

## OFFICIAL TRANSLATION

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(...)

## EDUCATION

### APPROVAL OF ARCHAEOLOGICAL RESEARCH REGULATIONS

#### EXECUTIVE ORDER N° 004-2000-ED

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#### I. CLASSIFICATION OF HERITAGE

**Article 1º.-** In accordance with international recommendations and agreements, Peru's Immovable Heritage which are to be archaeologically studied, is classified as:

- a. **Pre Hispanic Archaeological Monuments** – All remains related to human activity in the Pre Hispanic era which still subsist in the surface, underlying, and/or underwater landscape.
- b. **Colonial and Republican Historical Monuments** – All remains related to human activity during the colonial and republican eras which still subsist in the surface, underlying and/or underwater landscape. Monumental architectural works, sculptures and paintings and the inscriptions corresponding to said era are included in this category. Archaeological projects shall aim at studying the material constituent elements of these monuments.

**Article 2º.-** Pre Hispanic Archaeological Monuments with registration, research, conservation and protection purposes are classified as:

- a. **Monumental Archaeological Areas** – Large archaeological areas that require special treatment as far as research is concerned as their appearance should be maintained for the following reasons:
  1. They have urban value
  2. They have documentary and historical-artistic value, it is unique in nature.
  3. They contain monuments and/or urban-monumental environments.
- b. **Archaeological Sites** – All locations having evidence of social activities with the presence of elements and contexts of archaeological-historical nature, both at surface and underlying levels.
- c. **Archaeological Reserve Areas** – Locations that, due to the extensive research carried out on them must be safeguarded for the future while new research techniques are developed. Researchers must suggest reserve areas in the monuments that were studied. Said proposal shall be submitted to the National Institute of Culture for approval, with the prior favorable opinion of the National Technical Commission of Archaeology.
- d. **Isolated Archaeological Elements** – Remains of human activity from the Prehispanic era that, for cultural or social situations, are currently manifested in an isolated or out-of-context manner. This refers to objects or parts of objects that are located in the landscape and not associated to archaeological sites or areas. Their registration and study are also important for the research and conservation of the cultural heritage.
- e. **Archaeological Cultural Landscape** – These are areas created by man or with nature that possess important archaeological, historical, aesthetic, ethnological or anthropological value. This category includes agricultural infrastructures, i.e., platforms, terraces, canals and the similar structures; also included are road networks, and geoglyph and/or petroglyph fields.

**Article 3º.-** All sites defined as Pre Hispanic Archaeological Monuments belong to the Cultural Heritage of the Nation, and are thus intangible and protected by the State. Intangible is understood as the exclusive use given to the site for research, assessment and emergency programs or projects, and for archaeological site conservation projects. However, the National Institute of Culture may establish areas of restricted use in parts or around the monuments upon request of an archaeologist with the approval of the National Technical Commission of Archaeology.

**Article 4º.-** Restricted Use Areas are intangible and, due to their own characteristics, may continue to be used in a manner equal or similar to their original function whilst safeguarding their structural and architectural integrity. The areas located around an Archaeological Monument or in its area of influence are also included. A Restricted Use Area shall be established by a National Directorial Resolution.

## II. TYPES OF ARCHAEOLOGICAL RESEARCH

**Article 5º.-** Archaeological research in Peru has a social and scientific significance; the State is responsible for its supervision and promotion through the National Institute of Culture. The purpose of archaeological research is to study, protect, conserve and disseminate information on material remains and the cultural and environmental context of the societies that existed in the national territory.

**Article 6º.-** There are three types of archaeological researches:

- 1) Archaeological Research Projects originated from scientific purposes
- 2) Archaeological Assessment Projects originated from public or private works or natural causes; and,
- 3) Emergency Projects originated from unforeseen natural or human activities

**Article 7º.-** Archaeological Research Projects are:

- a. Archaeological Research Projects without excavations: Systematic surveying of the surface, underlying or underwater area with or without the collection of archaeological material that allows for the location, registration and characterization of archaeological sites without requiring the removal of any land or real property.
- b. Archaeological Research Projects with excavations: Research that requires physical intervention on the site, archaeological monuments or historical structures including the removal of land and associated elements with the purpose of studying thoroughly the tangible evidence for scientific purposes.  
Survey Projects with duly supported excavations are also included in this category.
- c. Archaeological Research Programs – Integral and Multidisciplinary researches that involve a certain region or valley and / or represent long term scheduled researches.
- d. Projects (with or without excavations) with consolidation, conservation, upkeep and valuation purposes of archaeological structures and their cultural and natural context (with or without excavations).
- e. Study Projects on museographic funds.- Archaeological collections in general.

