Present and Future of Cultural Heritage Policies in Central America

中米諸国における文化遺産政策の現状と今後

by

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Notes on the used citation style

This thesis follows the Notes and Bibliography citation system of the sixteenth edition of the Chicago Manual of Style.

In order to facilitate reference consultation, the bibliography at the end of the main text is subdivided into seven parts. The first part addresses general research themes and Central America as a region (chapters 1, 2, 9, and 10). The resting six parts of the bibliography refer to chapters 3 to 8.

Many cited authors have Spanish names, composed of both the father's and the mother's family names. Following the Manual, I use both names for referencing when available (citing 'García Lorca, Federico' for 'Federico García Lorca'), and I omit articles or prepositions (citing 'Las Casas' for 'Bartolomé de Las Casas'). I ask the reader to take these particularities of Spanish names into consideration when consulting references.

Some organization names do not have an official English translation, so I have translated them myself. When deemed reasonable, I have used Spanish acronyms. For example, I refer to SICA when addressing the Central American Integration System, even though the English acronym should read "CAIS". This is because SICA is the widely known acronym for this particular organization. In the case of the United Nations, however, I use the acronym "UN" as it is a term well-known in English. Spanish words and acronyms are *italicized*, and the used acronyms are listed in the front matter.

Also, keeping with the Chicago Manual of Style, websites and news articles (digital or in print) will be cited in the notes but not in the bibliography.

ACRONYMS

ACS   Association of Caribbean States
Asociación de Estados del Caribe

ADESCA   *Aporte para la Descentralización Cultural*
Cultural Decentralization Unit

AECID   *Agencia Española de Cooperación Internacional para el Desarrollo*
Spanish Agency for International Development Cooperation

ALADI   *Asociación Latinoamericana de Integración*
Latin American Integration Association

ALBA   *Alianza Bolivariana para los Pueblos de Nuestra América*
Bolivarian Alliance for the Peoples of Our America

ATP   *Autoridad de Turismo de Panamá*
Panama Tourism Authority

BCIE   *Banco Centroamericano de Integración Económica*
Central American Bank for Economic Integration

CAB   *Convenio Andrés Bello*
Andrés Bello Convention

CAN   *Comisión Arqueológica Nacional*
National Archaeological Commission (Costa Rica)

CCJ   *Corte Centroamericana de Justicia*
Central American Court of Justice

CECC   *Coordinación Educativa y Cultural Centroamericana*
Central American Educational and Cultural Coordinaiton

CELAC   *Comunidad de Estados Latinoamericanos y Caribeños*
Community of Latin American and Caribbean States

CONAMOH   *Comisión Nacional de Arqueología y Monumentos Históricos*
National Commission of Archaeology and Historic Monuments (Panama)

CONCULTURA   *Consejo Nacional para la Cultura y el Arte*

National Council for Culture (El Salvador)

DECAD   *Dirección Ejecutiva de Cultura y Arte*
Executive Section for Culture and Arts (Honduras)

DNPH   *Dirección Nacional del Patrimonio Histórico*
National Historic Heritage Section (Panama)

ECLAC   Economic Commission for Latin America and the Caribbean
(CEPAL)   *Comisión Económica para América Latina y el Caribe*

FMLN   *Frente Farabundo Martí para la Liberación Nacional*
Farabundo Martí National Liberation Front (El Salvador)

FSLN   *Frente Sandinista de Liberación Nacional*
Sandinista National Liberation Front (Nicaragua)

GRUN   *Gobierno de Reconciliación y Unidad Nacional*
National Reconciliation and Unity Government (Nicaragua)

IAIP   *Instituto de Acceso a la Información Pública*
Institute of Public information Access (Honduras)

ICOMOS   International Council on Monuments and Sites

IDAEH   *Instituto de Antropología e Historia*
Institute of Anthropology and History (Guatemala)

IDB   Inter-American Development Bank
(BID)   *Banco Interamericano de Desarrollo*

IHAH   *Instituto Hondureño de Antropología e Historia*
Honduran Institute of Anthropology and History

IHT   *Instituo Hondureño de Turismo*
Honduran Institute of Tourism

IMF   International Monetary Fund

INAC   *Instituto Nacional de Cultura*
National Culture Institute (Panama)

INC   *Instituto Nicaragüense de Cultura*
Nicaraguan Institute of Culture

INCUDE	*Instituto Nacional de Cultura y Deporte* National Institute of Culture and Sports (Panama)
INS	*Instituto Nacional de Seguros* National Insurance Institute (Costa Rica)
LAC	Latin America and Caribbean
MCCA	*Mercado Común Centroamericano* Central American Common Market
MCD	*Ministerio de Cultura y Deportes de Guatemala* Ministry of Culture and Sports of Guatemala
MCJ	*Ministerio de Cultura y Juvendud* Ministry of Culture and Youth (Costa Rica)
MCJD	*Ministerio de Cultura, Juvendud y Deportes* Ministry of Culture, Youth, and Sports (Costa Rica)
MUA	*Museo Universitario Antropológico* University Museum of Anthropology (El Salvador)
MUNA	*Museo Antropológico "Dr. David Guzmán"* "Dr. David J. Guzmán" Anthropological Museum
NGO	Non-governmental organization
NPO	Non-profit organization
OAS *(OEA)*	Organization of American States *Organización de los Estados Americanos*
ODA	Official Development Assistance
ODECA	*Organización de Estados Centroamericanos* Organization of Central American States
OECD	Organization for Economic Co-operation and Development
OEI	*Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura* Organization of Ibero-American States for Education, Science, and Culture
PARLACEN	*Parlamento Centroamericano*

	Central American Parliament
PRUD	Democratic Union Revolutionary Party (El Salvador)
PTR	*Programa de Transferencia de Recursos* Program of Resource Transfers (El Salvador)
SCAD	*Secretaría de Cultura, Artes y Deporte* Secretary of State in the Dispatch of Culture, Arts and Sports
SECTUR	*Secretaría de Turismo* Tourism Secretary (Honduras)
SECULTURA	*Secretaría de Cultura* Secretary of Culture (El Salvador)
SEGIB	*Secretaría General Iberoamericana* Ibero-American Secretariat
SICA	*Sistema de la Integración Centroamericana* Central American Integration System
SIECA	*Secretaría de Integración Económica Centroamericana* Secretariat for Central American Economic Integration
UN	United Nations
UNDP	United Nations Development Programme
UNHR	United Nations Human Rights Council
UNESCO	United Nations Organization for Education, Science and Culture.
URNG	*Unidad Revolucionaria Nacional Guatemalteca* Guatemalan National Revolutionary Unity
US	United States
USSR	Union of Soviet Socialist Republics
WHL	World Heritage List
WHC	World Heritage Convention

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CHAPTER 1:
INTRODUCTION

1.1 Problem Statement and Aim of the Thesis

In the contemporary global society, regionalization is becoming an increasingly important managing and trade tool, and cultural heritage is no exception to this tendency. Transnational heritage properties and transnational intangible heritage have become the middle ground between global and national heritage. With a regional perspective, heritage that transcends current political borders can be addressed, and regional cooperation can be supported, strengthening programs that cannot be implemented by nations that are too weak when they stand alone. Regionalization has also become popular because of the idea that the successful solution of one country can be picked up and emulated in another country with similar conditions.

As a bridge between North and South America that provides a path to cross from one ocean to another, Central America has historically been an important passageway. The various groups of people who have inhabited and transited this region left rich and diverse evidence of their activities, evidence that continues to live on and develop. Preserving their heritage is important to understand key events in the history of mankind, from the pre-Columbian history, going over the colonization of Latin America, until current relevant topics such as the migration that resulted out of civil conflicts. However, this heritage lies divided into the countries that compose the region today, who have radically different conditions, concepts, and management styles.

