

I, Cristina Chocano Muñoz, Sworn Translator in English and Spanish, in the free exercise of my functions and duly authorized by the Ministry of Education of the Republic of Guatemala with registry number 697-02-2009 to whose official acts, credit, and faith are due, hereby CERTIFY: Having had before me **DECREE NUMBER 26-97**, written in Spanish, which faithfully translated into English to the best of my knowledge and ability reads as follows: -----

-----**“LAW FOR THE PROTECTION OF**-----
-----**THE CULTURAL PATRIMONY OF THE NATION**-----
-----**Decree Number 26-97**-----
-----**(Modified by Decree Number 81-98)**-----
CONGRESS OF THE REPUBLIC OF GUATEMALA,-----

WHEREAS:-----

It is necessary to legally promote the recovery, research, rescue, preservation, and valorization of the property that constitutes the Cultural Patrimony;-----

WHEREAS:-----

It is pertinent to establish sanctions for plundering to avoid owners of property from destroying a Cultural Patrimony of the Nation and to create a multi-institutional commission of the highest level to solve impact cases in which the Cultural Property of the Nation is at risk.-----

WHEREAS:-----

It is convenient to regulate the diffusion of cultural property and to accurately define those concepts which require, as subject matter so specialized, their correct interpretation to have a duly established nomenclature and allow better criteria to judge;-----

THEREFORE:-----

In the exercise of the duties conferred by subsection a) of Article 171 of the Political Constitution of the Republic,-----

DECREES:-----

As follows:-----

-----**LAW FOR THE PROTECTION**-----
-----**OF THE CULTURAL PATRIMONY OF THE NATION**-----
-----**CHAPTER I**-----
-----**GENERAL PROVISIONS**-----

Article 1. Purpose. This law has the purpose of regulating the protection, defense, research, preservation, and recovery of the property that constitutes the Cultural Patrimony of the Nation. The State must carry out these duties through the Ministry of Culture and Sports. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)----

Article 2. Cultural Patrimony. Those properties and institutions that by law or by statement of authority constitute public and private movable property or real estate, and are associated to paleontology, archaeology, history, anthropology, art, science, technology,

and culture in general, including the intangible patrimony which contribute to the strengthening of the national identity, compose the cultural patrimony of the nation. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 3. Classification. For the effects of this law, the cultural property of the Nation is considered as follows:-----

I. Tangible Cultural Property:-----

a) Cultural Real Estates:-----

1. Architecture and its elements, including the decoration applied.-----
2. Collection of architectural elements or groups and vernacular architecture.-----
3. Historical centers and groups, including surrounding areas and its natural landscape.-----
4. Urban plans of the cities and the villages.-----
5. Paleontological and architectural sites.-----
6. Historical sites.-----
7. Particular areas or groups, man-made or combinations with natural landscape, recognized or identified by its character or landscape of exceptional value.-----
8. Pre-Historical and Pre-Hispanic inscriptions and representations.-----

b) Cultural Movable Property.-----

Cultural movable properties are those that by religious or secular reasons have genuine importance for the country and are related with Guatemalan paleontology, archaeology, anthropology, history, literature, art, science, or technology and come from the following sources enumerated as follows:-----

1. Collections and objects or samples that given their scientific interest or importance for the country are of value for Guatemalan zoology, botany, mineralogy, anatomy, or paleontology.-----
2. Products of authorized or unauthorized land or sub-aquatic explorations, or any type of planned or fortuitous paleontological or archaeological discoveries.-----
3. Elements resulting from the dismemberment of artistic, historical, and of archaeological monument sites.-----
4. Artistic and cultural properties relative to the history of the country, and outstanding events and important figures of the social, political, and intellectual life, with value to Guatemalan cultural heritage, such as:-----
 - a) Original paintings, drawings, and sculptures-----
 - b) Photographs, engravings, silk screen printing, and lithographs-----
 - c) Sacred art of a unique, significant character, made in fine, permanent materials and whose creation is relevant from a historical and artistic point of view-----
 - d) Incunabulum manuscripts and ancient books, maps, documents, and publications----