**Article 8º.-** Archaeological Assessment Projects refer to works executed for the development of productive, extraction and/or service projects for the private or public sector in order to protect the Archaeological-Historical National Heritage, both movable and immovable. The following plan shall be followed for the overall development of these types of projects:

1. Archaeological Assessment Project for surveying purposes, without excavations.
2. Archaeological Assessment Project with excavations. The site boundaries should be demarcated and signposted.

3. Archaeological Rescue Projects refer to the partial or total excavation of archaeological sites due to the effect of works that are unavoidable for technical reasons or because they are considered of national interest and executed under government contract. These Archaeological Rescue Projects must be scheduled and are the result of Archaeological Assessment Projects or the work's archaeological supervision activities. These projects shall be recommended by the National Technical Commission of Archaeology.

**Article 9º.-** Emergency Projects refer to the recovery of archaeological elements or information in danger of being destroyed by natural accidents or disasters and/or human activities damaging them. Said projects must be previously informed to the National Institute of Culture.

**Article 10º.-** Both the Archaeological Rescue Projects and the Emergency Projects imply, before and during their execution, the stoppage of any civil works.

### III. ARCHAEOLOGICAL PROJECTS

**Article 11º.-** Every local or foreign, natural or legal entity that executes assessment and excavation works on historical or archaeological sites in public or private land must have prior authorization from the National Institute of Culture, and the prior approval of the National Technical Commission of Archaeology.

**Article 12º.-** The authorization is requested through the National Office of the National Institute of Culture and obtained through a National Director's Resolution which shall indicate: sites, objectives and duration of the works. Once the National Technical Commission of Archaeology has approved the project, the National Office of Archaeological Heritage must expedite the corresponding credentials in order to start the works while the permission is being formalized through the corresponding National Director's Resolution. The National Director's Resolution shall be expedited within a sixty-day term.

**Article 13º.-** Foreign archaeologists that execute research works in the country must be registered in the National Registry of Professional Archaeologists. Registration is compulsory in order to execute archaeological research works in Peru.

Registration in the National Registry of Archaeologists requires:

- a. Simple application and payment receipt of registration fee.
- b. Authenticated copy of the Degree in Archaeology from the university of origin, or its equivalent. Equivalency shall be evidenced with documents that are proof of specialization in Archaeology and shall be reviewed by the National Technical Commission of Archaeology of the National Institute of Culture.
- c. Curriculum Vitae indicating: current occupation, degree and academic studies, practical experience, publications, and membership to scientific associations and corporations.

The approval and number of registration shall be submitted in writing through a letter issued by the General Administration of Archaeological Heritage of the National Institute of Culture.

**Article 14º.-** The National Technical Commission of Archaeology is established as a consulting body of the National Administration of the National Institute of Culture.

The National Technical Commission of Archaeology is composed of five members, one of which is the Managing Director of Archaeological Heritage, who shall head the commission. The four remaining members shall be assigned by the National

Administration of the National Institute of Culture and must have a minimum of five years of professional archaeological experience.

**Article 15º.-** The National Technical Commission of Archaeology is responsible for:

- a. Assessing all types of Archaeological Projects and deciding on the request to execute archaeological research projects within a thirty day term.
- b. Giving opinion on and recommending actions regarding the Archaeological Heritage of the Nation, upon request from the National Administration and other Departments of the National Institute of Culture.
- c. Giving opinion on and recommending the signposting and routes within archaeological sites.
- d. Approving the Certification of the Absence of Archaeological Remains and signs and boundaries of the Archaeological Monuments.
- e. Proposing sanctions on natural and legal entities that fail to comply with These Regulations and the applicable laws for the Protection of Archaeological Heritage.
- f. Deciding on the exit of archaeological samples for analyses abroad.
- g. The agreements of the National Technical Commission of Archaeology must be duly supported.

**Article 16º.-** The agreements of the National Technical Commission of Archaeology shall be approved by a minimum of three attending members during the session. The sessions shall be held ordinarily once a week and extraordinarily upon request from the National Administration and/or the General Administration of Archaeological Heritage of the National Institute of Culture.

**Article 17º.-** Archaeological Research Projects shall be executed by the entity that requests and obtains the authorization. They shall be supervised by the National Institute of Culture.

**Article 18º.-** In the event archaeological elements are discovered due to natural causes and/or works executed in areas without prior archaeological evidence, the National Institute of Culture shall be immediately informed and decide on the measures that need to be taken through its competent authorities.