How is this regional heritage to be addressed? As globalization continues to advance rapidly and migration rates increase in the world, the future of cultural heritage in a multi-cultural, but globalized society becomes a topic of growing importance. As a bridge, Central America is especially susceptible to internal and external factors of change. In order to provide realistic strategies for the future development of Central American cultural heritage, its current cultural heritage policies need to be understood in detail.

However, knowledge of Central American cultural heritage policies is extremely limited.

The image of their current conditions is that of all developing countries: a region with economic insufficiencies, little knowledge of current trends, and inefficient legislation. Certainly, Central America faces serious gaps in its cultural heritage policies. Incomplete and ineffective legislation leads to issues that compromise the conditions of cultural assets. For example, loose and permissive law enforcement fosters illicit traffic in Costa Rica.[1] Lack of explicit obligations allowed for Salvadoran authorities to ignore a petition of designating and including a pre-Columbian statue in the Red List that was subsequently stolen.[2] Weak legal safeguarding measures not only enable the destructive action of individuals, but of organizations and government agencies as well. In Panama, the Cinta Costera Phase 2 project that put the World Heritage Site Casco Antiguo in jeopardy was advanced with no previous environmental and heritage impact assessments and without informing the World Heritage Committee.[3] These are only a few examples illustrating potentially harmful actions that could be prevented or at least penalized with the existence of appropriate and effective legislation. Besides problems with the regulations themselves, financing, management, and a lack of direction have undermined the smooth implementation of cultural heritage policies.

Inefficient legislation, implementation obstacles and exogenous pressures that lead to imbalances: these deficiencies are known, but few researchers have addressed the complex conditions that create such problems. Latin American cultural policies have been explored by scholars such as Harvey[4] and García Canclini,[5] and through its periodic reporting exercise in Latin America and the Caribbean[6] the United Nations Organization for Education, Science and Culture (UNESCO) has provided valuable data on the implementation of the World Heritage Convention. However, the information is general and lacks analysis, so that there truly is a gap of knowledge on cultural heritage conditions in Central America. **The need to have an in-depth understanding of the conditions and reasons for shortcomings in Central American cultural heritage policies has to be addressed, to provide realistic long-term, regional strategies**. Such strategies are not only useful for the

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1 Hassel Fallas, "Traficantes ticos suplen arte precolombino a ilícito mercado mundial," *La Nación*, October 16, 2016, http://www.nacion.com/data/Mercado-ilegal-abastece-antiguedades-costarricenses_0_1591640854.html

2 María Luz Nóchez, "Hurtan en Santa Ana escultura "cabeza de jaguar" de 2,300 años de antigüedad," *El Faro*, March 6, 2015, http://www.elfaro.net/es/201503/el_agora/16672/Hurtan-en-Santa-Ana-escultura-cabeza-de-jaguar-de-2300-años-de-antigüedad.htm

3 UNESCO, *State of Conservation: Archaeological Site of Panamá Viejo and Historic District of Panamá*, WHC-SOC-1975, http://whc.unesco.org/en/soc/1975

4 Edwin R. Harvey, *Políticas culturales en América Latina: evolución histórica, instituciones públicas, experiencias* (Madrid :Fundación SGAE, 2014).

5 Néstor García Canclini, *Políticas culturales en América Latina* (Mexico: Grijalbo, 1987).

6 UNESCO, *Final Report on the results of the second cycle of the Periodic Reporting Exercise for Latin American and the Caribbean*, WHC-13/37.COM/10A, 2013, http://whc.unesco.org/en/soc/1975

cultural heritage itself, which is historically and culturally important. Cultural heritage strategies may also foster socioeconomic and internal development. Socioeconomic development is related to factors such as tourism, trade, international exhibitions, and proper use of immovable assets, amongst others. Internal development can be understood as the internal growth and understanding of national and regional realities, helping in identity-building and self-recognition. In modern Central America, both types of development are important subjects, because the region still faces the challenge of post-conflict economic and social sustainability after decades of civil turmoil and dictatorial regimes.

Although foreign assistance has relieved Central American nations greatly, it created weakness and dependency. The task of self-sustained development has become especially important after relative peace and some economic growth in the mid-1990s were secured and development assistance turned to other areas.[7] However, the region remains weak: it is divided, has little presence on the global stage, and lacks oversight. In this context, internal development by strengthening regional identities is of particular importance for Central America to gain the confidence that it needs for its future and growth. Here, cultural heritage can play an important part.

In this thesis, **I aim to study the development and the mechanisms of cultural heritage policies in Central American countries to provide useful information on these issues**. To give an accurate account of these mechanisms, I go through the history, organization, and legislation related to cultural heritage policies in individual Central American nations. I also provide a comparative analysis that shows the position each nation is in relative to each other. I expect a broad perspective to be of use for those seeking information on cultural heritage policies of Central American countries and the region as a whole. I also expect this work to be of use to academicians who want to understand how global and local trends in heritage coexist.

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7   OECD, "Trends in development co-operation, 1960-2010", in *Development Co-operation Report 2011: 50th Anniversary Edition* (OECD Publishing, 2011), 232-233.
http://dx.doi.org/10.1787/dcr-2011-45-en
According to OECD data, the total ODA to the Latin America and Caribbean by DAC donors decreased from 11.6 percent in 1990-99 to 9.1 percent in 2000-09, while in increased 2 percent for the Middle East and North Africa and 5.4 percent for South of Sahara.

1.2 Research Questions

Considering the importance of thoroughly understanding cultural heritage policies in Central America for the proper conservation of cultural assets and for the socioeconomic and internal development of the region, and considering the gap of knowledge on the Central American legislative mechanisms of cultural heritage protection, in this dissertation I address the following questions that guided my research:

(a) How do Central American nations address and safeguard their cultural heritage?

(b) What position are Central American countries in relation to each other regarding cultural heritage policies?

(c) What characteristics must be taken into consideration when designing regional strategies for cultural heritage development in Central America?

One can make the case that because of societies and their perspectives on the role of cultural heritage change constantly, cultural heritage policies are never fully complete, continually developing. Thus, seeking to answer (a) may be of little consequence. Although I acknowledge that my subject of study is time-sensitive and prone to modifications, I argue that precisely *because* cultural heritage policies are constantly changing, they need periodic revision to fulfill their roles appropriately. As Soderland explains, "By capturing the essence of past occurrences, the historical dimension of heritage not only documents past production of knowledge but also provides an enduring context within which its changing meanings can be traced."[8] When designing regional strategies, professionals in heritage should find this information extremely useful, because it points at which programs have failed, which have survived, and how cultural heritage has come to develop to its current form in Central America.

Furthermore, comparing the status of cultural heritage policies within the region, as question (b) poses, may seem foreseeable, as fundamental issues such as lack of resources, political pressures, and disorganization are common in developing areas. However, each Central American country has experienced unique events, especially in the last half of the twentieth century, and these have shaped

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8 Hilary A. Soderland, "The history of heritage: a method in analysing legislative historiography", in *Heritage studies: Methods and approaches*, ed. Marie Louise Stig Sørensen and John Carman (Routledge, 2009), 55.

cultural heritage policies in particular manners, as will be explored in this work. I argue that one cannot reduce the problems of cultural heritage policies to general issues, but that one has to explore in detail how they have come to be. Finding common characteristics can also point to sub-regional common traits and to considerations that must be taken into account when designing regional strategies. Such considerations are I aimed for when I addressed question (c).

1.3 Theoretical Framework

My study falls within the realm of cultural heritage studies (referred to as heritage studies in this work), a multidisciplinary field of knowledge concerned with cultural expressions. The boundary between its composing disciplines is blurred, as even the most specific investigations necessarily have to seek information from a variety of specialties.