- e) Newspapers, magazines, bulletins, and other materials related with newspapers and periodical printings of the country-----
- f) Files, including photographic, movie or other electronic types-----
- g) Musical instruments-----
- h) Antique furniture-----

II. Intangible Cultural Patrimony:-----

Institutions, traditions, and customs such as: oral tradition, music, medicine, culinary, craftsmanship, and religion constitute the intangible cultural patrimony.-----

Cultural property referred to in Roman number one, which is more than fifty years old from the moment it was constructed or created and represents a historical or artistic value, fall under this law. The possibility exists of including properties less than fifty years old that at the same time are relevant to the interest of art, history, science, architecture, and culture in general and contribute to the strengthening of Guatemalan’s identity, fall under this law. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala).-----

-----CHAPTER II-----

-----PROTECTION OF CULTURAL PROPERTY-----

Article 4. Regulations. Safeguard regulations for the Cultural Patrimony of the Nation are public and social interest and their contravention shall warrant the sanctions considered in this law as well as other applicable legal provisions.-----

Article 5. Cultural Property. Cultural property can be of public or private ownership. Cultural property of public possession is imprescriptible and inalienable. The Law of Cultural Patrimony of the Nation also includes cultural property in the national territory under public or private possession, whoever the owner or holder may be, and shall be under the safeguard and protection of the State. The conveyance of control of every real estate declared as part of the cultural patrimony of the Nation shall be notified to the Registry of Cultural Property. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala).-----

Article 6. Measures. The measures considered in this document shall be applicable to the property that constitutes the Cultural Patrimony of the Nation, whether a statement of national monument or archaeological area is pronounced or not, as well as other legal provisions.-----

Article 7. Enforcement. The enforcement of this law includes all property which is part of the cultural patrimony that is threatened or in imminent danger of disappearing or suffering damage due to:-----

- 1. Execution of public or private works for urban or tourist development;-----
- 2. Modification of the level of water conduction, the construction of dams and dikes;--
- 3. Working and cleaning of land for agricultural, forestry, industrial, mining, and urban development and tourist means;-----

- 4. Works for communication systems and other infrastructure; and-----
- 5. Volcanic movements, geological faults, landslides, avalanches, and all sort of natural disasters.-----

Article 8. Preventive or prohibitive ordinances. The competent authorities shall dictate the preventive or prohibitive measures and ordinances considered necessary for the preservation or protection of such property. In cases to which the aforementioned article makes reference shall.-----

Article 9. Protection. In case of an intervention duly authorized by the General Direction of Cultural and Natural Patrimony, cultural property protected by this law cannot be object of any alteration. The authorization of the Municipality under whose jurisdiction falls shall be necessary when dealing with real estate declared as Cultural Patrimony of the Nation or that pursuant to a Center, a Group, or a Historical Site shall. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala).-----

Article 10. Authorizations. Land or sub-aquatic excavations of paleontological, archaeological, or historical interest, in public or private real estates or areas , shall only be given with the previous report from the Institute of Anthropology and History of Guatemala, and the authorization from the General Direction of Cultural and Natural Patrimony, making it mandatory to sign an agreement. The research works shall have specific regulations. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala).-----

Article 11. Export. The definitive export of cultural property is prohibited. Nevertheless, its provisional export for a three-year term at most can be authorized in the following cases: a) when they go to be exhibited abroad; b) when they are object of scientific research or preservation and restoration duly supervised by the General Direction of Cultural and Natural Patrimony. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 12. Actions and omissions. The property that constitutes the Cultural Patrimony of the Nation cannot be totally or partially destroyed or altered by action or omission of individual or legal, national or foreign persons.-----

Article 13. Documentary Patrimony. The documentary patrimony to which article three of this law refers shall be protected and preserved depending on the case by the General Archive of Central America, by public, judicial, ecclesiastical, municipal administrative authorities, and by individuals, who shall be responsible of its safeguard and preservation. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 14. Limitations. The documentary patrimony to which the previous article refers to cannot be exported from the country unless its presentation in international courts is necessary in the interests of the Nation, except the cases that article eleven of this law establishes. The State’s offices or private entities shall have to ensure the appropriate

preservation in accordance with the special law on the matter, which shall determine the organization and operation of the documentary funds that are part of the cultural patrimony of the nation. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 15. Protection. The protection of a cultural real estate takes into account its environmental surroundings. It is the General Direction of Cultural and Natural Patrimony through the Institute of Anthropology and History who must define the area of influence and the levels of protection.-----

