

FEDERAL LAW ON ARCHEOLOGICAL, ARTISTIC AND HISTORIC MONUMENTS AND ZONES

New Law published in the Official Gazette of the Federation on May 6, 1972

TEXT IN FORCE

Most recent amendments published in the Official Gazette of the Federation
13-01-1986

At the margin, a seal with the National Coat of Arms, saying: *United Mexican States. – Presidency of the Republic.*

LUIS ECHEVERRIA ALVAREZ, President of the United Mexican States declares to its residents that they may know:

That the Congress of the Union has seen fit to send to me the following

DECREE:

“The Congress of the United Mexican States decrees the:

FEDERAL LAW ON ARCHEOLOGICAL, ARTISTIC AND HISTORIC MONUMENTS AND ZONES

CHAPTER 1 General Provisions

ARTICLE 1. – The object of this law is of social and national interest and its provisions are of public order.

ARTICLE 2. – Research about and protection, conservation, restoration and recovery of archeological, artistic and historic monuments and monument zones are of public utility.

The Ministry of Public Education, the National Anthropology and History Institute, the National Institute of Fine Arts and other Mexican cultural institutes, in coordination with state and municipal authorities and private parties, shall conduct ongoing campaigns to promote knowledge of and respect for archeological, artistic and historic monuments.

The National Anthropology and History Institute and the National Institute of Fine Arts and Literature in accordance with the provisions of this law's regulations

shall organize or authorize civil associations, neighborhood boards and rural community groups as auxiliary bodies to prevent archeological looting and to preserve the Nation's cultural heritage. In addition, regional museums shall be established.

ARTICLE 3. – The application of this law is the responsibility of:

- I. – The President of the Republic;
- II. - The Minister of Public Education;
- III. – The Minister of National Patrimony;
- IV. – The National Anthropology and History Institute
- V. – The National Institute of Fine Arts and Literature and
- VI. – Other federal authorities and agencies with responsibility in this area.

ARTICLE 4. – The authorities of the States and municipalities shall have, in the application of this law, have the participation that this law and its regulations indicate.

Article amended OGF 23-12-1974

ARTICLE 5. - Archeological, artistic and historic monuments and monument zones are those expressly stated to be so in this Law and those that are declared to be such *ex officio* or *ex parte*.

The President of the Republic, or as appropriate the Minister of Public Education shall issue or revoke the corresponding declaration, which shall be published in the *Official Gazette of the Federation*.

ARTICLE 6. – The owners of real estate property declared historic or artistic monuments shall keep such property, and as appropriate restore it under the terms of the following article, after gaining prior authorization from the corresponding institute.

Owners of real estate property adjacent to a monument, who wish to conduct excavation, foundation, demolition or construction works that could affect the characteristics of historic or artistic monuments, shall in all cases obtain the permission of the corresponding Institute, which shall issue a permit once the requirements of the Regulations are met.

ARTICLE 7. – State, Territorial and Municipal authorities, when they decide to restore and conserve archeological and historic monuments, shall in all cases do so after obtaining prior permission from and under the direction of the National Anthropology and History Institute.

Similarly, said authorities, when they decide to construct or adapt buildings so that the National Anthropology and History Institute may exhibit that region's archeological and historic monuments shall be able to request the corresponding permit, with the requirement that these improvements have the security and control features required by the Regulations.

The National Anthropology and History Institute may receive contributions from the above-mentioned authorities, as well as from private parties, for the purposes indicated in this article.

ARTICLE 8. – State, Territorial and Municipal authorities may collaborate with the National Institute of Fine Arts and Literature for the conservation and exhibition of artistic monuments under the terms set by said Institute.

ARTICLE 9. -- The competent institute shall provide professional advisory services in the conservation and restoration of real estate property that has been declared a monument.

ARTICLE 10. – The competent Institute shall proceed to carry out the conservation and restoration works on a piece of real estate property that has been declared a historic or artistic monument when the owner, after having been required to carry out such work, has failed to do so. The Federal Treasury shall defray the cost of the works.