Although cultural expressions can be traced back in time to their beginnings, the origins of heritage studies is vague. Sørensen and Carman place the emergence of the field in the 1980s,[9] while Lixinski places it in the second half of the twentieth century.[10] Harvey contextualizes heritage concepts in a longer temporal framework in what he calls the "heritage process," going as far back as the medieval times.[11] Whatever the time of origin, academicians agree that there has been a development that has added several layers of complexity to the field. What had once been mainly material conservation-central practices transformed into a holistic arena composed of experts from the areas of archaeology, conservation sciences, history, philosophy, urban planners, and others. Furthermore, the idea of 'international heritage' developed,[12] and the realm keeps expanding to this date through the inclusion of concepts that had historically not been officially recognized as important aspects of the field, such as intangible or modern heritage. Bogdanova refers to classical and contemporary theory of conservation, pointing at the shift of paradigms: "from aesthetic-historic axis of thought to anthropological-cultural; from objectivism to inter-subjectivism; from

9 Marie-Louise Stig Sørensen and John Carman, eds.,"Heritage Studies: and outline," in: *Heritage Studies: Methods and Approaches* (Routledge, 2009), 11.

10 Lucas Lixinski, "Between Orthodoxy and Heterodoxy: The Troubled Relationships Between Heritage Studies and Heritage Law," *International Journal of Heritage Studies* 21, no. 3 (2015): 204.

11 David C. Harvey, "Heritage Pasts and Heritage Presents: Temporality, Meaning and the Scope of Heritage Studies," *International Journal of Heritage Studies* 7, no. 4 (2001): 319-338.
doi:10.1080/13581650120105534

12 Melanie Hall, ed., *Towards World Heritage: International Origins of the Preservation Movement, 1870-1930* (Ashgate Publishing, Ltd., 2011). This book provides a series of study cases and themes related to the beginning of heritage internationalization.

monuments to people, from objects to functions."[13]

As a field with an obscure origin that is constantly growing and changing, heritage studies are not easy to define. Even international charters have not standardized their definitions of 'heritage'[14] itself. However, the aim of this section is not to provide a definition of heritage studies, which is a fundamentally complex discussion, but rather to place my thesis within the field. Thus, let it suffice to state that my research is part of a wide and interdisciplinary area called heritage studies, which is concerned with safeguarding past and present cultural expressions.

An important aspect of heritage studies is the philosophical perspectives that it can take and that is reflected in heritage theory. Particularly in the late twentieth century, heritage was related to currents of thought such as postmodernism, cultural relativism, and postcolonial studies. It is the rejection of grand narratives and of a positivistic attitude towards culture that has given a special shape to cultural heritage in the international stage. Furthermore, it is the only viable philosophical attitude that can be taken within the post-war endeavors of establishing a global balance of the powers through organizations such as the UN (United Nations) and its adjacent UNESCO.

UNESCO has dedicated a considerable amount of its projects on de-colonizing cultural heritage. A late example of the influence of these currents is the Global Strategy for a Representative, Balanced and Credible World Heritage List. With the global strategy, UNESCO sought to have new countries ratify the list, to enhance underrepresented categories, and to support underrepresented regions. The organization continues to strive for inclusiveness, even though it may cause contradictions and weaken its already 'soft' power. Within the vague and contradictory field that is heritage studies, the adoption of a postmodern worldview is one of the few paradigms shared by most academicians. This work is no exception.

In addition to the postmodern view, theoretical 'lenses' are oftentimes adopted in heritage research, such as feminist, gay, or critical approaches. A feminist approach, for example, will flesh out gender-related issues related to cultural heritage, such as the male predominance in certain world-views that are reflected in cultural assets or practices. A critical approach will point out inconsistencies and deep problematics regarding cultural heritage. Because heritage studies is a fairly wide field, adopting such lenses aids researchers by giving them a narrower and clearer direction.

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13 Anna Bogdanova, "Living Heritage Approach to the Conservation of Historical Wooden Churches in Ukraine," (PhD diss., University of Tsukuba, 2015),11.

14 Ahmad Yahaya, "The Scope and Definitions of Heritage: From Tangible to Intangible." *International Journal of Heritage Studies* 12, no. 3 (2006): 292-300, doi:10.1080/13527250600604639.

In this thesis, I do not seek to establish narrower lenses to be applied to my analyses. In other words, I adopt a *pragmatic* worldview as described by Cresswell.[15] Adopting a narrow lens would prevent me from being able to provide a comparable overview of what perspectives each country has taken, because Central American countries have a wide variety of political and ideological directions, ranging from the socialist Nicaragua to the right-winged Panama, and analysis imbalances would necessarily occur. The information I aim to present has to be as empirical as possible. This does not mean, however, that I will refrain from critique, challenging heritage law when deemed necessary.

Another frame that is important for my theoretical framework is the scope of contexts: I analyze cultural heritage policies under national, regional, and international contexts. These contexts include the particular history and characteristics experienced in each nation, the regional efforts for cultural heritage in Central America, and the international instruments and guidelines that have shaped Central American cultural heritage policies. Each of these scopes can be seen as a world in itself, with its internal regulations and pressures. At the same time, each scope is influenced by other scopes: the international heritage community responds to national critique, the regional scope is shaped by UNESCO guidelines, and so on.

The theoretical framework that is used in this work can be summarized as follows: **a pragmatic view of heritage studies seen under national, regional, and international contexts.**

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15 John W. Creswell, *Research design: Qualitative, quantitative, and mixed methods approaches* (Sage publications, 2013), 10.

1.4 Research Methodology and Structure

After careful consideration and some trial and error, it was decided that qualitative research with the case study approach was the most suitable and effective methodology to address my research questions and achieve the aim of my thesis.

Following the scope of contexts that was introduced in the theoretical framework, I study the national perspectives, addressing each country as a case. The type of resources used were mixed, but I mostly relied on primary and secondary bibliographical resources. After reading, organizing, and analyzing the data, I present each case, which covers the main bulk of my work in chapters 3-8. These address the research question (a).

Under the regional scope of contexts of the theoretical framework, I also create a 'case' of the whole Central American region. Thus, each national case is part of a wider Central American case (figure 1). This follows the multiple-case embedded design as proposed by Yin.[16]
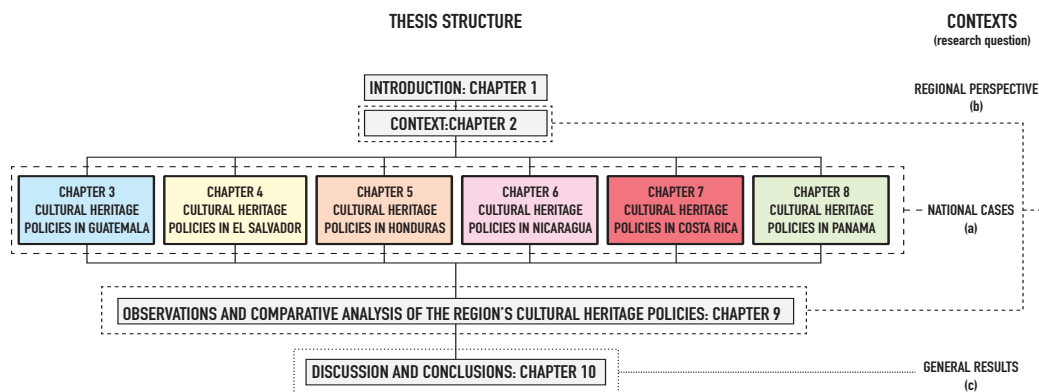
Figure 1:   General structure of the dissertation

Chapter 2 introduces Central America, covering its history and characteristics as a region. The regional perspective is applied again in chapter 9, in which a comparative analysis is made, drawn from the conclusions of chapters 3-8. Thus, I seek to answer the research question (b) mostly in chapters 2 and 9. In the final chapter, chapter 10, I discuss the national and regional results and address the research question (c).