Article 16. Development of projects. In case a public entity or an individual or legal, national or foreign person, with scientific and technical capacity, proven with absolutely certainty, tries to develop projects of any nature in historical, urban or rural real estates, centers or groups, and in archaeological, paleontological or historical areas or sites considered in this law, it shall have, prior to its execution, to subject such projects to the approval of the General Direction of Cultural and Natural Patrimony, who shall ensure compliance of the required technical conditions for the best protection and preservation of those projects, under its care and supervision.-----

Article 17. Causes. If as a consequence of an earthquake or other natural phenomenon people were put in imminent danger, and the need to demolish a real estate declared as Cultural Patrimony of the Nation arose, just as In case of a reconstruction or restoration, it shall be necessary to obtain the report from the Institute of Anthropology and History of Guatemala. In no case the demolition of a cultural real estate shall be authorized at the moment the report of the Institute of Anthropology and History of Guatemala expresses that can it can be restored. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

-----**CHAPTER III**-----
-----**EXHIBITIONS OF ARCHAEOLOGICAL, HISTORICAL**-----
-----**AND ETHNOLOGICAL OBJECTS**-----

Article 18. Provisional exhibitions. In order to provisionally exhibit abroad archaeological, ethnological, and artistic objects, the exhibitor or person that is handling the exhibition shall present its application to the Ministry of Culture and Sports, and it must contain the following:-----

- a) Name and general description of the activity;-----
- b) Duration of the activity, date of inauguration and closing ceremonies;-----
- c) Country, department, state or province where the exhibition shall be installed;-----
- d) Institution, type of building, type of stands, foreseen security measures in situ;-----
- e) Supervision: To warrant the security of the objects that constitute the exhibition, these shall be transported with at least a representative of each one of the institutions responsible for the activity. In case only one institution is responsible,

the objects shall be transported with a minimum of two persons, who shall accompany the cultural property from the city or site of origin, to the city where the exhibition shall be staged, as well as when there is a change of venue. The assembly and the dismantling of the exhibition shall be supervised. The number of persons can vary if the institutions consider it necessary, taking account the value and size of the exhibition. The transport, travel allowance, accommodation, and meals derived from what has been previously stated in this subsection shall be paid for by the applicant.-----

- f) The name of the person or institutions responsible for the exhibition.-----
- g) The commitment to obtain, prior to packing the cultural property, ample insurance to cover any possible risk and in accordance with the appraisal made by the institution that delivers. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 19. Commitment of warranty. After having received the application, a list shall be made containing the description of the objects, the appraisal and their physical condition. A copy of the card containing technical data and the photograph of each one of the objects issued by the Registry of Cultural Property shall be attached. The aforesaid document shall be used as basis to issue the commitment of the State guarantee or of the corresponding insurance policy.-----

The cultural property included in the exhibition is nonseizable and the country which receives it shall guarantee its protection and return. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 20. Acceptance. After having been accepted by the requesting institution and with the commitment of the State’s guarantee and/or the insurance policy that covers the designated value to the piece or collection, the general condition of the exhibition in a museum detailing any existing deterioration must be specified. The State or legal person interested in the exhibition shall sign an agreement with the Ministry of Culture and Sports of Guatemala which shall regulate the method and conditions.-----

The Ministry of Culture and Sports who, upon presenting and receiving the exhibition, shall receive the insurance policy or the commitment of the State’s guarantee, as the case may be, shall draw up a document in case a complaint should proceed. When the exhibition in the museum ends and before packing it, a detailed document consisting of the condition of each one of the objects that did constitute the exhibition shall be issued, proceeding to their packing and sealing for dispatch.-----