**Article 19º.-** Archaeological specimens recovered by the projects shall be delivered to the National Institute of Culture at the termination of their studies, for their due registration in the Inventory of Archaeological Movable Property. The National Institute of Culture shall decide which museum or research center shall have custody of the asset; additionally, it shall supervise the delivery of the recovered cultural materials and notify the researchers of the assigned term for their study and delivery in accordance with the project work schedule.

**Article 20º.-** The National Institute of Culture shall be responsible for supervising all types of projects. Each project shall pay the corresponding rights set forth by the Single Text of Administrative Procedures (T.U.P.A.) of the National Institute of Culture. The amount must be reflected in the project budget.

The supervision expenses for Archaeological Research Projects and Emergency Projects led by a Peruvian archeologist shall be paid by the National Institute of Culture.

**Article 21º.-** According to the Single Text of Administrative Procedures (T.U.P.A.), Archaeological Assessment Projects shall be responsible for the payment of expenses

regarding the cataloguing and storage of recovered specimens. The amount must be reflected in the project budget.

**Article 22º.-** The National Institute of Culture guarantees the researcher(s) the intellectual property of their reports, indicating that:

- a. They shall be reserved for one year for Archaeological Research Projects and Emergency Projects.
- b. They shall be public domain as of the review of the report by the National Technical Commission on Archaeology for any type of Archaeological Assessment Project.
- c. In all cases, collections of recovered material may be researched by other projects after the expiration of the two-year term which commences from the date of approval of the report. Projects that conduct research on collections must always indicate their location and project of origin.

**Article 23º.-** A copy of the publications (books, articles or any other printed or electronic matter) produced by a project must be submitted to the Library of the National Museum of Archaeology, Anthropology and History of Peru.

**Article 24º.-** Those who execute any type of archaeological works must perform conservation works in the excavated and/or discovered immovable property, explicitly indicating in the report the type of work executed in the project. These works shall at least include the covering of the excavations taking the necessary precautions and required techniques for the conservation of the monument.

**Article 25º.-** Field supervisions shall conform the type of project, and shall be coordinated with the General Administration of Archaeological Heritage and the researchers. The supervisors shall verify that the research and/or assessments are executed as stipulated in the project and shall arrange any modifications with the National Technical Commission of Archaeology. The supervisors must be archaeologists with experience in field work and shall verify the adequate registration of the works and findings as well as the use of appropriate excavation and conservation techniques. The supervisors shall inform the researcher of the recommendations and observations made regarding the works. Payments for supervisory works may also be made in the regional offices of the National Institute of Culture.

#### IV. AUTHORIZATIONS FOR ARCHAEOLOGICAL RESEARCH PROJECTS

**Article 26º -** Archaeological Research Projects are those listed in clauses a) and c) of Article 6<sup>th</sup> of These Regulations.

**Article 27º.-** No reports on prior archaeological works must be owed in order to request authorizations. Archaeological Research Programs may renew their authorization prior submission of reports and proof of delivery to the Library of the National Museum of Archaeology, Anthropology and History of Peru of a copy of the publications generated by the project.

Authorizations shall not be renewed when sanctions have been imposed by the General Administration of Archaeological Heritage of the National Institute of Culture.

**Article 28º.-** Archaeological Research Projects in Peru may only be headed by:

- a. Members of local or foreign scientific institutions and organizations specialized in archaeology. One or more of the mentioned professionals may be in charge of the project.

- b. The individuals, local or foreign, who possess scientific preparation and are accredited with degrees in archaeology and registered in the National Registry of Archaeologists.
- c. Archaeologists that are members of any agency of the National Institute of Culture.

**Article 29°.-** Professional archaeologists may present an Archaeological Research Project as:

- a. Independent persons.
- b. Members serving an institution.
- c. Individuals supported by an institution.

**Article 30°.-** Archaeological research projects led by foreign archaeologists must have a Peruvian archaeologist, with proven experience and registered in the National Registry of Archaeologists, as scientific co-director or assistant manager of the project. For this particular case, the Peruvian archaeologist must not have responsibilities with other projects; additionally, participation is not allowed for members of the General Administration of Archaeological Heritage of the National Institute of Culture or supervisors from the same office. The co-director or assistant manager shall participate in the overall execution of the project (field and office work).

**Article 31°.-** Archaeological Research Project authorizations are granted for a maximum term of one year, and may be renewed at the end of said term. Renewal requests must be addressed to the National Administration of the National Institute of Culture, attaching a report on the progress of the Project.