Going into further detail of my methodology, I first collected multiple data by visiting national

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16 Robert K. Yin, *Case study research: Design and methods* (Sage publications, 2013), 50.

websites of the organizations in charge of culture, (when available), while relying heavily on the UNESCO Database of National Cultural Heritage Laws website and other online documents. I also gathered academic materials (books and academic papers) and primary resources (gazettes, official laws and decrees, official government plans, reports, and newspaper articles) to build a general idea of the conditions of cultural heritage in each country. The appendices provide the heritage legislation found for each country. Data gathering was enhanced by visiting all target countries except for Honduras. In my visits, I went to sites, museums, government offices, and I conducted loose interviews to professionals in the field, scholars, and government workers. Although not explicitly used in this work, the interviews worked as a reference and guided me throughout my research.

Qualitative research data is usually large, and Yin proposes four strategies for case study data to array, display, and analyze the information.[17] I followed the strategy of "working data from the ground up," which is an efficient method for large quantities of information that belong to a variety of cases. By going through the data without relying on theoretical propositions or pre-existing descriptive frameworks, I identified generalities in each country that were used in order to create a general structure that made comparisons easier.

Since I deal with national administration and legislation, I turned to policy analysis as a pivotal discipline for my study. Figure 2 shows Dunn's problem-centered policy analysis diagram.[18] This thesis mostly deals with evaluation, problem structuring, and some forecasting and recommendations.
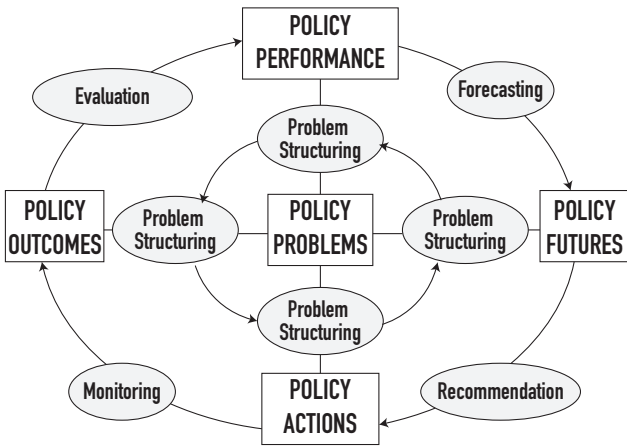
Figure 2:   Problem-centered policy analysis according to Dunn, source: William N. Dunn, Public policy analysis, Routledge

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17 Yin, *Case study research: Design and methods*, 136-142.

18 William N. Dunn, *Public policy analysis*, Routledge, 2015, 1.

Policy analysis is not only a "decomposition analysis," but rather a broad range process, producing information on values, facts and actions. Dunn identifies three approaches to policy analysis: empirical (descriptive and predictive), valuative, and normative (prescriptive).[19] Traditionally, disciplines have avoided valuative and normative approaches due to the belief that scientific facts and values should be separated, confusing recommendations with policy advocacy. Although I also focus on providing empirical information, I seek to establish some valuative and normative considerations for my conclusions.

"Policy" here is not meant under the premodern perspective that equates legislation with law, but rather as part of modern legislation defined by Rubin as "an institutional practice by which the legislature, as our basic policy-making body, issues directives to the governmental mechanisms that implement that policy."[20] Statues can be either addressed to governmental agencies (internal) or addressed to private persons (external). Related to cultural heritage, an example of an internal statute can be the executive deicsion of creating a department for intangible heritage within the cultural administrative body. An external statute would be a law that prohibits private persons to export pre-Columbian artifacts. Internal statues not only address organization and regulations but budget allocation as well. Rubin presents these distinctions and states that all legislation is initially addressed to a government agent of some sort. Within external statutes, he discerns a 'degree of transitivity': "if the statute states the precise rule that the legislature expects the mechanism to apply, it is highly transitive. In contrast, if the statute simply instructs the mechanism to develop rules, it is entirely intransitive: until the mechanism acts, the ultimate target of the statute cannot know what behaviors the statute will require."[21] Going back to the example of the law that prohibits the export of pre-Columbian artifacts, if the law states precise sanctions and procedures it is a transitive law, but if it delegates the rule-making to the cultural body in charge, it can be regarded as an intransitive law. As described later on, Central American governments reach different levels of transitivity and are usually a mix of internal and external statutes.

Because of the vagueness of the heritage field and the importance for heritage policies to be more or less defined, the relationship between these two areas is not smooth. My study places significant focus at this junction. Lixinski explores the rejection of heritage law on the side of heritage studies, seen as an oppressive instrument that perpetuates unjust relations of power and domination.[22] He appeals to scholars to reappraise the potential of the law as a discipline that can consider critiques

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19 Dunn, *Public policy analysis*, 622-63.

20 Edward L. Rubin, "Law and legislation in the administrative state," *Columbia Law Review* 89, no. 3 (1989): 369-426.

21 Rubin, "Law and legislation in the administrative state," 381.

22 Lucas Lixinski, "Between Orthodoxy and Heterodoxy," *International Journal of Heritage Studies* 21, no. 3 (2015): 211.

from heritage studies and translate them into normative action. Following this line of thought, although I take a pragmatic view, I aim to discern characteristics that should be considered when designing heritage policies in Central America.

Since I am dealing with national perspectives, I present the gathered and analyzed data in under the government structure. Chapters 3-8 are divided into two of the three branches of government: an executive section (related to the executive power, namely an overview of the organization, budget, and programs in each country), and a legislative section (the history of cultural heritage legislation, constitutional considerations for cultural heritage, the main law(s) for the protection of cultural heritage, and main international instruments and projects related to the country). The judicial section was not included as it does not greatly contribute to answering the posed questions (such a section would contain information on the sanctions imposed on law infringers). To give context to each country case study, an introduction was added with general information as well as a section on national pressing issues at the beginning of each chapter.

Chapters 3-8 end with a section on the main conclusions. These "conclusions" are the main themes and concepts that were extracted and compiled from patterns that emerged out of the collected, evaluated, organized, and analyzed data.

The themes and concepts were drawn from events or characteristics that were consistently salient, and their validity was verified by examining supporting data and cross-references.

For example, in the case of Nicaragua, the characteristic "politization" was consistently present, through administrative and budgetary changes that matched political changes, the highly political concept of cultural heritage in the heritage protection law, and government actions, such as the destruction of the "Beacon of Peace", a monument that was built by a political opponent of the administration. The validity of this characteristic was verified in newspaper articles, academic articles, primary resources, and during interviews.

This methodology is intrinsically qualitative and thus subject to a some level of subjectivity, restricted to the available resources.

As explained before, chapters 2 and 9 provide the regional overview. Chapter 2 provides introductory information, necessary to put the theme in context. Chapter 9 contains the comparative analysis of the observations drawn in each country. Chapter 9 also provides some comparison parameters and presents the common challenges shared in the region.

Finally, chapter 10 contains an overview of the results, conclusions, and recommendations drawn from the study in general.

1.5 Research Delimitations

The scope of my study is wide, and limitations are necessary so that it can be carried out realistically in a reasonable amount of time. For this reason, there was a need to establish some delimitations to my research, as addressed below:

Target Countries

Central America is known as the region between North and South America, but there is no standard as to what countries it is made of. Groupings vary according to the organization and circumstances in question. For example, *SICA*, the Central American Integration System, was originally composed of six countries (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama) in 1993. Eventually, Belize and the Dominican Republic were added, and Costa Rica retired, although it is a member state today. On the other hand, the Common Central American Market is composed of five countries (Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica). Several other integration systems exist, with different member nations.

For practicality, in this thesis, I focus on the 6 officially Spanish-speaking countries located between Mexico and Colombia: Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Panama. Although Belize is part of continental Central America, I excluded it because of time limitations, and because its culture and history are the most different from the other Central American countries (see 2.2.2). This work will have to be left for the future or for other scholars.