Article 21. Exhibitions. The itinerant exhibitions shall be governed by the same principles of this law, and the country where the provisional exhibition is set up shall be responsible. The responsibility of the country or of the institution ends at the time when the country and/or the institution in which the exhibition shall be set up next, officially receives it.-----

Article 22. Final selection. Despite the request of the interested country or institution, the Ministry of Culture and Sports has the right to the final selection of the pieces to be exhibited that shall leave of the country.-----

-----**CHAPTER IV**-----

-----**REGISTRY OF CULTURAL PROPERTY**-----

Article 23. Registry of cultural property. The Registry of Cultural Property is a public institution adjacent to the Direction of Cultural and Natural Patrimony whose purpose is the registration, annotation, and cancellation of facts, acts, and contracts related to the ownership and possession of cultural property referred to in chapter one of this law. For registration effects and in unexpected cases in this law, it the rules contained in book IV of the Civil Code shall be imposed.-----

The non-lucrative cultural institutions that are duly recorded can carry out the duties of the Registry of Cultural Property, by designation from the Ministry of Culture and Sports, and such designation shall be authorized through a governmental agreement, which shall be published in the official newspaper. The designations shall be named Alternate Registry of Cultural Property, with the possibility of charging for services rendered. The General Direction of Cultural and Natural Patrimony shall supervise and oversee the administration of these registries. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 24. Property title. Every individual or legal owner or holding person for any property title that constitutes the cultural patrimony of the Nation is required to register them in the respective registry within a four-year term starting on the date in which the Regulations of the Registry of the Cultural Patrimony are valid. In case of movable property, the right of ownership or possession can be credited through a sworn statement that contains the necessary data to identify the property and classify it, and at least attaching a color photograph of it. After having received the request, the Registry can ask that the cultural property be exhibited to prove its existence, and if it is proper, the registration shall be made. The Registry shall have the power to reject the registration, reasonably explaining the refusal. The interested party can go before a judge of first instance of the Department where the Registry is located, via an incidental appeal.-----

The registration shall prove, from its execution, the ownership or possession of the property it is dealing with, the legal actions pertaining to third parties remaining unaltered. Without impairment to the owner or holder being requested by the Registry of Cultural Property to make the registration, failure to register a cultural movable property within the term determined by this law, shall result in a fine equivalent to three month’s minimum salaries in the economical activity. In the event the denial persists, the Registry shall request the corresponding Judge of First Instance, to register the property in accordance to the law. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

-----CHAPTER V-----

-----STATEMENT AND INVENTORY OF CULTURAL PROPERTY-----

Article 25. Statement of property. The statement of property of public or private ownership as cultural patrimony of the Nation shall be initiated by the Institute of Anthropology and History of Guatemala who shall open a dossier, and issue a report over the legitimacy or illegitimacy of the requested statement and the provisional implementation of measures for the protection, preservation, and safeguard, restrictions and prohibitions, and other provisions which the cultural property is subject to. The statement shall be issued by Ministerial Agreement that shall have been published in the official newspaper. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 26. Legal effects. The statement of property as cultural patrimony of the Nation shall produce the following legal effects:-----

- a) The registration in the Registry of Cultural Property and the corresponding annotation in the General Registry of the Property, where appropriate. This registration shall be notified to the owner, holder or possessor of any title, within a thirty-day term;-----
- b) The obligation of the owner, holder, possessor or tenant to duly protect and preserve the cultural property pursuant to the established provisions in this matter;--
- c) The obligation of the owner or holder of cultural property to communicate to the Registry of Cultural Property, the loss or damage that the property is undergoing;---
- d) In cases duly justified, the owner or holder of cultural property shall allow researchers or inspectors from the Institute of Anthropology and History of Guatemala, with a prior well-reasoned request from the General Direction of Cultural and Natural Patrimony, to examine, study or periodically supervise it; and
- e) The placing of ads, signs, signposting or any other element that deteriorates or is detrimental to the value of the cultural property or that affects its appreciation.