**Article 32°.-** An extension to the works of an approved Project may be requested and submitted to General Administration of Archaeological Heritage of the National Institute of Culture. The extension shall only be granted once for a maximum period of forty five days. A document supporting the reasons for the extension must be submitted in writing, attaching a work plan and budget for said extension.

**Article 33°.-** Archaeology graduates and those with a Bachelor's degree in Archaeology may request an authorization to conduct Archaeological Research Projects. A presentation letter from a professional archaeologist registered in the National Registry of Archaeologists must be attached to the request. These projects shall only be superficial without materials collection and/or studies of museographic funds.

**Article 34°.-** Professional specialists from other disciplines related or complementary to archaeology may execute works within the Archaeological Research Project under the responsibility of the project manager. The duties of these specialists shall be stated in the project and the corresponding report.

**Artificial 35°.-** Peruvian universities that confer degrees in Archaeology may request the execution of field studies for Archaeology students. A project must be presented and an archaeology teacher assigned who will manage and be responsible for the works. The project must be presented by the corresponding school or faculty.

**Article 36°.-** All authorization requests to carry out Archaeology Research Projects must include references from the last project authorized by the National Institute of Culture and the following documents must be attached, in four bound copies:

- a. Research Project.

- b. Updated Curriculum Vitae of the requester and registration number in the National Registry of Archaeologists of the National Institute of Culture.
- c. For foreign researchers, a presentation letter from the respective embassy is required.

**Article 37º.-** The description of the research projects mentioned in Article 7<sup>th</sup> of these Regulations must indicate:

- a. Aims and objectives of the Archaeological Research Project.
- b. Plan of the works to be executed within the framework of the project, for both field and office work.
- c. Operational methodology and technical guidelines followed in the course of the research.
- d. Material and financial resources.
- e. Dissemination of the research.

**Article 38º.-** The following must be indicated regarding the aims and objectives of the Archaeological Research Project:

- a. Geographic description of the region, area or location where the works shall be executed, indicating the archaeological monuments in the area. In the case of excavations, the intervention areas shall be indicated with great precision.
- b. All projects must present a map of the area of study with a scale between 1:2,000 to 1:250,000. For excavations, a general drawing of the area shall be attached, indicating the areas of intervention, with a scale between 1:100 and 1:2,000.
- c. Regarding surveys of large areas that involve restricted excavations (test pits) and excavation projects in more than one archaeological monument, a methodological and technical support for the election of the work area must be submitted, indicating the viability and territorial, cultural and procedural characteristics of the research.
- d. Details of the research objectives.
- e. Brief presentation of the background and problems into which the subject matter of the research is introduced. A basic bibliography for the research shall be attached at the end of the report.

**Article 39º.-** The following shall be explicitly indicated regarding the work plans executed within the framework of the project, for both field and office work:

- a. List of participating personnel, including level of education and duties of each team member.
- b. List of research stages, including field, office, and/or laboratory work and preparation of the report; an estimated duration for each work stage must be indicated and scheduled.
- c. Professional and technical support on the feasibility of the scheduled works.
- d. Material resources and facilities for the registration, analysis and packaging of the archaeological materials.
- e. Regarding excavations, protection and conservation plans for the site must be indicated, including at least the covering of the excavation units, demarcation and description of the archaeological monument in case the site does not have said documentation.

**Article 40º.-** The following shall be explicitly indicated regarding the operational methodology and technical guidelines followed in the course of the research:

- a. Description of the operational methodology and techniques used during field work:
  - 1. Written, graphic, photographic or other registration systems, including models of the index cards.



2. In the case of excavations, the sectioning system of the site and the system of coordinates for the location of elements shall be included. In the case of surveys, the sectioning system of the region or area and the mechanisms for determining the location of the sites shall be indicated.
  3. In the case of excavations, the nomenclature system of archaeological elements shall be indicated. For surveys, the nomenclature system for the sites and isolated archaeological elements shall be included.
  4. Excavation techniques for the works or survey techniques, as the case may be. For both cases, the materials collection system must be included.
- b. Description of the operational methodology and techniques used during office and/or laboratory works:
1. Type of analysis to be executed on the recovered material.
  2. Data analysis and synthesis methods.
  3. Inventory, storage and packaging systems.
  4. Report preparation mechanisms.
- c. Description of the protection and/or conservation techniques for the excavations, architecture and the archaeological materials.
- Regarding works with human remains, specific techniques for field, office and/or laboratory works shall be indicated, as well as for their subsequent packaging.