Timeframe

I address present and future conditions of Central American cultural heritage policies in this work. However, to present how the concepts and organization of cultural heritage are now, it is necessary to go back in time and go over their development. I do this in chapters 3-8. In chapter 2, I provide a brief overview on the history of the region starting at the time of the Spanish conquest, since it is a documented period when the region began to be administrated as a whole. The main timeframe addressed in chapters 3-8 dates from the republican period (after the independence) until today.

Language

Most of the resources used are in Spanish, the main language of the region. Because I want to make my research understandable in English and official translations are scarce, I translated the names of government departments, laws, or programs in question myself. These translations are naturally not official and meant for comprehension only. There are also some terms that can be understood differently when addressed in English or Spanish. Original Spanish names are provided in *italic,* and translated organization names are listed in the front matter.

Target Legislations

Culture is engrained in various aspects of any national society, so it is included in a wide range of legislation regarding education, identity, economy, tourism, and others. In this thesis, I have focused on constitutions and laws directly regarding tangible heritage (movable and immovable), intangible heritage, and museums. I have mostly excluded the policies related to the arts, meaning theater, music, plastic arts, and similar expressions imported from Europe. When deemed necessary, I address more general instruments such as general cultural policies, penal codes, education laws, and so forth.

1.6 Significance

Having adequate or inadequate heritage safeguarding legislative and executive systems can make a considerable difference in the conditions of cultural expressions. As discussed in the introduction, **appropriate policies are not only useful for the cultural heritage itself, but for fostering socioeconomic and internal development as well.**

Following the scope of contexts presented in the theoretical framework, the research I carry out is **necessary for reasons at the national, regional, and at the international-global level.** At the *national* level, it is necessary to have information on what strategies have existed and exist today to address possible gaps, to see what position each country is in relative to each other, and to understand what the national priorities are. Although, in general, Central American countries have undergone similar policy movements at the end of the nineteenth century and the beginning of the twentieth century, the civil wars, the dictatorship eras, and unequal economic development shaped national interests in different ways. At the *regional* level, it is important to analyze what strengths and weaknesses there are, and what trends are shared or not, to know the general status of Central American cultural heritage policies, and to find out what has to be considered when addressing

the region as a whole. The regional perspective can also be of use when assessing whether regional cooperation is a viable possibility at the time, and where sub-regional divisions exist. Although national cultural policies are different in each country, there are characteristics shared in the region. Understanding these common issues can help solving them through regional and international initiatives. At an *international-global level*, an overview of cultural policies in Central America will provide useful to countries and international organizations seeking to establish cooperation projects and needing information in this field. I expect that delivering core data in English will also be of use to scholars and professionals who want to deepen their understanding of the cultural policy arena in the region and who do not master Spanish.

With this work I hope to make a contribution to the growing literature of cultural heritage policies and shed some light on an under-researched topic, helping to fill the gap. This thesis is aimed not only at academicians of the fields of cultural heritage and cultural heritage policies, but at decision-makers in Central America and international cultural organizations as well.

CHAPTER 2:
TOWARDS A BETTER UNDERSTANDING OF CENTRAL AMERICA

2.1 General Characteristics of Central America

Many of Central America's characteristics derive from its geographical position, as a bridge between two massive sub-continents. The land extends southeast, reaching the northwest tip of South America (figure 3). To the southwest of the region lies the Pacific Ocean, to the northeast the Caribbean Sea, and to the northwest, Mexico. The Panama Canal, finished in the early twentieth century, allows transit between both seas.

Figure 3:   Edited map of Central America, source : https://freevectormaps.com/world-maps/central-america/WRLD-CAM-02-0001

Baudez divides the geography of the isthmus into three zones: the Pacific zone, the central

highland zone, and the Caribbean zone.[1] Tradewinds are responsible for the high humidity in the Caribbean Coast and deposit volcanic ashes in the Pacific zone, making it a very fertile area.[2]

Several mountain ranges cross the mass of land, with elevations that can reach over 3000 and 4000 meters. Volcanic eruptions are frequent, and earthquakes as well, as the region lies mostly on top of the Caribbean tectonic plate, which converges with three other plates, forming the highly seismic Middle America Trench. Additionally, the Montagua Fault and the Chixoy-Polochic Fault are responsible for seismic activity in Guatemala.

Climate is divided into a rainy and a dry season, with differences according to the specific locations and altitudes.

Central America is known for its biodiversity because species move between North and South America, and the narrow strip of land forces them to concentrate in a small space. With only 0.1 of the world's landmass, Central America boasts 7 percent of its biodiversity.[3]

It is not only a corridor for flora and fauna, but for people and assets as well. This 'bridge' characteristic accounts for several important features common in Central America, such as multi-culturality, identity issues, and complexity, as well as more recent issues such as drug traffic and migrations.

2.2 A Brief Historical Overview of Central American History

To fully comprehend the development of cultural heritage policies in Central America, it is important to have knowledge on its history, which is the cause of many discrepancies and changes in the cultural concepts that this region has experienced. This section provides an overview of the main historical developments in Central America.

2.2.1 Before the Spanish invasion

The first human settlements in Central America date back tens of thousands of years,[4] but I will address the historical development of the area starting at the time of the conquest, as discussed in

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1   Claude F. Baudez, *Central America* (Barrie & Jenkins, 1970), 11-14.

2   Ibid., 14-15.

3   "Central America", The Nature Conservancy, accessed August 20, 2016, http://www.nature.org/ourinitiatives/regions/centralamerica.

4   Richard E. W. Adams, "Introduction," in *The Cambridge History of the Native Peoples of the Americas*, eds. Richard E. W. Adams and Murdo J. McLeod (Cambridge: Cambridge University Press, 2000), 10.

the research delimitations.

Although the division of regions of pre-Columbian Central America is still an issue of debate (figure 4),[5] it is common to divide pre-Columbian Central America into the *Mesoamerican* region and another region identified either as the *Intermediate Region*, *Lower Central America*, the *Chibcha Historical Region*, or the *Isthmo-Colombian Area*.[6]

LOS LÍMITES DE ÁREAS CULTURALES DISCUTIDAS EN EL TEXTO
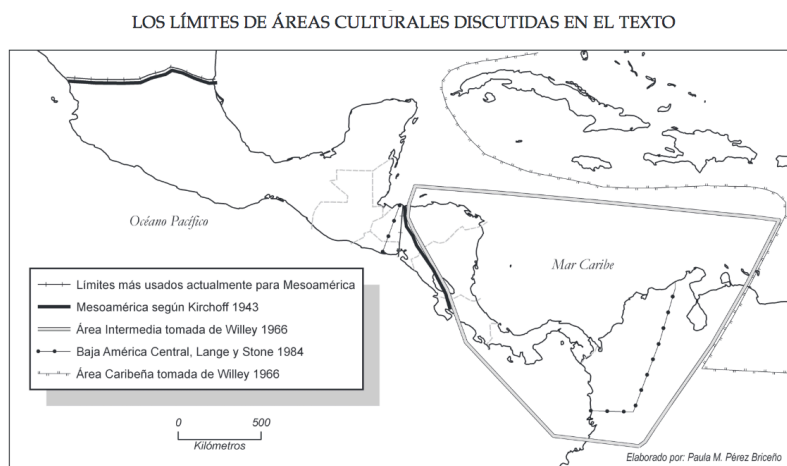
Figure 4: different limits for Central America according to Ibarra Rojas and Salgado González, source: see footnote 5. The thick black lines represent the commonly known delimitation of Meso-america as proposed by Kirchoff.

