

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 425**, written in Spanish, which faithfully translated into English to the best of my knowledge and ability reads as follows: -----

-----“**DECREE No. 425 of March 19, 1947**-----

------(Modified by Decree-Law No. 437 of March 24, 1966)-----

-----**LAW FOR THE PROTECTION AND PRESERVATION OF THE**-----

-----**MONUMENTS, ARCHAEOLOGICAL, HISTORICAL,**-----

-----**AND ARCHETYPICAL OBJECTS.**-----

-----**CHAPTER I**-----

OF THE MONUMENTS, ARCHAEOLOGICAL, HISTORICAL, ARCHETYPICAL,

-----**AND ARTISTIC OBJECTS:**-----

Article 1.-----

All the monuments and archaeological, historical, and artistic objects from the country, existing in the territory of the Republic, whoever its owner, are considered part of the cultural treasure of the nation and are under the safeguard and protection of the State.-----

Article 2.-----

For the effects of this law, the monuments and objects are:-----

a. Archaeological, every structure and trace or vestige from aboriginal civilizations prior to the conquest;-----

b. Historical, real estate or part of it and property not included within the definition of archaeological monuments, which are directly connected to the political or social history of Central America, including Belize;-----

c. Archetypal, picturesque or of natural beauty, whole villages, areas of said villages and places that given their beauty, folkloric value, or recognized historical or sociological ancestry constitute themselves as attractions for scholars and visitors;-----

d. Artistic, monuments and objects that due to their origin as result of man’s interest, subjugate the spirit and constitute genuine prestige of the country’s art, be it plastic, picturesque, written, architectural, etcetera.-----

Article 3.-----

The destruction, reform, repair, restoration and relocation of monuments and archaeological, historical, and artistic objects to different places without the express authorization from the Ministry of Public Education and fully in accordance to the provisions of this law is prohibited.-----

Article 4.-----

The export of monuments and archaeological, historical, and artistic objects is prohibited, except in the cases to which this law makes reference.-----

The government of Guatemala through the Ministry of Education can agree to set up exhibitions of the previously mentioned objects, abroad, in order to show the cultural richness of the Nation. With that in sight, it shall agree with the government of the country where an exhibition is projected to be held in which the necessary guarantees shall be established to ensure the return of the objects in the same conditions they were given, in a term that shall not exceed one year, and the obligation to underwrite against the possible risks that they may suffer. The value shall be established by the Treasury and Public Credit Department and the Ministry of Education, with the prior report from the Institute of Anthropology and History.-----

Article 5.-----

The provisions of this law similarly affect the paleontological objects and ancient prints and manuscripts with scientific, historical or literary merit, whose permanence in public or private libraries constitute an interest for the cultural heritage of the nation.-----

Article 6.-----

The State extends its protection to the artistic, archetypical, or picturesque nature of villages or some of their areas, to decree the need for its preservation or restoration and to draw up agreements of the essential regulations.-----

Article 7.-----

The owners of lots in which archaeological monuments exist cannot oppose the exploration, excavation and reconstruction works or authorized studies in conformity to this law; nevertheless they shall have the right to be compensated for damages or harm caused after having a justification and the proper legal appraisal.-----

Article 8.-----

The exploration, removal, or restoration of archaeological monuments and the removal of the objects they contain, without having an express authorization from the Ministry of Public Education, and with the prior favorable legal opinion from the Institute of Anthropology and History of Guatemala are prohibited to every person, whether natural or artificial, native or foreign.-----

Article 9.-----

If the authorized explorer finds identical archaeological examples, the duplicate pieces could be lent to foreign museums though an exchange program for an established term and in agreement with the Ministry of Education with the prior legal opinion from the Institute of Anthropology and History of Guatemala. Nevertheless, it is necessary that the existence of these exhibition samples in every museum or cultural institution of the Republic be verified.-----

In the same way, taking samples of archaeological materials or related substances out of the country for their analysis in the laboratories of foreign universities and cultural entities can

be authorized. Nonetheless, they should be returned to Guatemala with the results of such studies and analyses.-----

-----**CHAPTER II**-----
-----**REGISTRY OF THE ARCHAEOLOGICAL, HISTORICAL,**-----
-----**AND ARTISTIC PROPERTY**-----

Article 10.-----

The Archaeological, Historical, and Artistic Property Registry is a public institution whose purposes are: registry, annotation, cancellation, and promotion of the acts and agreements related to the rights that affect the monuments and the archaeological, historical, and artistic objects mentioned in the previous chapter. The Registry shall function as a department of the Institute of Anthropology and History of Guatemala, who is obligated to provide its services at no cost to individuals for the identification and classification of archaeological, historical, and artistic objects that they own.-----

Article 11.-----

The archaeological, historical, and artistic properties of the State, as well as individual persons' property shall be recorded in the Registry. The individual holders and owners remain obligated to record the archaeological, historical, and artistic collections and objects that are part of their patrimony or which they hold as possessions in favor of other persons, whether natural or artificial, in the previously mentioned Registry.-----

The notice of the transfer to which this article makes reference must be given within the eight days after the operation is made.-----

Article 12.-----

In accordance with the country's interests, the Ministry of Public Education, by means of an agreement, shall prevent the alienation and transformation of the archaeological, historical, and artistic property of individuals.-----

Article 13.-----

The persons mentioned in the previous article are responsible for safeguarding and preserving the objects they own, and the State shall give them the necessary cooperation to locate and recuperate any of them. In the case that a transfer notice or annotation has not been registered, the possession of archaeological, historical, and artistic objects is illegal, and it shall deserve the authorities' intercession in order to determine property rights.-----