**Article 41º.-** The following must be explicitly indicated regarding material and financial resources:

- a. Analytical budget of the total cost of the project that, as the case may be, specifies the amount of payments for administrative procedures before the National Institute of Culture. The budget shall indicate amounts for: human resources, excavation or survey materials, office materials, services and report preparation.
- b. Institutions, organizations and/or scholarships that support the research financially, technically or materially.
- c. Material, equipment or infrastructure resources of the project.

**Article 42º.-** Regarding the dissemination of the research, the following must be explicitly indicated:

- a. Dissemination plans for the results of the research.
- b. Institutions or organizations that, in addition to the National Institute of Culture, shall receive copies of the report or future publications on the research.
- c. Supported proposal on the final destination of the collections and records.

#### **AUTHORIZATIONS FOR ARCHAEOLOGICAL ASSESSMENT PROJECTS**

**Article 43º.-** The Archaeological Assessment Projects indicated in clause b) of Article 6<sup>th</sup> of these Regulations constitute Archaeological Research Projects.

**Article 44º.-** The following is required in order to request authorization:

- a) No reports on previous archaeological works must be owed.
- b) Prove that the Library of the National Museum of Archaeology, Anthropology and History of Peru received a copy of the project publications.
- c) Have no sanctions imposed by the General Administration of Archaeological Heritage of the National Institute of Culture.
- d) Present the Archaeological Assessment Project reports fifteen days before requesting a new authorization.

**Article 45º.-** Only the following individuals may lead Archaeological Assessment Projects in Peru:

- a. Members of national scientific institutions and organizations specialized in archaeology. One or more of the mentioned professionals may assume leadership of the project.
- b. Peruvians who possess scientific preparation accredited with degrees or postgraduate degrees in archaeology and registered in the National Registry of Archaeologists.

**Article 46º.-** Permits for Archaeological Assessment Projects are granted in the term indicated by the comprehensive schedule of each project, and may not exceed one year. These projects may be renewed at the end of their term with the prior evaluation of the National Technical Commission of Archaeology.

**Article 47º.-** Professional specialists from other disciplines related or complementary to archaeology may execute works within the Archaeological Assessment Project under the responsibility of the project manager. The duties of these specialists shall be stated in the project and the corresponding report.

**Article 48º.-** All authorization requests for Archaeological Assessment Projects must be addressed to the National Director of the National Institute of Culture and reviewed by the National Technical Commission of Archaeology for approval. The request shall be accompanied by a letter of presentation of the legal or natural entity that contracted the services of the archaeological assessment.

**Article 49º.-** The National Technical Commission of Archaeology shall rule on the authorization request for the execution of Archaeological Assessment Projects within a fifteen-day term. The agreements of the National Technical Commission of Archaeology must be duly supported.

**Article 50º.-** All authorization requests for Archaeological Assessment Projects must be accompanied by the following documents, presented in four bound copies:

- a. Research Project.
- b. Curriculum Vitae of the requestor and registration number in the National Registry of Archaeologists of the National Institute of Culture.

**Article 51º.-** The description of the Archaeological Assessment Projects referred to in Article 8<sup>th</sup> of these Regulations must indicate the following:

- a. Plan of the Archaeological Assessments.
- b. Aims and objectives of the Archaeological Assessment Project.
- c. Plan of the works to be executed within the framework of the project.
- d. Operational methodology and technical guidelines followed in the course of the research.
- e. Material and financial resources.
- f. Dissemination of the research.

**Article 52º.-** The following shall be explicitly indicated regarding the Plan for Archaeological Assessments:

- a. The natural or legal entity contracting the works, indicating the type of activity executed in the specific area, including a brief technical explanation on the type of work to be carried out, as well as the impact on the topography and morphology of the terrain.
- b. Level of studies of environmental impact where the Archaeological Assessment Project will be executed, including the participation in the archaeological area of the infrastructure design to be developed.

- c. Archaeological Assessments executed before the natural or legal entity contracted the works and plans for future actions to complement the current project.

**Article 53<sup>o</sup>.**- The following must be indicated regarding the aims and objectives of the Archaeological Assessment Project:

- a. Geographic description of the region, area or location where the works shall be executed, indicating the archaeological monuments in the area. In the case of excavations, the intervention areas shall be indicated with the greatest possible precision.
- b. All projects must attach a location map of the area of study with a scale between 1:2,000 to 1:250,000. For excavations a general plan of the area shall be attached, indicating the areas of intervention with a scale between 1:100 and 1:2,000.
- c. Regarding surveys of large areas that involve restricted excavations (test pits) and excavation projects in more than one archaeological monument, a methodological and technical support for the election of the work area must be submitted, indicating the feasibility and the characteristics of the work to be executed.
- d. List of the aims and objectives of the assessment, primordially the following:
  - 1. For Surveys: The identification and chronological and corological location of archaeological monuments, their description and measurement of the areas with archaeological evidence found on the surface, as well as the preparation of a map on the location of the evidence.
  - 2. For Excavations: The establishment of the dimensions and potential of each intervened site, identification of archaeological components, demarcation of the monuments through a perimetric or detail map, with technical specifications and description.
  - 3. For Rescue Excavations: The technical support for the archaeological rescue must be included, indicating the total exact area of the excavation.
- e. Brief presentation of the background and problems into which the subject matter of the research is introduced. A basic bibliography for the project shall be attached at the end of the report.