ARTICLE 11. – Owners of real estate properties that have been declared historic or artistic monuments who upkeep them and where appropriate restore them under the terms of this law may request exemption from the corresponding property taxes under the jurisdiction of the Federal District on the basis of the technical opinion issued by the corresponding institute in accordance with the Regulations.

Paragraph amended OGF 23-12-1974

The institutes shall advocate to the State Governments for the desirability of giving a property tax exemption to real estate property that has been declared a monument and that is not being used for profit.

ARTICLE 12. – Restoration and conservation works on real estate properties that have been declared monuments, which have been conducted without the corresponding authorization or permit, or which violate an authorization or permit after it is granted, shall be suspended by order of the responsible Institute, and, as appropriate, the interested party or the Institute shall demolish said work and shall proceed with its restoration or reconstruction.

The respective municipal authority may act to assist the corresponding Institute in urgent cases to order the provisional suspension of works.

The foregoing shall be applicable to works referred to in the second paragraph of Article 6.

Demolition, restoration or reconstruction work on the property shall be paid for by the interested party. In this case, work shall proceed in accordance with the terms of Article 10.

In these cases, the party who has ordered the work and the party who has directed its execution shall be jointly responsible with the owner.

ARTICLE 13. – Owners of real estate properties that have been declared historic or artistic monuments should keep such properties, and as appropriate restore them, for which the provisions of Articles 6, 7, 8, 9, 10, 11, and 12 of this Law shall apply.

ARTICLE 14. – The use or location or change of use or location of federal real estate properties that have been declared archeological, historic or artistic monuments shall be carried out by a decree issued by the Federal Executive through the Ministry of National Patrimony, which shall heed the ruling of the Ministry of Public Education.

ARTICLE 15. – Those who trade in monuments and historic and artistic goods under the terms of this Law shall register with the competent Institute and fulfill the requirements outlined in the respective Regulations.

ARTICLE 16. – Privately owned historic and artistic monuments may be temporarily or definitively exported by obtaining permission from the competent Institute under the terms of this Law's Regulations.

Export of archeological monuments is prohibited, except exchanges with or donations to foreign Governments or foreign Scientific Institutes by agreement of the President of the Republic.

The National Anthropology and History Institute shall promote the recovery of archeological monuments of special value to the Mexican nation that are found abroad.

ARTICLE 17. – The reproduction of archeological, historic or artistic monuments for commercial purposes shall require the permission of the competent Institute, and, when applicable, will be subject to the provisions of the Federal Copyright Law. An exception is made for the production of handicrafts consistent with the provisions of the Law on the subject, and if not applicable, by this Law's Regulations.

ARTICLE 18. – (the first paragraph has been derogated.)

Paragraph derogated OGF 31-12-1981

When the Federal Government, Decentralized Organizations and the Department of the Federal District undertake construction projects they shall be obligated at the expense of the projects to use the services of licensed anthropologists, who will advise and direct archeological recoveries under the direction of the National Anthropology and History Institute, and, by the same token, shall deliver the corresponding pieces and studies to that Institute.

The products that are collected as aforementioned and in analogous manners shall become part of the collections belonging to the respective institutes. The Ministry of Finance and Public Credit shall ensure that said institutes have timely and adequate budget allocations for the proper fulfillment of their duties and responsibilities.

ARTICLE 19. – In case of the lack of a provision in this Law, the following shall apply in a supplementary manner:

I. – Federal laws and international treaties; and

II. – The civil and criminal codes in effect for the Federal District regulating common matters and for the whole of the Republic in federal matters.

Section amended OGF 23-12-1974

ARTICLE 20. – To oversee compliance with this Law, the Ministry of Public Education, the Ministry of National Patrimony and the competent Institutes may conduct inspection visits under the terms of the respective Regulations.

