

OFFICIAL GAZETTE OF BOLIVIA

SUPREME DECREE No. 05918

VICTOR PAZ ESTENSSORO

CONSTITUTIONAL PRESIDENT OF THE REPUBLIC

Courtesy translation provided by WIPO, © 2011

**WHEREAS:**

It is the duty of the State to protect the artistic and cultural heritage of the Nation, ensuring the proper conservation of artistic, historical and archeological treasures from the pre-Colombian, colonial and republican eras.

For this purpose, there is a need to supplement existing provisions, define their scope and regulate their application.

**DECREES:**

**ARTICLE 1.-** In accordance with Precept 199 of the Political Constitution of the State, any monument, museum, work or piece that has artistic, historical or archeological value and is found on the territory of the Republic is hereby declared part of the cultural wealth of the Nation.

Monuments and works of art shall be defined as expressions of the mind, produced by means of the three-dimensional arts, as for example:

- (a) Architecture.- Cities, urban complexes and groups of monuments, churches, convents, parish houses, civil buildings (palaces and houses), public and private museums dating from before 1900.
- (b) Paintings: murals, pictures (panels, canvasses, metal sheets and glass), engravings, drawings and prints.
- (c) Free-standing sculptures, reliefs and nativity scenes.
- (d) Minor arts: gold and silver objects: historical silverware (silver-laminated wooden items (*forestales*), gratings, tabernacles, sacraria, panels) silver objects (tableware, lamps, candelabras and religious objects), jewels; dating from before 1900.
- (e) Furniture and accessories; dating from before 1900.
- (f) Tapestries, fabrics and embroidery (religious ornaments, ecclesiastical dress and headdresses); dating from before 1900.
- (g) Porcelain, pottery, crystal, glass combs, alabaster and other.

**G A C E T A O F I C I A L D E B O L I V I A**

- (h) Books: manuscripts, (illuminated palimpsest codices), incunabular, antique and rare books (primarily national) and musical scores and parts.

## OFFICIAL GAZETTE OF BOLIVIA

Monuments and historical pieces shall be defined as objects or documents that are linked or related to the country's history or the famous citizens who were part of it, namely:

(a) Buildings: The House of Liberty (Sucre), the Government Palaces (Sucre and La Paz), the National Mint (Potosí), the Town Halls of the departmental capitals, the houses where famous Bolivian citizens were born, lived or died, the house where the Charcas Court sat, the house of the Chief Magistrates, and the house of the Royal Officials in Potosí.

i. In each case a special declaration shall be made.

(b) Historical documents and those which bear the signature of the national authorities and of famous Bolivian citizens.

(c) Presidential sashes, decorations and medals, objects for the personal use of Presidents of the Republic, high-ranking State dignitaries and other figures who played an exceptional role in the country's history before 1900.

Monuments and archeological pieces shall be defined as remnants of human activities, of artistic or scientific importance, from the pre-Colombian era, such as:

(a) Monuments, ruins of populations, temples, fortresses, terraces, dams, irrigation canals and trails.

(b) Archeological sites, rubbish dumps and cemeteries, funeral pyramids, funeral mounds, caves and adobe or stone graves (*chullpares*).

(c) Archeological objects: statues, stelae, obelisks, sculptures of any material, quality or significance. Stone, wood, bone and shell utensils.

(d) Everyday and ceremonial pottery.

(e) Fabrics, baskets, nets, tapestries, embroidery and feathers.

(f) Precious metalworking: objects in gold, silver, copper, bronze and other materials and precious and semi-precious stones.

**ARTICLE 2.-** The national artistic, historical and archeological heritage shall not include works of foreign origin that have entered the country less than three years previously.

**ARTICLE 3.-** Artistic, historical and archeological riches, including those destined for religious worship and private ownership, may not be exported under any circumstances, including export via diplomatic channels, under penalty of seizure and the sanctions to be stipulated in Regulations under this Decree. Diplomats, when they leave the country, shall make a sworn statement that they are not exporting objects defined as part of the

## OFFICIAL GAZETTE OF BOLIVIA

artistic, historical and archeological heritage.