The *Mesoamerican* region was mostly populated with peoples of Mayan descent, who expanded from the Yucatán Peninsula to the northwest part of what today is Costa Rica. They developed especially in modern southeastern Mexico, Guatemala, Belize, and the west side of Honduras and El Salvador, beginning as early as 7000 BC. Common traits of *Mesoamerican* cultures were the cultivation of maize, squashes, and beans, the use mathematics, hieroglyphic writing systems, astronomy, calendrical systems, the development of stone-works as well as the absence of metalworks.[7] As for cultural heritage, *Mesoamerican* architecture is especially known for its sites that boast large pyramids made of stone. Other cultural assets include artifacts and goods of obsidian, jade, intricate stone decorations and pottery. Many of these expressions remain today.

The *Isthmo-Colombian* Area had core populations who were speakers of the Chibcha language

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5   Eugenia Ibarra Rojas and Silvia Salgado González, "Áreas culturales o regiones históricas en la explicación de relaciones sociales de pueblos indígenas de Nicaragua y Costa Rica de los siglos XV y XVI," *Anuario de Estudios Centroamericanos (2009)*: 37-60. The authors point at different divisions according to the perspective that is taken.

6   John W. Hoopes and Oscar M. Fonseca Z., "Goldwork and Chibchan Identity: Endogenous Change and Diffuse Unity in the Isthmo-Colombian Area," in *Gold and Power in Ancient Costa Rica, Panama, and Colombia*, eds. Jeffrey Quilter and John W. Hoopes (Dumbarton Oaks, 2003), 51-60.

7   Richard E. W. Adams, "Introduction," 6-7.

family, and who populated from eastern Honduras to Lake Maracaibo in Venezuela, its core being in Costa Rica and Panama.[8] However, there are several groups of people whose origins remain unknown, spread throughout the region. Overall, there was trade with *Mesoamerica* and South America, which already diversified cultural expressions in the pre-Columbian era. Jade was imported as a highly prized material, and gold was readily available, becoming the source material for numerous decorations and jewelry.[9] Stonework and pottery are commonly found throughout the region, forming an important part of the surviving cultural heritage there, and pyramids are uncommon. The presence or absence of monumental architecture shaped the scope and time of the first cultural heritage policies in either *Mesoamerican* and *Isthmo-Colombian* countries, as is discussed in the following chapters.

2.2.2 Colonial Central America

Christopher Columbus bordered Central America in his fourth voyage in 1502.[10] In the early sixteenth century, the Spanish conquest of the region began. In the colonial period, Spanish colonizers founded cities, fought indigenous peoples, and established the Catholic religion as well as the Spanish language. Numerous colonial churches are proof of the religious endeavors of the Spanish, as is the destruction of indigenous expressions, such as the Maya codices.[11] They also introduced African slaves into some areas, whose descendants remain today. The diseases against which the indigenous peoples were not immune[12] together with the violence used by the conquistadors account for a radical decrease in the native population. The *mestizaje* is known as the process by which Spanish-descendants and descendants of indigenous peoples mixed, creating a 'casta' system, a racial hierarchy that determined the position of individuals according to their race.[13]

From the sixteenth century until the independence, current Chiapas (Mexico), Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica were administered as one region, called the Audiencia of Guatemala, also the Captaincy General of Guatemala or the Kingdom of Guatemala (figure 5, next page). Its capital was in Guatemala. This region was part of the Viceroyalty of New Spain, which included other audiencias, all under a Spanish Viceroy who was appointed by the Spanish

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8   John W. Hoopes and Oscar M. Fonseca Z., "Goldwork and Chibchan Identity," 54-55.

9   Jeffrey Quilter, "Introduction: The golden bridge of the Darien," in *Gold and Power in Ancient Costa Rica, Panama, and Colombia*, eds. Jeffrey Quilter and John W. Hoopes (Dumbarton Oaks, 2003), 8-9.

10   J. Daniel Contreras R, *Breve Historia de Guatemala* (Guatemala: Piedra Santa, 1987), 24.

11   Michael D. Coe, *The Maya* (London: Thames and Hudson, 4th ed., 1987), 161.

12   Donald Joralemon, "New World Depopulation and the Case of Disease," *Journal of Anthropological Research* (1982): 108-127.

13   Peter Wade, "Rethinking mestizaje: Ideology and lived experience," *Journal of Latin American Studies* 37, no. 02 (2005): 239-257. Wade provides a profound analysis of the various perspectives taken on mestizaje by scholars.

king and was located in Mexico. Panama, on the other, hand, was part of the Audiencia of Panama, which extended until part of present-day Colombia and was under the Viceroyalty of Peru.

Figure 5: Viceroyalty of New Spain ca. 1650, source: Cathryn L. Lombardi and John V. Lombardi, with K. Lynn Stoner, Latin American history, a teaching atlas (University of Wisconsin Press, 1983), 34.

The administrative division between Costa Rica and Panama created separate developments in Panama and the rest of modern Central America. This separation still exists in some aspects, including in the management of culture in general. Belize, although officially a Spanish territory, was occupied by British and Scottish settlers as well as pirates who traded wood with permission from Spain.[14] The British and Scottish influence gave Belize characteristics that are not present in the rest of Central America, such as the use of English as the official language and a parliamentary constitutional monarchy as its current political system.

The colonial period lasted little over three centuries. Towards the nineteenth century the criollo 'casta', the descendants of Europeans born in the Americas, showed discomfort with the fact that the best public, military, and religious positions were given to the peninsular Spanish (Spanish born in Europe). These inequalities together with right timing sparked the fight for independence.

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14   J. Daniel Contreras R, *Breve Historia de Guatemala*, 100.

2.2.3 Central America in and After the Independence

Inspired by the ideas of the Enlightenment, the independence of the United States, and taking advantage of the unstable political conditions in Spain, Central America became independent in 1821, after previous attempts that had been repressed. However, the independence did not last long, as most of the region was annexed to the First Mexican Empire the next year, against the will of Central American liberals.[15] When Mexico became a republic in 1823 and allowed the region to decide on its future, Central America declared its complete independence and started to make plans to create a federal republic, after a failed attempt of establishing the United Provinces of Central America.[16]

The Constitution of the Federal Central American Republic of 1824 included what today is Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Chiapas (which in the same year became part of Mexico). It granted autonomy to its states, allowing them to establish their legislation and elect their head of state.

The Federal Republic envisioned grand plans, such as the construction of an interoceanic canal, but several issues arose. There was opposition between liberals and conservatives,[17] communication between states was in a deplorable condition, and the economic situation was far from good. Civil disputes led to civil wars, and in 1839 the republic effectively dissolved. The region was divided into the five states that still exist today.

It is important to mention one event after the dissolution that greatly influenced Central America. In 1855, William Walker entered the region with the intention of conquering it and restoring slavery. He proclaimed himself president of Nicaragua and posed a serious threat to Central Americans, aided by paid soldiers (filibusters). Central America united forces to defeat him, and he was killed in Honduras in 1860. This historical event is seen as one of the few instances in which Central America united effectively to defeat a common threat.[18]

Another attempt at unifying Central America was the Republic of Central America, a project to unify Honduras, Nicaragua, and El Salvador that only lasted from 1896 to 1898.

Panama, on the other hand, after becoming independent joined Colombia, and was a part of it for little over 80 years. In 1903, with the aid of the United States, Panama became independent from

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15   Ibid., 85-86.

16   Ibid., 87-89.

17   The fight between conservatives and liberals largely shaped the development of Central America after the independence. Conservatives favored existing hierarchies, the Catholic Church as an institution, and sought to maintain relations with the monarchy. Liberals, on the other hand, embraced popular sovereignty, secularism, and policies that supported equality (such liberal education programs or agrarian reforms that favored poor farmers).

18   Ibid., 103-104.

Colombia. In exchange, Panama granted in perpetuity a zone to the US that would later become the Canal Zone. Belize, never really part of Spain or Guatemala, joined the British Empire in 1862.