CHAPTER II
The Registry

ARTICLE 21. – The Public Registry of Archeological and Historic Monuments and Zones is created within the National Anthropology and History Institute, and the Public Registry of Artistic Monuments and Zones is created within the National Institute of Fine Arts and Literature for recording archeological, historic or artistic monuments and the declarations of their respective zones.

ARTICLE 22. – The respective Institutes shall maintain a registry of monuments belonging to the Federal Government, States and Municipalities, and decentralized organizations, parastatal enterprises and individuals and legal entities, which shall inscribe the monuments they own into the corresponding Registry.

The declaration designating real estate property as a monument shall also be registered in the Public Property Registry of the jurisdiction in which it is located.

ARTICLE 23. – Inscription in the registries shall be done *ex officio* or at the request of the interested party. To proceed with *ex officio* inscription, prior personal notification shall be made to the interested party. If the interested party's name or address is unknown, the publication of notice in the Official Gazette of the Federation shall serve as personal notification.

The interested party may oppose it and offer evidence within a period of fifteen days, counted from the date of notification. The corresponding Institute shall receive the evidence and shall resolve the matter within thirty days of the appeal.

ARTICLE 24. – Inscription does not establish the authenticity of the item registered. Certification of authenticity shall be issued using the procedure set forth in the respective Regulations.

ARTICLE 25. – Transfers of ownership of real estate properties that have been declared historic or artistic monuments must be recorded in a public deed. The party transferring ownership shall testify under oath that the property in question is a monument.

Notaries Public shall mention the declaration of monument status if applicable and shall advise the competent Institute of the transaction completed within a period of thirty days.

ARTICLE 26. – The parties involved in the transfer of the ownership of movable properties that have been declared historic or artistic monuments must notify the corresponding Institute of the transaction within the following thirty days.

CHAPTER III

Archeological, Artistic and Historic Monuments

ARTICLE 27. – Real estate and movable properties that are archeological monuments are the inalienable and imprescriptible property of the Nation.

ARTICLE 28. – Real estate and movable properties that are product of cultures preceding the establishment of the Hispanic culture on national territory are archeological monuments, as well as human, flora and fauna remains related to those cultures.

ARTICLE 28-BIS. – For the effects of this Law and its Regulations, the provisions regarding archeological monuments and zones shall be applicable to the fossil vestiges or remains of organic beings that inhabited our national

territory in past epochs and whose research, conservation, restoration, recovery or utilization are of paleontological interest, circumstance that must be specified in the respective declaration that the President of the Republic shall issue.

Article added OGF 13-01-1986

ARTICLE 29. – Movable archeological properties may not be transported, exhibited or reproduced without the permission of the competent Institute. A person finding archeological goods must notify the nearest civil authority. The corresponding authority shall issue the official notification or deliver it, where appropriate, and shall inform the National Anthropology and History Institute within the following 24 hours, so that the Institute may determine the proper course of action.

ARTICLE 30. – All kinds of material works to discover or explore archeological monuments shall be conducted only by the National Anthropology and History Institute or by scientific institutions or those of recognized moral standing after receiving prior authorization.

ARTICLE 31. – In the authorizations referenced in the previous paragraph, the National Anthropology and History Institute shall indicate the terms and conditions to which such works shall be subject, as well as the obligations of those conducting them.

ARTICLE 32. – The National Anthropology and History Institute shall suspend works being carried out at archeological monuments without authorization, that violate the terms of the authorization granted, or those in which archeological materials are being removed. As appropriate, it shall proceed to occupy the location, revoke the authorization and apply the corresponding sanctions.

ARTICLE 33. – Artistic monuments are real estate and movable properties that have relevant aesthetic value.

To determine the relevant aesthetic value of a given item, the following characteristics shall be considered: representativeness, its role within a given stylistic current, the degree of innovation, the materials and techniques used, and other analogous factors.

Where real estate property is involved, its significance in the urban context may also be considered.

The works of living artists that have the characteristics of movable goods may not be declared artistic monuments.