**ARTICLE 4.-** The ban set out in the previous Article shall not apply to exhibitions or specimens which, under international agreements, leave the country temporarily, subject to the provisions of adequate guarantees and security, as well as all contemporary artwork that is less than 30 years old.

**ARTICLE 5.-** The State shall protect and conserve the buildings and objects declared to be national monuments or those considered to be of historical, artistic or archeological value or interest, by specific resolution and subject to appropriate expertise.

**ARTICLE 6.-** The obligations and functions provided for by this Decree shall be fulfilled by the Ministry of Education and Fine Arts, through the National Department of Culture, its commissions and delegates, in each and every one of the departmental capitals, and the Ministry of Housing, through the National Customs Service.

**ARTICLE 7.-** In accordance with Precept 19 of the Political Constitution of the State, any immovable or moveable good, object or piece of artistic, historical or archeological value shall be open to expropriation, in case of public necessity or utilization, in return for fair compensation.

**ARTICLE 8.-** The goods covered by this Decree may not be impounded or sequestered.

**ARTICLE 9.-** In the event of the transfer of privately held goods registered with the National Department of Fine Arts, the aforesaid Department shall, after the term of three months has expired, through the respective prefectures and subprefectures, state in a specific decision the need to acquire the item which has been transferred or for which ownership has changed. Equal preference shall be given to: (a) the national Government; (b) universities; (c) the Department; (d) the corresponding municipality; (e) cultural societies or institutes responsible for museums or artistic, historical or archeological collections.

**ARTICLE 10.-** In the event that the National Department, within the term set, is able to resolve the problem of the acquisition, sale or transfer, this may take place between private individuals, subject to the prior written authorization of the same Department of Culture, and must be registered accordingly.

**ARTICLE 11.-** Dealers in antiques, works of art, archeology or history, including those who sell manuscripts, antique or rare books, shall be obliged to register in the special registry kept by the National Department of Culture; to provide half-yearly updates on their stock and new acquisitions and to submit their accounts of inventories and sales to inspectors appointed by said Department, who shall visit their premises.

## OFFICIAL GAZETTE OF BOLIVIA

**ARTICLE 12.-** In accordance with Article 5 of this Decree, the National Department of Culture shall have jurisdiction throughout the Republic, for the purposes of this Decree. It shall be advised by a Board, which shall be composed of the Director of the National Art Museum, the Director of the Art Research Institute of the Universidad Mayor of “San Andrés” and a delegate from the ecclesiastical hierarchy. It may appoint commissions, departmental delegates and inspectors, all under the authority of the National Department.

**ARTICLE 13.-** The National Department of Culture shall have the following main functions:

- (a) To conserve and restore all national monuments and those declared to be of artistic or historical value or interest, as well as civil and ecclesiastical or religious buildings and art and history museums in the country; it shall coordinate such efforts with the National Department for Public Works.
- (b) To catalog and make a detailed inventory of all museums, objects of art and those related to the country’s history, which are in public museums or private collections.
- (c) To see to it that all of the artistic pieces and historical memories of the nation are properly conserved, avoiding their deterioration or their alienation for commercial purposes.
- (d) To intervene in any matters relating to institutions and estates or donations relating to works of art or history, giving timely instructions to notaries on specific matters.
- (e) To retain any technical advice sought by the departmental or municipal authorities, primarily in relation to the organization of museums, the creation of monuments, and the restoration of historical or artistic buildings.
- (f) To keep the following registry books and inventories:
  - 1. General Inventory Book, for the purposes of clause (b) of this Article.
  - 2. Registry Book of Colonial Goods.
  - 3. Registry Book of Republican Goods (up to 1900).
  - 4. Registry Book of Antiques or Antique Dealers.
- (g) To organize the trade fairs, exhibitions, national art contests and exhibitions of artistic and historical works that the Supreme Government has decided to hold, at least once a year, in each Department.