2.2.4 Central American Nations

From the mid-nineteenth century on (and from the early twentieth century on in the case of Panama) Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica developed as independent nations.

In **Guatemala**, there was a power struggle between conservatives and liberals. In 1871, after 30 years of conservative regimes, the liberals took office, pushing secular education, freedom of the press, and separating the state from the church. Liberal presidencies allowed for the production of coffee and the business of the US transnational United Fruit Company, which gained considerable power in the country both economically and politically.

From 1931 to 1944, Jorge Ubico rose to power. His regime was authoritarian and military, enforcing hard labor, giving severe conditions to workers and special considerations for land owners.[19] His policies supported the United Fruit Company, and he strived to have good connections with the United States. The brutal conditions he put people in led to a general strike, and Ubico was forced out of office. After this, the first free elections were organized, and two regimes followed that installed various social reforms[20] in a period called the "Ten Years of Spring." One of the social reforms was the creation of the Institute of Anthropology and History.

However, the US government disapproved of these regimes as they were feared 'communist' and installed a series of military dictatorships through a coup in 1954. The rights acquired with the 1944 revolution were revoked, and communist threats were systematically repressed. From 1960 to 1996 a civil war unfolded. During this period, the military effectively governed the country, allowing paramilitary organizations to fight against leftist guerrillas. The US supported the government forces, providing arms and training. The guerrilla organizations were backed by Guatemalan indigenous peoples and ladinos. Throughout the civil war, the Guatemalan government repressed its opponents with violent acts such as forced disappearances, murders, torture, and the use of death squads. In 1996 the civil war finally ended with the signing of the last of the Peace Accords. The

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19   Ibid., 125-126.

20   Ibid., 130-131.

agreements were signed by representatives of the government and the *URNG*, the Guatemalan National Revolutionary Unity.

During the civil war, around 140000 to 200000 people are estimated to have been killed. According to the Historical Clarification Commission report: "state forces and related paramilitary groups were responsible for 93% of the violations documented by the CEH, including 92% of the arbitrary executions and 91% of forced disappearances"[21] and 83 percent of the victims were Maya.[22] The civil war left Guatemala broken, with increased poverty and a lack of trust in the government.

After the civil war ended with the Peace Accords, Guatemala established peace and democracy, but still faced significant challenges, such as poverty, inequality, and corruption. In 2015, Jimmy Morales, not associated with the former political parties that were involved in corruption scandals, was elected president. The slogan used in his campaign was "neither corrupt nor a thief".

In **El Salvador,** conservatives and liberals also fought for holding the political power after the independence. Towards the end of the nineteenth century, the liberals instilled secular reforms. The country shifted its economy from indigo towards coffee production, and a small group of rich people -the coffee oligarchy- resulted from this. El Salvador developed infrastructure works for coffee and created legislation to eliminate communal lands, an issue which affected the indigenous population. In 1931, a coup helped General Hernández Martínez rise to power. His dictatorial regime was extremely repressive and led to *la Matanza*, or the killing, an event in which thousands of indigenous peoples who were protesting against the unfair conditions were murdered. A series of dictatorships followed, and national conditions grew tense. In 1948, the head of state was forced out of office, and the era of the *PRUD*, or Democratic Union Revolutionary Party began. In this era, social reforms such as social security were installed. However, in 1961, the military conservatives gained power and prohibited left-wing parties. The United States developed several infrastructure projects in the form of ODA and gave military assessments to the Salvadorans, looking to neutralize any communist threats.

Many Salvadorans emigrated to neighboring Honduras, where the population was less dense, and land was unused. Tensions led to the 1969 so-called Football War between both countries, a

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21 Historical Clarification Commission, *Guatemala: Memory of silence* (Guatemala City, 1999), 20.

22   Ibid., 85.

brief war which resulted in over a hundred thousand Salvadorans being expelled from Honduras.

In the 1970s, the political condition was further polarized. As the political crisis continued, paramilitary organizations forcefully repressed opposition while left-wing groups committed violent acts against government officials and wealthy civilians. These acts led to a civil war that lasted from 1980 to 1992. Although never officially declared, the war was fought between the Salvadoran government (with the aid of the United States) and the *FMLN* or Farabundo Martí National Liberation Front, a coalition of left-wing groups.

In 1992, the civil war ended with the Chapultepec Peace Accords, signed by the president of El Salvador and five guerrilla heads. The peace accords established a compromise between both fronts: the *FMLN* was recognized as an official political party, immunity for the armed forces ended, paramilitary groups were dissolved, and the army was reduced.

The civil war saw the loss of more than 70000 persons[23] and the disappearance of over 2000.[24] The Commission on the Truth for El Salvador concluded in its investigations that "Those giving testimony attributed almost 85 percent of cases to agents of the state, paramilitary groups allied to them, and the death squads."[25] After the war, the economy was gravely affected, and the country took a decade to regain stability. A number of guns in the hands of civilians facilitated the gangs that arose, and overall, the country suffered moral and social impacts that were not easy to recover from.

After the civil conflict, Salvadorans voted for the right-wing party consecutively until 2009, when the *FMLN* won elections. As of 2016 the *FMLN*'s Salvador Sánchez Cerén is the president of the country.

After the dissolution of several Central American unification attempts, **Honduras** was left in a critical economic state. For most of the nineteenth century, the country was reigned by non-ideological caudillos installed by force.[26]

23   OAS, Organization of American States, *Annual Report of the Inter-American Commission of Human Rights 1988-1989*, (September 18 1989), http://www.cidh.org/annualrep/88.89eng/chap.4a.htm.

24   UNHR, United Nations Human Rights Council, *Report of the Working Group on Enforced or Involuntary Disappearances* (A/HRC/30/38), accessed August 10 2015

25   Commission on the Truth for El Salvador: Belisario Betancur, Reinaldo Figueredo Planchart, and Thomas Buergenthal, *From madness to hope: The 12-year war in El Salvador: Report of the Commission on the Truth for El Salvador*, (UN Security Council, 1993), accessed through the United States Institute of Peace, http://www.usip.org/sites/default/files/file/ElSalvador-Report.pdf.

26   John A. Booth, Christine J. Wade, and Thomas W. Walker, *Understanding Central America: global forces, rebellion, and change* (Westview Press, 2014), 210.

Honduras saw a period of internal conflict and power struggles at the beginning of the twentieth century, which allowed for the strong influence of the United States. By then, banana exports were responsible for 90 percent of the Honduran economy, when the great depression occurred and turned the situation upside-down. Thousands of workers were left unemployed, salaries were reduced and the economy plummeted.

In 1932, Tiburcio Carías Andino was elected president. After his constitutional period ended, Carías led a dictatorial regime, repressing the opposing parties and the press, incarcerating opposers and killing protestors. The United States attempted to calm the situation, and after over sixteen years in office, Carías agreed to hold elections. In 1948, Juan Manuel Gálvez, nominated by Carías, became the next president of the country. Contrary to expectations, Gálvez changed the direction his predecessor had taken: he granted freedom of the press, allowed the organization of opposing political parties, and installed social reforms. However, the relative progress was affected by a general strike in 1954 that seriously compromised the economy.

After the government of Ramón Villedas Morales, who made considerable efforts to improve the life of Hondurans through social reforms, coroner Oswaldo López Arellano took power through a coup in 1963, remaining for eight years. The economic and politic situation of Hondurans deteriorated, and hundreds of thousands of Salvadoran immigrants were partly blamed, leading to the 1969 Football War that lasted little but affected the economy of both countries.

Honduras allowed the presence of the US Military, who was supporting the government of El Salvador and the Contra-revolutionaries in Nicaragua. The US returned the favor in the form of official development assistance, especially military aid.[27] Although there was no civil war or massive repression like in the neighboring countries, Honduras silenced left-wing militias and civilians, backed by the CIA, through violent acts.