Works by Mexican artists may be declared monuments, regardless of where they were produced. When the artists are foreign, their works may be declared monuments only when the works were produced in national territory.

The declaration designating a monument may cover an artist's complete works or only part of them. By the same token, works by unknown authors may be declared artistic monuments or may be included within artistic monument zones.

Murals of relevant aesthetic value shall be conserved and restored by the State.

Article amended OGF 26-11-1984

ARTICLE 34. – The National Artistic Monuments and Zones Commission is established for the purpose of providing its opinion to the competent authority regarding the issuance of declarations designating artistic monuments and artistic monument zones.

The Commission's opinion shall be necessary for declarations to be valid.

The Commission shall be made up of:

- a) The National Institute of Fine Arts and Literature's General Director, who shall serve as chair.
- b) A representative of the Ministry of Urban Development and Ecology.
- c) A representative of the National Autonomous University of Mexico.
- d) Three individuals associated with the arts, who shall be appointed by the General Director of the National Institute of Fine Arts and Literature.

In the case of artistic monument declarations for real estate property or artistic monument zones, a state government representative of the state in which the property in question is located shall also be invited to participate.

The Commission may only function when the Director General of the National Institute of Fine Arts and Literature and more than half of the remaining members are present. Decisions shall be made by a majority of votes of those present and the chair shall have the deciding vote.

Article amended OGF 26-11-1984

ARTICLE 34-BIS. – When there is a risk of acts occurring that would cause irreparable effects to real estate or movable properties with relevant aesthetic value, the Ministry of Public Education through the National Institute of Fine Arts and Literature, in accordance with Article 33 of this Law and without the need for

the opinion discussed in Article 34, may decree a provisional declaration for an artistic monument or an artistic monument zone duly based on and motivated consistently with this Law, which shall be in effect 90 calendar days from the date the notice of the declaration is given to the corresponding person, and this declaration shall suspend the act and execute the resulting preservation measures.

The interested parties may present well-founded objections to the National Institute of Fine Arts and Literature within a period of 15 calendar days after notification of the declaration, which shall be made known to the Artistic Monuments and Zones Commission and to the Ministry of Public Education so that the Ministry may resolve the matter.

Within the 90-day period provided in this Article, the definitive declaration of artistic monument or monument zone status, if determined, shall be issued and shall be published in the Official Gazette of the Federation. If not found to be an artistic monument or zone, the suspension of activity shall automatically be ineffective.

Additions to the Article OGF 26-11-1984

ARTICLE 35. – Historic monuments are those linked to the nation’s history, from the establishment of Hispanic culture in Mexico, under the terms of the respective declaration or as determined by the Law.

ARTICLE 36. – Under the terms of this Law, historic monuments are:

I. – Real estate property constructed from the XVI through the XIX centuries that was designed to serve as a place of worship and associated buildings; archbishoprics, bishoprics or curates’ housing; seminaries, convents or any other buildings dedicated to the administration, divulgation, teaching or practice of any religious cult; as well as those designated for education and teaching, social welfare or beneficent purposes; for public service or public decoration and those dedicated to the use of civil and military authorities. This includes the movable properties found or that have been found within this real estate property and the relevant civil works that are private in nature created during the XVI through the XIX centuries.

II. – Documents and files that belong or have belonged to the offices and archives of the Federal, state and municipal governments and the curial houses.

III. – Original manuscript documents related to the history of Mexico and the books, brochures and other documents printed in Mexico or abroad during the XVI through the XIX centuries that due to their rareness and importance for Mexican history deserve to be kept in the country.

IV. – Scientific and technical collections may be elevated to this category through the corresponding declaration.

CHAPTER IV Regarding Monument Zones

ARTICLE 37. – The President of the Republic by means of a Decree shall issue the declaration of archeological, artistic or historic zones under the terms of this Law and its Regulations.

The declarations must be recorded in the corresponding registry, to which reference is made in Article 21, and must be published in the Official Gazette of the Federation.