(Modified by Decree Number 81-98 of Congress of the Republic.)-----

Article 27. (Repealed by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 28. National Inventory of the Patrimony. The Registry of the Cultural Property shall bring the national inventory of the property that constitutes the cultural patrimony of the Nation up to date, with the purpose of preserving it. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

-----CHAPTER VI-----

-----TAX EXEMPTIONS AND INCENTIVES-----

Article 29. Amounts of donations and investments. For effects of Income Tax returns, the amounts of donations or investments allocated towards achieving the goals of this law

are considered as deductible expenses. Improvements made by the owner, holder or titleholder of the real rights on real estate declared as cultural patrimony of the Nation, shall be also allowable, as long as they have been previously authorized and the amounts have been quantified by the Institute of Anthropology and History of Guatemala. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

-----**CHAPTER VII**-----

-----**THE PARTICULARS**-----

Article 30. Legitimate possession by persons. Every person that is the legitimate owner or holder of any cultural property, pursuant to what this law established, shall be responsible of its preservation and custody.-----

Article 31. Owners of real estates. The ownerships of real estates adjacent to a cultural property subject to protection, whose intentions are to make an excavation, foundation, demolition, or construction that can affect the archaeological, historical, or artistic features of the cultural property, shall obtain, prior to the execution of such works, the authorization from the General Direction of Cultural and Natural Patrimony, institution that has the legal capacity to request before a competent judge the suspension of any works initiated without such previous authorization. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 32. Prohibitions. Every individual or legal, national or foreign person is prohibited from doing exploration, land or sub-aquatic excavation and restoration works in paleontological or archaeological places or areas and removing any object that they may contain, except for that previously authorized by the General Direction of Cultural and Natural Patrimony. Any material or object that is removed shall be property of the State and shall be transported to the place that said Direction designates as appropriate, except that because of its nature it shall remain in the place or site of its discovery, or with justified reason this institution leaves the possession of said material or object in the custody of an individual or legal person, and for that reason it shall draw up the respective document. (Modified by Decree Number 81-98 of Congress of the Republic.)-----

Article 33. Discovery of cultural property. Any individual or employee of the State or from the Municipality, who accidentally discovers cultural property, shall immediately suspend the action that motivated the discovery and notify it to the Institute of Anthropology and History of Guatemala, which shall order the suspension of works while the importance of the discovery is evaluated and rescue actions are taken by specialized archaeologists and technicians from this institution or are duly authorized and supervised by it; contempt for this provision shall give way to the corresponding legal actions.-----

Article 34. Owners of cultural property grounds. The public or private owners of grounds on which cultural property exists, shall not oppose exploration, excavation,

research, reconstruction works or studies authorized pursuant to this law. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 35. Commercial businesses. The individual or legal persons, who own commercial businesses or who buy and sell cultural property shall have the following obligations:-----

- a) To register in the Registry of Cultural Property, to inventory and to record the property for sale.-----
- b) They shall notify the aforementioned Registry about the sales made within a fifteen-working-day term, of being carried out. In no case, do the aforesaid sales authorize the export of such property. The buying and selling of cultural properties is illicit whether these have not been previously registered.-----
- c) The marketing of archaeological Pre-Hispanic property is prohibited. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 36. (Repealed by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

-----**CHAPTER VIII**-----
-----**DIFFUSION OF CULTURAL PROPERTY**-----

Article 37. Reproduction of cultural property. Cultural property can be reproduced through all the available technical means. Authorization from the General Direction of Cultural and Natural Patrimony, with the previous authorization of the owner or holder, shall be necessary when a direct contact between the object to be reproduced and the means used to reproduce it, occurs. The use of any reproduction method that produces damage or modifies the original cultural property is prohibited. Every copy or reproduction shall have a visible sign on it engraved or printed in order to identify it as such. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 38. (Repealed by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 39. (Repealed by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 40. Public and private museums. Public and private museums shall create their own records and inventories, which shall be at the same time assigned to the Registry of Cultural Property. The Institute of Anthropology and History of Guatemala, upon request from private museums or autonomous or decentralized entities, shall render scientific, technical, and methodological consultancy. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 41. Opening and running of the municipal museums. The municipalities shall have the opportunity to arrange the opening and running of municipal museums with the support and consultancy of the Institute of Anthropology and History of Guatemala. For

such a purpose, the necessary means and resources shall be designated. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