**Article 54<sup>o</sup>.**- The following shall be explicitly indicated regarding the work plans executed within the framework of the project, for both field and office work:

- a. List of participating personnel, including level of education and duties of each team member.
- b. List of research stages, including field, office, and/or laboratory work and preparation of the report; an estimated duration for each work stage must be indicated and scheduled. An office stage for the study of recovered materials must be included for rescue excavations.
- c. Professional and technical support on the feasibility of the scheduled works.
- d. Material resources and facilities for the registration, analysis and packaging of the archaeological materials.
- e. Regarding excavations, protection and conservation plans for the site must be indicated, including at least the covering of the excavation units, the preparation of record on the site, the demarcation map and the signposting of the site.

**Article 55<sup>o</sup>.**- The following shall be explicitly indicated regarding the operational methodology and technical guidelines followed in the course of the research:

- a. Description of the operational methodology and techniques used during field work:
  - 1. Written, graphic, photographic or other registration systems, including models of index cards.
  - 2. In the case of excavations, the sectioning system of the site and the system of coordinates for the location of elements shall be included. In the case of surveys,

the sectioning system of the region or area and the mechanisms for determining the location of the sites shall be indicated.

3. In the case of excavations, the nomenclature system of archaeological elements shall be indicated. For surveys, the nomenclature system for the sites and isolated archaeological elements shall be included.
  4. Excavation techniques for the works or survey techniques, whichever is required. For both cases the material collection system must be included.
  5. Regarding excavations, the dimensions and distribution of the assessment excavation units or areas shall be indicated, supporting said plan.
- b. Description of the operational methodology and techniques used during office and/or laboratory works:
1. Type of analysis to be executed on the recovered material.
  2. Data analysis and synthesis methods.
  3. Inventory, storage and packaging systems.
  4. Mechanisms to prepare the report.
- c. Description of the protection and/or conservation techniques for the excavations, architecture and the archaeological materials.

Regarding works with human remains, specific techniques for field, office and/or laboratory works shall be indicated, as well as for their subsequent packaging.

**Article 56º.-** The following must be explicitly indicated regarding material and financial resources:

- a. Analytical budget of the total cost of the project which specifies the amount of payments for administrative procedures before the National Institute of Culture. The budget shall indicate amounts for: human resources, excavation or survey materials, office materials, services and report preparation. It shall also include the amount to be paid to the National Institute of Culture for cataloguing and storing the recovered specimens. Said amount must not be less than 2% of the total cost of the project.
- b. Natural or legal entity that shall finance the works.
- c. Material, equipment or infrastructure resources of the project.

**Article 57º.-** The following must be explicitly indicated regarding the dissemination of the research:

- a. Dissemination plans for the results of the research.
- b. Institutions or organizations that, apart from the National Institute of Culture, shall receive copies of the report or future publications on the research.
- c. Supported proposal on the final destination of the collections and records.

## VI. ARCHAEOLOGICAL RESEARCH PROJECT REPORTS

**Article 58º.-** Archaeological research project reports regarding: Archaeological Research Projects and Emergency Projects referred to in clauses a) and c), respectively, of Article 6<sup>th</sup> of These Regulations, shall be submitted as scheduled to the National Institute of Culture. Said submission shall never exceed one calendar year after the completion of the works.

**Article 59º.-** The Project Manager, without detriment to the intellectual property of the author or authors indicated in Article 22<sup>nd</sup> of these Regulations, shall present to the National Institute of Culture four bound copies, in Spanish, of the detailed report of the works executed, which shall at least include the following:

- a. Indication of the site(s) or archaeological monuments including data on their location, background, state of conservation and description of the site elements.
- b. Research teams, indicating responsibilities within the Project.