ARTICLE 38. – Monument zones shall be subject to the jurisdiction of the Federal Government under the terms set forth in this Law and its Regulations.

ARTICLE 39. – An archeological monument zone is the area comprising several archeological monuments that are real estate property, or the area in which their existence is presumed.

ARTICLE 40. – An artistic monument zone is an area comprising several related artistic monuments, with open spaces or topographical features, which as a group have aesthetic value in a relevant way.

ARTICLE 41. – A historic monument zone is an area comprising several historic monuments related to a national event or linked to past events of great relevance to the country.

ARTICLE 42. – At monument zones and inside and outside of them, all notices, advertisements and posters are subject to the provisions regarding them that are established in this Law and its Regulations. This includes garages, vehicle parking lots, gas and oil stations, telegraph and telephone poles and wires, electric transformers and lines, and lighting installations, as well as kiosks, niches, booths or any other permanent or temporary construction.

ARTICLE 43.- At monument zones, the competent Institutes shall provide prior authorization for the execution of any works, with the provisions of Chapter I applicable to this situation.

CHAPTER V Of the Competence

ARTICLE 44. – The National Anthropology and History Institute is the competent authority in matters of archeological and historic monuments and monument zones.

ARTICLE 45. – The National Institute of Fine Arts and Literature is the competent authority in matters of artistic monuments and monument zones.

ARTICLE 46. – Should doubts arise regarding the authority of the Institutes to address a given matter, the Ministry of Public Education shall resolve which has authority over the matter.

For the purposes of determining jurisdiction, the archeological character of an item shall have priority over its historic character, and this in turn shall have priority over its artistic character.

CHAPTER VI Of the Sanctions

ARTICLE 47. – Any party conducting material work of archeological exploration using excavation, earthworks or any other means on real estate property that is an archeological monument or at archeological monument zones without the authorization of the National Anthropology and History Institute shall receive a prison sentence of one to ten years and a fine of one hundred to ten thousand pesos.

ARTICLE 48. – Any party acting on behalf of or commissioned by the National Anthropology and History Institute or under an authorization the Institute has issued to execute archeological work who takes for him/her/itself or for another an item that is an archeological monument shall receive a prison sentence of one to ten years and a fine of three thousand to fifteen thousand pesos.

If the crimes set forth in this Law are committed by officials in charge of these matters, the related sanctions shall be applied independently of those imposed in accordance with the Law on the Responsibilities of Public Officials and Employees.

ARTICLE 49. – Any party who carries out any transfer of ownership of an item that is an archeological monument, or who trades in such an item, and any party who transports, exhibits or reproduces such an item without permission and the corresponding registry inscription shall receive a prison sentence of one to six years and a fine of one thousand to fifteen thousand pesos.

ARTICLE 50. – Any party who illegally has in their power an item that is an archeological monument or a historic monument, and that said item has been found in or comes from a real estate property referred to in Section I of Article 36, shall receive a prison sentence of one to six years and a fine of one hundred to fifty thousand pesos.

ARTICLE 51. – Any party who takes possession of an item that is an archeological, historic or artistic monument without the consent of the party who, under the law, is authorized to determine its disposition shall receive a prison sentence of two to ten years and a fine of three thousand to fifteen thousand pesos.

ARTICLE 52. – Any party who through a fire, flooding or an explosion damages or destroys an archeological, historic or artistic monument shall receive a prison sentence of two to ten years and a fine of up to the amount of the damage caused.

Any party who by any other means damages or destroys an archeological, historic or artistic monument shall receive a prison sentence of two to ten years and a fine of up to the amount of the damage caused.

ARTICLE 53. – Any party who by whatever means seeks to remove or removes from the country an archeological, historic or artistic monument without the permission of the competent Institute, shall receive a prison sentence of two to twelve years and a fine of one hundred to fifty thousand pesos.

ARTICLE 54. – For those who repeat the crimes typified in this Law, the punishment shall be increased by two-thirds to double the length of the sentence. For punishment of those who are habitual offenders, the sentence corresponding to the most serious of the crimes shall be doubled or tripled.