-----**CHAPTER IX**-----

-----**DIFINITIONS**-----

Article 42. Definitions. For effects of this law, the definitions are as follows:-----

- a) Monuments: Real Property of architectonical, archaeological, historical, artistic quality or engineering works and its environment. The monumental value is constituted by the big architectonical groups or the modest works that after several years have acquired archaeological, historical, artistic, scientific, and/or social interest.-----
- b) Monuments of statuesque character: Erected structure or figure in memory of a historical fact or personage or with an aesthetic purpose.-----
- c) Historical gardens: Delimited spaces, resulting from architectonical or natural composition arranged by man through natural elements and helped with man-made structures and, from a historical or artistic point of view, have public interest.-----
- d) Squares: Public spaces where cultural or civic social activities take place and have historic architectural, urban development or ethnographic value.-----
- e) Historical center: Individual groups of real estate where the population’s growth originated. They are clearly delimited and assemble the following features:-----
 - 1. They constitute a settlement unit; and-----
 - 2. They are representative of the evolution of a community giving testimony of its culture or for the reason that they constitute a use and enjoyment value for the collectivity.-----
- f) Historic group: Groups of real estates that constitute a settlement unit, whether continuous or dispersed conditioned by a representative physical structure of a human community evolution, due to it is testimony of its culture or it constitutes a use or enjoyment value for the collectivity. In addition, any isolated group of real estates included in a superior unit of population that gathers the same features and can be clearly delimited is considered a historical group.-----
- g) Archaeological site: Cultural-natural place or area linked by events or bygone memories to popular traditions, cultural or natural creations and works of man that have historical, archaeological, paleontological, or anthropological value.-----
- h) Archaeological site or area: Natural place or area where there are or might be movable property or real estates which can be studied with archaeological methodology, excavated or not, and that are on the surface, subsoil, or beneath the ground or in jurisdictional waters.-----

- i) Plundering: Every action or omission that endanger by loss or destruction all or part of the values of the property that constitutes the cultural patrimony of the Nation or disturbs the fulfillment of its social duty.-----
- j) Alteration or intervention: Every action that is executed over a cultural property, whose carrying out requires internationally accepted technical procedures, to preserve and protect it. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala).-----
- k) Preservation: Those preventive, curative, and corrective measures addressed to ensure the integrity of property of the cultural patrimony of the Nation.-----
- l) Restoration: Technical means of intervention with the purpose to keep and transmit the Cultural Patrimony in all its totality.-----
- m) Renovation: The fitting out of a cultural property in accordance with the objective and environmental conditions that, without distorting its nature, highlight its features and permit its optimum use.-----
- n) Reconstruction: It is the restoration of cultural property that has been partially or totally lost.-----

-----**CHAPTER X**-----
-----**SANCTIONS**-----

Article 43. Violation of protective measures for cultural property. The violation of protective measures for cultural property established in this Law shall bring the offender a fine of twenty times the monthly-minimum salary of the business activity, without impairment to the corresponding criminal action. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 44. Depredation of cultural property. When property that constitutes the Cultural Patrimony of the Nation is partially or totally destroyed, altered, deteriorated, or rendered useless, the offender shall be sanctioned with a prison sentence from six to nine years plus a fine equivalent to double the value of the cultural property affected. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 45. Illicit export of cultural property. In the event that a property that constitutes the Cultural Patrimony of the Nation were illicitly exported, the offender shall be sanctioned with prison sentence from six to fifteen years plus a fine equivalent to double the value of the cultural property, which shall be confiscated. The monetary value of the cultural property shall be determined by the General Direction of Cultural and Natural Patrimony. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 46. Illicit research or excavations. Whether a person makes research works or archaeological, land or sub-aquatic excavation, without the authorization of the General Direction of Cultural and Natural Patrimony, shall be sanctioned with prison sentence from

