



# Authorization to Intervene Areas with Archaeological Heritage

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*The areas targeted as special archaeological, historic, or cultural interest sites are considered restricted mining areas. To conduct mining activities in such areas, it is necessary to have an authorization of the Instituto Colombiano de Antropología e Historia (ICANH). In the same vein, interventions in construction projects in the mining sector are deemed as intervention to the national archaeological heritage, and therefore a permission provided by Instituto Colombiano de Antropología e Historia is also required.*

## How to know if a particular area, within the Colombian territory, is located in a potential archaeological zone?

According to provisions in Decree 833 of 2002 and in Decree 763 of 2009, the complete Colombian territory is considered an archaeological potential zone. Therefore, the way to evaluate the archaeological potential of Colombia is by carrying out an archaeological survey conducted by a duly ICANH authorized archaeologist before exploration activities start. In the same vein, the concessionaire must make sure that such area is not classified as an archaeological zone by consulting the archaeological map of Colombia at INCANH.

## When is it necessary to request an archaeological intervention authorization?

An authorization is necessary in all those cases in which the activities imply earthworks related with construction projects of hydrocarbon transportation networks, mining activities, dams, road infrastructures, as well as any other projects, works or activities that require any type of environmental registration or authorization similar to the ones required by the Mining Authority. In the same manner, an authorization is also necessary to perform intervention activities involving town planning, land division, and construction permits in areas larger than a Hectare.

An intervention authorization is also necessary when developing archaeological quests, prospection, research, earthworks or similar activities.

Any other action that may have an impact on an existing archaeological context in an archaeological influence zone (conservation and/or archaeological restoration activities) requires an authorization.

In the mining sector, those zones defined as special archaeological, historic, or cultural interest sites are deemed as mining restricted zones (Act 685 of 2011, Art. 35), and mining exploration and exploitation activities may be carried out as long as the competent authority so permits.





## When do I have to request authorization to intervene the archaeological heritage of the Nation?

Prior to the commencement of works or activities, the interested party must implement a Program of Preventive Archaeology. As a condition to start works, such Preventive Program must be approved by Instituto Colombiano de Antropología e Historia (INCANH). Without prejudice to the aforementioned, for each one of the phases of the Program of Preventive Archaeology involving exploration or archaeological excavations, the interested party must request the corresponding intervention permit to ICANH.

## What is a Preventive Archaeological Program?

A Preventive Archaeological Program is a scientific research program whose objective is to identify and classify the goods and existing archaeological contexts within the area where projects, works or activities requiring an environmental license, registry or any authorization document equivalent to the authorization documents issued by the environmental authority, are being carried out. The same applies for those activities that occupy a larger area than a Hectare and that require town planning, land division, and construction permits. The purpose of such Program is to evaluate the expected archaeological heritage impact level caused by the construction and conduction of the works, projects, and activities aforementioned, as well as to formulate and apply the necessary management measures for the Archaeological Management Plan.

## Who is eligible to request an archaeological intervention authorization?

Any independent professional person, as well as any professional person who represents any public or private entity, as long as they are registered in the Instituto Colombiano de Antropología e Historia (INCANH) and have the necessary experience and knowledge or if they are specialized in archaeology and are able to carry out archaeological explorations or excavations. In the same vein, those people willing to carry out activities that involve the intervention of archaeological heritage sites must request a permit to conduct archaeological explorations and/or excavations, according to the procedures described on our Web site, by clicking on 'Trámites'.

### **Legal References**

*Decree 833 of 2002, Article 2*

*Decree 264 of 1963, Article 9*

*Law 163 of 1959, Articles 8 and 11*

