphere, for the implementation of this decree.

ARTICLE 19: This decree, which repeals all previous provisions repugnant hereto, shall be registered and published in the Official Gazette.

**General Moussa TRAORE**

**PRESIDENT OF THE REPUBLIC  
MINISTER OF NATIONAL DEFENCE**

**Djibril Diallo  
MINISTER OF STATE IN CHARGE OF  
INDUSTRIAL DEVELOPMENT AND TOURISM**

**Lt- Colonel Abdourahamane MAIGA  
MINISTER OF THE INTERIOR**

**Diango Cissoko  
MINISTER OF JUSTICE**