six to nine years plus a fine from twenty to forty times the monthly-minimum salary of the business activity. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 47. Illicit positioning of signs. The placing of any type of business advertisement, as well as cables, antennas, and wiring in archaeological areas or historical monuments, shall be sanctioned with a fine of ten thousand quetzals without impairment to the obligation to remove the work already carried out. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 48. Officers’ responsibility in the cultural patrimony. Officers participating in criminal actions against the cultural patrimony shall be sanctioned with double the established sentence for every criminal act. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 49. Illicit demolition. In case a person partially or totally demolishes a real estate constituting the cultural patrimony of the Nation without authorization from the General Direction of Cultural and Natural Patrimony shall be sanctioned with a prison sentence from four to six years plus a fine of one-hundred thousand or five-hundred thousand quetzals. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)--

Article 50. Noncompliance of return conditions. The person responsible that does not abide with established return conditions for the legally authorized provisional export of property of the cultural patrimony shall be sanctioned with a fine of ten thousand quetzals. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 51. Extraction of historical documents. Whoever extracts historical documents from the documental collection that constitutes the cultural patrimony of the Nation shall be punished with a prison sentence from three to six years, and without impairment to the corresponding return. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 52. Alteration of original names. The alteration of traditional names of villages as well as individuals, and also making nominal alterations to archaeological sites is prohibited. The offender shall be sanctioned with a fine of five thousand quetzals. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 53. Impairment to traditional culture. Impairment to the traditional culture of indigenous communities, preventing or acting in any manner against the lifestyle, customs, traditions, indigenous dresses, languages, dialects, celebration of periodic parties and indigenous rituals is prohibited. The infringement of this provision shall result in a fine of five thousand quetzals. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 54. Robbery, theft, and traffic of cultural property. Robbery, theft, and traffic of property of the cultural patrimony of the nation, shall be sanctioned pursuant to what the

Criminal Code establishes. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 55. Illicit alteration of cultural property. If any person carries out excavation works, removal or cutting of the ground, changes the landscape or alters monuments in archaeological or historical sites, archaeological areas, the historical center or groups, without authorization from the General Direction of Cultural and Natural Patrimony, a prison sentence from six to nine years plus a fine from one hundred thousand to one million quetzals shall be imposed. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 56. Illicit export of replicas and calques. In isolated cases, the prison sentence of from three to five months plus a fine of twenty thousand quetzals shall be imposed on whoever exports replicas or makes traces without authorization from the Ministry of Culture and Sports. Whether this fact is a repeated or consecutive activity of acts, a prison sentence from six to nine years shall be imposed. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

-----**CHAPTER XI**-----

-----**FINAL PROVISIONS**-----

Article 57. Mixed sectorial committee. The Executive Body shall constitute a mixed sectorial committee of the highest level to contribute in the execution of the proposed goals of this law. Its duties shall be determined in the regulations of this law.-----

Article 58. Non-profitable cultural associations. Non-profitable cultural associations shall be constituted in departments and municipalities, with the following objectives:-----

- 1. To contribute to the protection, safeguard, enhancement, and communication of the cultural patrimony of the Nation;-----
- 2. To increase awareness of the social duty of the culture;-----
- 3. To prepare its members in cultural matters;-----
- 4. To promote the national culture in all its diversity;-----
- 5. To show the national culture to the world; -----
- 6. To promote Guatemalan creative cultural activities;-----
- 7. To collaborate with the Ministry of Culture and Sports;-----
- 8. To carry out other characteristic or related activities of the national culture.-----
- 9. The Ministry of Culture and Sports shall be the entity responsible for the registration of cultural associations.-----

Article 59. Recognition of associations. The legal capacity as safeguards of the cultural patrimony of the Nation of civil associations or neighbors' committees is acknowledged. They shall have legitimacy in revealing to administrative, police and judiciary authorities, the facts or acts which infringe the cultural patrimony of the Nation.-----

Article 60. Support to the authorities. Municipal, police, and military authorities of each jurisdiction are required to promptly give the corresponding authorities all the support and collaboration that these require for the fulfillment of the provisions of this law.-----