- c. Scheduled plan for all field, office and/or laboratory works that were executed.
- d. Survey, Excavation and/or Conservation-Restoration Methods and Techniques applied in the Project.  
As the case may be: The excavation shall have a detailed description of the excavation units and/or areas with emphasis on plants, stratigraphies, associations and contexts recovered. Surveys shall have a descriptive record of each of the sites or monuments located, as well as for associated elements.
- e. Current management and storage of materials recovered in the field and supported proposal on the final destination of the material.
- f. Brief presentation of the results of the archaeological projects, including materials, contexts, the site and its relationship with the valley or region and recommendations on future researches, as well as the problematic on conservation and protection of the sites.
- g. Detailed inventory of the archaeological materials, which should at least contain the following descriptive fields: type of material, quantity, weight in grams, also indicating identification codes of the context, unit, sector and site. Complete or partial archaeological specimens must include a description of characteristic forms. This inventory shall be preceded by the quantity and nomenclature of the packaging boxes of the material, as well as the numbering and content of each.
- h. Research bibliography, both for background and methodological and technical procedures.
- i. Furthermore, the following information must be attached: Location Map 1:50,000 of the areas intervened with UTM coordinates and the Datum used.
  - For Survey Projects: 1:15,000 to 1:250,000 map with details on the location in the field projects indicating UTM coordinates and Datum used.
  - For Excavation Projects: Detailed map indicating the location of the excavation units in relation to the archaeological site, indicating UTM coordinates and Datum used. Additionally, floor plans and cross sections shall be presented.
  - For Study, Conservation and/or Restoration Projects: Detailed map of the location of the executed interventions, with detailed elevations and cross sections, indicating UTM coordinates and Datum used.
- j. All projects must provide photographic plates representing the studied elements, contexts and/or monuments.

The National Institute of Culture shall guarantee the researcher with the intellectual property of the Scientific Research reports, which shall be reserved for one year; after which term the reports shall be public domain. However, it is obligatory to mention the source.

**Article 60º.-** The researcher must submit all duly packaged materials to the museum or research center indicated by the National Institute of Culture for their custody. An official document of the delivery shall be undersigned, and three copies of the detailed inventory shall be attached.

## VII. ARCHAEOLOGICAL ASSESSMENT PROJECT REPORTS

**Article 61º.-** Reports of Archaeological Assessment Projects referred to in clause b) of Article 6 of these Regulations shall be submitted to the National Institute of Culture, without exceeding six calendar months from the completion of the field and office works stipulated in the project.

**Article 62º.-** The Project Manager, without detriment to the intellectual property of the author or authors indicated in Article 22<sup>nd</sup> of These Regulations, shall present four bound copies, in Spanish, to the National Institute of Culture of the detailed report of

the works executed, which shall include all the elements established by Article 59<sup>th</sup> of these Regulations as well as the following:

- a. Mitigation Plan.
- b. Summary of the proposals and indications of the Supervisor of the National Institute of Culture.
  - For Excavation Project reports, perimeter maps shall be submitted in order to delimit the site including the detail of the principal archaeological components and vertices in scales ranging from 1:500 to 1:2,000.
  - For Rescue Project reports the perimetric maps and a detail of the total archaeological components shall be included with scales ranging from 1: 20 to 1:500
- c. Copy of the Field Diary and/or records used.
- d. Summary chart of the monuments, sites, elements and/or contexts, as required, which shall include: names, codes, impact level, and recommended mitigation measures.

**Article 63<sup>o</sup>.**- Reports of the archaeological assessment works shall be public domain once they have been accepted and approved by the National Technical Commission of Archaeology.

**Article 64<sup>o</sup>.**- In no case shall the dissemination of and/or publications derived from the report of an Archaeological Research Project be subject to approval by third parties.

#### **VIII. CERTIFICATION OF THE NON-EXISTENCE OF ARCHAEOLOGICAL REMAINS**

**Article 65<sup>o</sup>.**- Certifications of the Non-Existence of Archaeological Remains may only be issued after the surveying stage of Archaeological Assessment Project has been executed with or without excavations, as the case may be.

1. The General Administration of Archaeological Heritage of the National Institute of Culture may directly supervise an area under five hectares.
2. As set forth by the provisions of Article 8<sup>th</sup> of these Regulations an archaeologist must present a project if the area is larger than that established in paragraph 1, such as power transmission lines, pipes, roads and other similar works.

**Article 66<sup>o</sup>.**- The request must be addressed to the Executive Management of the National Institute of Culture, attaching two (2) copies of the location and perimeter maps signed by the engineer responsible for the works and the archaeologist responsible for the Project, as well as three reductions in A3 format of the maps, two copies of the specifications signed by the aforementioned professionals and the payment receipts according to the Single Unified Text of Administrative Procedures (TUPA) of the National Institute of Culture.