Article 14.-----

Whoever stops physically possessing the objects to which this law refers must notify the Registry in order to record it. A record regarding the holder or owner of some archaeological, historical, and artistic object can be modified only when a final judgment has been dictated by the judicial authority.-----

-----CHAPTER III-----
-----SPECIAL REGIME OF THE MONUMENTS, HISTORICAL OBJECTS,-----
-----ARCHEARCHETYPICAL, ARTISTIC, AND PICTURESQUE AREAS-----

Article 15.-----

In order for the property or real estate to which article 2 refers be subjected to a special regime, essential for its protection and preservation, they must be declared as historical monuments by the Ministry of Public Education, after the legal opinion of the Institute of Anthropology and History of Guatemala has been given.-----

Article 16.-----

The special regime of the property of monuments and historical objects includes:-----

- a) a statement from the Ministry of Public Education that grants the aforesaid real estates and properties the nature of Monuments or Historical Objects. This statement must be notified to the people that been affected;-----
- b) its record in the Registry of Monuments and Historical Objects, and its entry in the General Registry of Property when it involves real state;-----
- c) The owner, under the guidance of the Institute of Anthropology and History of Guatemala, is obligated to duly preserve the historical monuments and to carry out in them the essential work needed to keep them in good condition. When these woks are too costly, as long as the monument merits it, the State shall do them on its own or shall make a contribution in the measure the owner needs it, whether facilitating him the necessary means or directly defraying costs;-----
- d) The Ministry of Public Education, after the legal opinion of the Institute of Anthropology and History of Guatemala has been rendered, has the authority to suspend any unauthorized work that is being carried on a historical monument. In the event the work has been finished, the Ministry could demand the restoration of the monument from the owner with the purpose of keeping it in its previous condition and without any compensation;-----
- e) If the owner considers the statement as a monument or historical object to be without grounds, he has the possibility to complain before a Judge of the First Instance of his domicile, in a thirty-day term after being notified by the Ministry of Public Education. The judge shall hand down his judgment at the hearings in accordance with the evidence introduced.-----
- f) The effects of the statement as a monument or historical object affect the property and the real estate no matter who the owner or holder is;-----
- g) In every case, the State must provide the technical guidance for the appropriate preservation of historical monuments.-----

Article 17.-----

In order for a certain village or area to be considered as archetypical or picturesque or of natural beauty protected by the State, the statement from the Ministry of Public Education shall have to be appropriate with the prior legal opinion from the Institute of Anthropology and History of Guatemala, and the Ministry shall accord the special regulations that it considers convenient.-----

Article 18.-----

The statement the previous article makes reference to, has the implicit observance of its special regime which includes:-----

- a) To carry out constructions in an area stated as archetypical or picturesque the previous authorization from the Ministry of Public Education is required and this Ministry shall take into consideration what the Institute of Anthropology and History of Guatemala has to say regarding the convenience of the work done following the general architectural style of the area;-----
- b) Reconstruction, restoration or mere preservation work in any area stated as archetypical or picturesque shall also be adjusted to its nature and general style. In case a prior authorization is lacking, the Ministry of Public Education shall have the authority to demand that conditions be modified or returned to their previous state.
- c) Notices, ads or posters; garages, parking lots and gas and oil stations; electrical installations, stands or kiosks, vending stations, and any other permanent or provisional construction in areas declared as archetypical or picturesque are subject to regulations and they can be made only with the previous authorization of the Ministry of Public Education.-----

Article 19.-----

At the request of the Institute of Anthropology and History of Guatemala, but only when the measure is essential for the preservation or custody of monuments, historical objects, can the expropriation be agreed to in favor of the State given that it is of social interest in accordance with the law.-----

Article 20.-----

It is a crime to destroy, deteriorate or damage archaeological, historical, or artistic monuments, except in the case or Article 9. The judge hearing the case shall impose a punishment from six months to four years imprisonment of a light nature, considering the value of the object or objects provided as evidence, the importance that the loss represents to the country, and the pretended or obtained profit. The loss of the referred objects and the civil compensation for damages in favor of the State shall be added to said punishment.-----

Article 21.-----

The export of monuments or other archaeological, historical, or artistic objects, with the exception of the cases previously mentioned in Articles 4 and 9 is a crime with a

punishment that shall be imposed by the judge hearing the case of from six months to four years imprisonment of a light nature, considering the value of the object or objects provided as evidence, the importance that the loss represents to the country, and the pretended or obtained profit. The loss of the referred objects and the civil compensation for damages in favor of the State shall be added to said punishment.-----

Article 22.-----

A judge of First Instance shall always hear the cases involving crimes and misdemeanors to which this law makes reference.-----

Article 23.-----

Legislative Decree number 1376 and Government Decree number 1569 as well as all the provisions against this law shall be revoked.-----

-----**PROVISIONAL ARTICLES**-----

Article 1.-----

In accordance with Article 12, the houses with modern-day facades shall be reformed and submitted to colonial architectural refurbishment. Therefore, in accordance with the owners, a necessary judicious term for such changes shall be granted.-----

Article 2.-----

The companies that currently supply street and residential lighting are compelled to comply with the provisions stated in Article 15. Nevertheless, despite the current difficulties and the legitimacy of the agreements with the Municipality of Antigua Guatemala, the term to accomplish such obligations shall be agreed to by both entities.””-----

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 six (6) sheet of official paper in the City of Guatemala on this third of March of the year two thousand nine.