## OFFICIAL GAZETTE OF BOLIVIA

- (h) To make proposals to the Supreme Government, accompanied by a detailed report and a justification of the grounds, to the Ministry of Education and Fine Arts, to declare buildings, pieces or objects which deserve such classification as National Monuments or monuments of artistic or historical value or interest.

**ARTICLE 14.-** The National Department of Archeology shall have the following main functions:

- (a) To conserve and restore prehistoric monuments.
- (b) To direct and organize anthropological research in the country.
- (c) To keep the registry and inventories of museums of archeology, ethnography and popular arts in the country.
- (d) To ensure compliance with the Regulations for Archeological Excavations, issued by the Ministry of Education.
- (e) To centralize anthropological files on all present and future research.

**ARTICLE 15.-** When a building is declared a National Monument, this shall create, for the building's private owners, a legal impediment to changing it in full or in part; they must proceed with its conservation, repair and care under the close supervision of the National Department of Culture.

**ARTICLE 16.-** National Monuments, museums and collections in private hands shall fulfill a public function, in accordance with a timetable that does not inconvenience the owner; moreover, they must be accessible at all times to researchers and scholars.

**ARTICLE 17.-** If the conservation of artistic, historical or archeological monuments implies a limitation of the private domain, the Executive shall compensate the owner, on the basis of a report by the National Department of Culture.

**ARTICLE 18.-** The National Department of Culture, through the Ministry of Foreign Relations and the Bolivian diplomatic representations accredited abroad, shall negotiate the return to the country of any work or piece belonging to the nation's artistic heritage that has left the country illegally.

**ARTICLE 19.-** In accordance with applicable international agreements, contemporary artwork (paintings, sculptures, architectural projects, ceramics, engravings and drawings) shall be exempt from all import or export customs duties. Such exemption shall not apply to all pieces or objects of a commercial or industrial nature. The written authorization of the Ministry of Education shall be required for any exports of artwork.

## OFFICIAL GAZETTE OF BOLIVIA

**ARTICLE 20.-** Any archives and historical documents from the colonial and Republican eras up to 1900, which are in the hands of private individuals, shall be liable to expropriation on account of public necessity and utility, with a view to their incorporation in the corresponding archives or museums.

**ARTICLE 21.-** The National Department of Culture shall have a special budget enabling it to perform its functions.

**ARTICLE 22.-** Any person or institution seeking to export artistic, historical or archeological objects which form part of the nation's cultural heritage shall be liable, in addition to the confiscation of said objects, to a fine equivalent to 100 per cent of the value thereof in accordance with their legal valuation, apart from the penalties prescribed in the Penal Code, in relation to State property. Such fines shall accrue to the National Department of Culture.

**ARTICLE 23.-** In case of the loss or theft of any artistic, historical or archeological object which has been inventoried by and registered with the National Department of Culture, the private owner shall be obliged to bring this fact to the attention of said National Department, within 10 days from the date of its occurrence, under penalty of a fine, the amount of which shall be fixed by the foregoing public department.

**ARTICLE 24.-** Objects or works of art, history or archeology which form part of the nation's cultural heritage may only be repaired, restored and above all touched up with the prior written authorization of the National Department of Culture and under the guidance of an expert designated by the foregoing National Department, under penalty of a fine that said Department deems fair.

**ARTICLE 25.-** The prior authorization of the National Department of Culture shall be required to construct buildings which impede the view of a building that has been declared a National Monument, under penalty of the demolition of said construction.

The Ministers of State for Education, Fine Arts, Housing and Statistics, shall be responsible for applying and enforcing this Decree.

Done in the Palace of Government of the city of La Paz, on the sixth day of the month of November, of the year one thousand nine hundred and seventy-one.

**Signed: VICTOR PAZ ESTENSSORO**, José Fellman Velarde, Augusto Cuadros Sánchez.