Article 61. Providing licenses. Municipalities, only with the previous favorable report from the Institute of Anthropology and History of Guatemala, shall have the power to grant licenses for the construction, repair, remodeling, demolition, reconstruction, extension or any works of any other nature, which affect the historical centers or groups, or real estates of public or private ownership that are part of the cultural patrimony of the Nation or are registered in the Registry of Cultural Property. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 62. Responsibility of the municipalities. Municipalities shall ensure that this law with regard to the cultural movable property, real estates and intangible property in their respective jurisdictions is correctly applied They shall dictate all those provisions to protect and preserve these properties.-----

In the event of any damage, destruction or threat to the cultural property located in their jurisdiction, they shall inform the Institute of Anthropology and History of Guatemala, the authorities of the Civil National Police, the Public Ministry and the judicial authorities, within a forty-eight-hour term; this term begins after having knowledge of the fact. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 63. Civil and criminal actions. To ensure the civil, criminal, and administrative actions related with the enforcement of this law, the Ministry of Culture and Sports and the Institute of Anthropology and History of Guatemala shall coordinate their actions with the Attorney General’s Office and the Public Ministry.-----

Article 64. Tax exemptions. The cultural property to which this law refers that comes into the country shall not be subject to taxes, customs or consular rates, as long as they have been authorized by the Ministry of Culture and Sports. This cultural property shall be registered in the national inventory in case it shall remain permanently in the country and the legal provisions of the country of origin are respected.-----

Article 65. Agreements. The Government of Guatemala shall sign bilateral and regional agreements with the governments it deems convenient, in order to prevent the illicit traffic of the cultural property of the countries involved.-----

Article 66. Obligations. The Guatemalan diplomatic or consular representations are obligated to inform the Ministry of Culture and Sports where Guatemalan cultural patrimony abroad is located.-----

Article 67. Location and purpose of cultural patrimony. The change of the permanent location of the cultural movable property of private ownership or possession shall be notified in a valid manner to the Registry of Cultural Property. The corresponding authorization from the Registry of Cultural Property shall be requested for any change of

purpose, destination or use of a cultural real estate. The property that constitutes the cultural patrimony of the State can be rented, or given as gratuitous loan, usufruct, or in a concession agreement with the authorization of the Ministry of Culture and Sports. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 68. Legal actions. The Ministry of Culture and Sports shall execute the necessary legal actions that lead to the recovery of the property to which this law refers, when these are in the hands of other countries or individuals abroad.-----

Article 69. (Repealed by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 70. Authority. The General Direction of Cultural and Natural Patrimony, the Registry of the Cultural Patrimony, and the Institute of Anthropology and History of Guatemala, regarding their respective competencies, remain authorized to constitute the regulations and to dictate the provisions and measures that warrant the fulfillment of this law. (Modified by Decree Number 81-98 of Congress of the Republic of Guatemala.)-----

Article 71. This decree repeals all legal provisions that oppose it.-----

Article 72. This decree shall come into force eight days after its publication in the official newspaper.-----

TO THE EXECUTIVE BODY FOR ITS SANCTION, ENACTMENT, AND PUBLICATION.-----

GIVEN IN THE PALACE OF THE LEGISLATIVE BODY, IN THE CITY OF GUATEMALA, THE NINTH DAY OF APRIL OF THE YEAR ONE THOUSAND NINE HUNDRED NINETY-SEVEN.-----

-----**ARABELLA CASTRO QUIÑÓNEZ** (PRESIDENT)-----

-----**JAVIER CASTELLANOS DE LEÓN** (SECRETARY)-----

-----**ÁNGEL MARIO SALÁZAR MIRÓN** (SECRETARY)-----

National Palace: Guatemala, April twenty-nine, one thousand ninety-seven.-----

-----LET IT BE PUBLISHED AND FULFILLED-----

ARZU IRIGOYEN. President.-----

Architect AUGUSTO VELA MENA. Minister of Culture and Sports.””-----

IN WITNESS WHEREOF for the legal purposes pertaining to the interested party and assuming no responsibility for the content of the translated document, I have hereunto set my hand and affixed my seal on this SWORN TRANSLATION, issued on sixteen (16) sheets of official paper in the City of Guatemala on this third day of March of the year two thousand nine.