**Article 67<sup>o</sup>.**- Certifications of the Non-Existence of Archaeological Remains shall be approved by the National Technical Commission of Archaeology and expedited by the Executive Management of the National Institute of Culture.

#### **IX. SANCTIONS**

**Article 68<sup>o</sup>.**- As set forth by the General Law for the Protection of the Cultural Heritage of the Nation, Law No. 24047, notwithstanding the penalties imposed by the Code regarding crimes against the Cultural Heritage of the Nation, the National Institute of Culture may impose the following administrative sanctions:

- a. Fines and confiscation of the instruments and means of cargo and transportation used for the excavation of pre Hispanic archaeological sites and cemeteries without the authorization of the National Institute of Culture and the confiscation of the cultural objects extracted. The fine shall vary between 10 and 1000 Tax Units (TU) and shall be proposed by the National Technical Commission of Archaeology.
- b. Fines in the case of gross negligence or willful misconduct regarding the conservation of the property of the Cultural Heritage of the Nation. The fine shall range between 10 and 1000 Tax Units (TU) and shall be proposed by the National Technical Commission of Archaeology.
- c. Fines for unjustified delay in the presentation of the Reports and the delivery of the cultural property recovered from the archaeological excavations authorized by the National Institute of Culture. The fine shall range between 10 and 15 Tax Units (TU) and shall be proposed by the National Technical Commission of Archaeology.
- d. Notwithstanding the provisions set forth in clause c) of this Article, the National Technical Commission of Archaeology may propose that a fine between 10 to 1000 Tax Units (TU) be imposed on archaeologists that carry out archaeological excavations without authorization from the National Institute of Culture.
- e. Fines for failing to declare all the archaeological objects recovered in the excavations and/or explorations in the General Inventory of Archaeological Reports. The fine shall range between 10 and 1000 Tax Units (TU) and shall be proposed by the National Technical Commission of Archaeology.
- f. In the event that a foreign archaeologist fails to comply with the provisions set forth in These Regulations, he shall be sanctioned and denied permits for future projects until the payment of the corresponding sanctions has been made. The fine shall range between 10 and 100 Tax Units (TU) and shall be proposed by the National Technical Commission of Archaeology.

**Article 69º.-** The National Institute of Culture, in agreement with the National Technical Commission of Archaeology, may revoke any authorization in the case of noncompliance with the statutory provisions or the provisions established for the authorized project. Consequently, in case of an agreement with the National Technical Commission of Archaeology, the National Institute of Culture shall immediately render null and void the authorization granted, either temporarily or permanently.

**Article 70º.-** In case an authorization has been temporarily or permanently rendered null and void due to noncompliance with the provisions established for the execution of the works within the framework of an authorized project, or due to noncompliance with the ruling legal and statutory provisions, the project manager shall be held civilly and criminally liable for the damages caused, notwithstanding the corresponding administrative and financial sanctions.

**Article 71º.-** Officials and public servants who fail to comply with the provisions set forth in these Regulations shall be liable to disciplinary measures and sanctioned in accordance with the provisions set forth in Article 26<sup>th</sup> of Legislative Decree No. 276 – Base Law for the Civil Service Career. The complaint referred to in Article 15<sup>th</sup> of Executive Order No. 02-94-JUS, Single Unified Text of the General Norms of Administrative Procedures and others which may be of assistance within the framework of the law may be issued individually or jointly by those concerned.

**Article 72º.-** The Sanctions and Fines shall be imposed notwithstanding any applicable legal, civil or criminal sanctions.

## X. FINAL PROVISIONS

**First.-** The authorized archaeological researches, as well as the requests submitted prior to the effective date of these Regulations shall remain governed by the provisions of the Regulations on Archaeological Excavations and Explorations, approved by Executive Order No. 559-85-ED.

**Second.-** The usufruct of reproduced images and objects derived from the archaeological research in all its forms, or of any eventual findings, shall be regulated by the applicable legal provisions on the matter.

**Third.-** These Regulations shall come into force the day after its publication and shall render null and void all statutory provisions which oppose or contravene it.

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MINISTRY OF FOREIGN AFFAIRS - OFFICE OF CONSULAR AFFAIRS - AUTHENTICATION N° 122653 - The preceding signature of Maria APAESTEGUI SILVA is hereby authenticated without judging the content of the document. - Lima, December 04, 2007 - (seal and signature) Virgilio Z. ARENAZA PICKMANS - Department of Authentications - Office of Consular Formalities - Round seal: Republic of Peru - Ministry of Foreign Affairs - Office of Consular Formalities - Authentications - (raised seal)

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