To eliminate recidivism and habitual criminal activity, the principles of the Federal District Criminal Code shall be used and shall be applicable throughout the Republic in federal matters.

Paragraph amended OGF 23-12-1974

Traffickers in archeological monuments shall be considered habitual offenders for the effects of this Law.

Imposing sanctions within the range of sentences referred to in this Law shall be done by taking into account the background, customs and behavior of the guilty party, their economic conditions and the motives and circumstances that led them to commit the crime.

ARTICLE 55. – Any violation of this Law or its Regulations that is not covered in this chapter shall be sanctioned by the competent Institutes with a fine of one hundred to fifty thousand pesos, which may be appealed through the reconsideration recourse under the terms of the Regulations of this Law.

TRANSITIONAL PROVISIONS

ARTICLE ONE. – This Law shall enter into force thirty days after its publication in the Official Gazette of the Federation.

ARTICLE TWO. – The Federal Law on the Nation's Cultural Patrimony of December 23, 1968 and published in the Official Gazette of the Federation on December 16, 1970 is hereby derogated as are all provisions not consistent with this Law.

ARTICLE THREE. – The terms of declarations of monuments that have been issued under previous laws, as well as their inscriptions, continue to be in effect.

ARTICLE FOUR. – Rights acquired consistently with previous laws shall be respected if the holders of those rights comply with the obligations imposed by those laws.

Mexico City, April 28, 1972. - **Renato Vega Alvarado**, D. P.- **Vicente Fuentes Díaz**, S. P.- **Raymundo Flores Bernal**, D. S.- **Vicente Juárez Carro**, S. S.- All Signed".

In fulfillment of the provisions of section I Article 89 of the Mexican Constitution and for its proper publication and observance, I hereby issue this Decree in the residence of the Federal Executive in Mexico City, Federal District, on the twenty-eighth day of the month of April of nineteen hundred seventy-two. - **Luis Echeverría Alvarez**.-signed.- Minister of Public Education, **Víctor Bravo Ahúja**.- Signed.- Minister of National Patrimony, **Horacio Flores de la Peña**.- signed.- Minister of the Interior, **Mario Moya Palencia**.-Signed.- Minister of Finance and Public Credit, **Hugo B. Margáin**.-Signed.- Minister of Foreign Affairs, **Emilio O. Rabasa**.-Signed.- Head of the Department of the Federal District, **Octavio Sentíes Gómez**.-Signed.

TRANSITIONAL ARTICLES OF THE AMENDMENT DECREES

DECREE under which several laws are amended to be reconciled with the Decree that amended article 43 and other related articles of the Constitution of the United Mexican States.

Published in the Official Gazette of the Federation on December 23, 1974.

ARTICLE TWELVE. – The following Articles are **amended**: Articles 4; 11; 19, section II and 54 of the Federal Law on Archeological, Artistic and Historic Monuments and Zones under the following terms:

TRANSITIONAL PROVISION

SOLE ARTICLE. – This Decree shall enter into force ninety days after its publication in the Official Gazette of the Federation.

Mexico City, Federal District, on December 20, 1974. – “YEAR OF THE FEDERAL REPUBLIC AND THE SENATE”. - **Francisco Luna Kan**, S. P.- **Píndaro Uriostegui Miranda**, D. P.- **Carlos Pérez Cámara**, S. S.- **Carlos A. Madrazo Pintado**, D. S.- All Signed”.

In fulfillment of the provisions of section I Article 89 of the Mexican Constitution and for its proper publication and observance, I hereby issue this Decree in the residence of the Federal Executive in Mexico City, Federal District, on the twenty-first day of the month of December of nineteen hundred seventy-four. – “Year of the Federal Republic and the Senate”. - **Luis Echeverría Alvarez**.- Signed.- Minister of the Interior, **Mario Moya Palencia**.-Signed.-