The country progressed slowly. In 1998, Hurricane Mitch caused widespread damage, destroying seventy percent of the crops and about seventy to eighty percent of the transportation infrastructure, as well as numerous houses and buildings. About eleven thousand people were killed and two million left homeless.[28] Although reconstruction progressed faster than expected, Honduras saw itself with grave issues of poverty, inequality and growing violence.

In 2009, a coup that suspended civil liberties was heavily criticized by the international community. The elections that followed were carried out under dubious circumstances, further generating a lack of trust in the reliability and stability of the political conditions of the country. In

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27   Ibid., 218.

28   Ibid., 220.

2014, conservative Juan Orlando Hernández Alvarado assumed the presidential office.

After the independence, the rivalry between liberals and conservatives led to internal conflicts and civil wars in **Nicaragua**. The campaign mentioned above against William Walker that started there, left the country economically damaged. After this, the conservatives took office for three decades.

In 1893, José Santos Zelaya broke with the long reign of conservatives through a military coup. During his dictatorial regime, he pushed for a modern legislature, new institutions, and education. He also reintegrated the Atlantic Coast, which had been a British protectorate, into Nicaragua. However, he did not maintain good relations with the United States,[29] and in 1909, Juan José Estrada rebelled against Zelaya with their support.[30] After a series of conflicts, the liberal regime ended, and what is known as the second conservative republic began. The new regime asked for the support of the US to suppress the rebels. The US sent troops that were stationed in the country for over two decades.

In 1927, Gen. Augusto César Sandino led a war against the conservatives and the US troops, which ended with a truce, when the liberal Sacasa was elected. However, Sandino was assassinated in 1934 by the troops of Anastasio Somoza, and a year later the long regime of the Somoza family began, which lasted 43 years.[31] Anastasio Somoza had the support of the US as well as an army at his command. He eliminated his opposers and repressed criticism. In 1956, Somoza was assassinated, but political and economic power was kept in the family through his son and puppet regimes.

In 1961, the *FSLN*, or Sandinista National Liberation Front, was formed. It was a left-wing party inspired by Sandino, whose aim was to change the political situation. The Nicaraguan Revolution began and lasted from the 1960s to 1990. In it, the *FSLN* revolutionaries fought the conservatives, who were supported by the United States and the contra-revolutionaries or so-called 'contras.' The *FSLN* had considerable support from the Nicaraguans, who were dissatisfied with the corruption that was going on.

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29   The United States wanted to build an interoceanic canal in Nicaragua and Zelaya demanded that the sovereignty of the nation were respected as well as a high compensation in exchange. Furthermore, Zelaya declined a loan offer and turned to the English, who granted him the loan to build a railroad.

30   John A. Booth, Christine J. Wade, and Thomas W. Walker, *Understanding Central America: global forces, rebellion, and change* (Westview Press, 2014), 98.

31   Ibid., 99.

In 1979, the *FSLN* entered the capital city Managua and took the office by force. Radical changes in Nicaragua quickly developed. With a Marxist ideology, the new regime introduced social reforms that included health, education, an agrarian law, and culture.

However, the civil conflicts continued. Fifty-thousand people were killed during the war, almost 2 percent of the populace.[32] After several negotiations, elections were organized in 1990, and the *FSLN* leader Daniel Ortega lost to the National Opposition Union. Nicaragua underwent a pacification process, in which both revolutionaries and contras were disarmed and reintegrated into civil society.

In 2006, the *FSLN* took office democratically for the first time with Daniel Ortega as president. As of 2017, he still is at office, following 2014 constitutional amendments that allow unlimited office terms. Daniel Ortega is known to associate himself with other leftist governments such as Venezuela, and for criticizing the United States.

After a period of high political instability, **Costa Rica** declared itself a republic in 1848. It participated in the campaign against William Walker, and despite the large number of deaths, its success instilled a sense of pride in Costa Ricans that later translated itself into much of the nationalist imagery.[33]

Coffee soon began to be developed as an export good that became key in the great economic growth that Costa Rica experienced in the nineteenth century. With coffee revenues, infrastructure was developed, and a small group of wealthy coffee plantation owners rose: the coffee oligarchy. The oligarchy sympathized with European liberal ideals, allowing for a liberal regime from 1870 to 1930. Bananas were introduced in the Costa Rican economy as an export good, and the country made great concessions to the United Fruit Company to allow this industry to grow.

A railroad construction for the transport of coffee saw the introduction of Jamaican descendants as well as Italians, Chinese and US Convicts.

In 1917, Federico Tinoco Granados seized power in a coup and established a military dictatorship, but after two years the economic crisis worsened, protests rose, and with little support from within

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32   Ibid., 104.

33   Monuments in various forms glorified this campaign, such as the national monument and the statue to Juan Santamaría, a drummer boy who was declared the national hero. The artificial construction of nationalist imagery is criticised by scholars today.

and abroad, he resigned.[34]

With the great depression, coffee and banana prices dropped, and a general strike against the United Fruit Company was organized in 1934.[35] This turned attention to the importance of a social code, and in 1940 Rafael Ángel Calderón Guardia, the president at the time, installed several social reforms.

In 1948, José Figures Ferrer led an uprising against the disputed result of presidential elections. The civil war of 1948 saw the death of over 4000 persons,[36] and ended with negotiations that helped Figures take office. Figures soon abolished the army and expressed his interest in investing in education. He started various projects, such as the nationalization of the bank, funding the Costa Rican Electricity Institute, and the Coffee Office.

The abolition of the army spared the civil wars and military dictatorships that subsequently unfolded in the neighboring countries, giving Costa Rica the reputation of a peaceful and democratic state.

In the late 1970s, Costa Rica underwent an economic crisis, as coffee prices dropped and Rodrigo Carazo, the president at the time who sympathized with the Sandinistas, broke the mandates of the International Monetary Fund.[37] After him, the economy stabilized under president Luis Alberto Monge. Although officially neutral regarding the neighboring Central American conflicts, the country offered some covert assistance to US troops. In the late 1980s, Costa Rica shifted its economy towards tourism, which became an important source of revenues.

In the mid-1990s, Costa Rica made efforts to attract multinational companies through economic incentives. Companies such as Intel and Amazon opened their offices there. In 2014, Luis Guillermo Solís, from the left-leaning Citizen Action Party, was elected president, breaking with a long two-party system.

After **Panama** became independent from Spain in 1821, it voluntarily joined the Gran Colombia of Simón Bolivar. Despite separatist movements, Panama would be part of republics and federations in the following decades.

Already in 1885, the United States had built a railroad in the Panamanian isthmus because of

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34   Héctor Pérez Brignoli, *Breve historia contemporánea de Costa Rica*, 2nd ed.(Mexico: Fondo De Cultura Economica, 2002), 104-105.

35   Iván Molina and Steven Palmer, *Historia de Costa Rica, 2nd ed.* (San José: UCR, 2011), 100-101.

36   Ibid., 114.

37   Ibid., 146.

the California Gold Rush, which attracted gold seekers to the West, many of whom preferred to reach it by crossing Panama. In 1903, the United States and the Republic of Colombia, of which Panama was a part, signed a treaty that allowed the construction of a canal in the Panamanian isthmus. However, the treaty was not ratified by Congress. The United States saw an opportunity in accomplishing the canal by supporting the separatist movement of Panama.

In 1903, Panama proclaimed its independence and granted the United States rights over the Canal Zone, in perpetuity "as if it were sovereign." The construction of the interoceanic canal, which had been initiated and by the French, continued. US engineers finished the canal in 1914.

For the next decades, Panama was a constitutional democracy ruled by a commercial oligarchy, but in the 1950s the military started to gain power.

In the 1960s, the US long-term occupation of the canal generated unrest, which led to protests. Most notably, on January 9, 1964, riots arose after a Panamanian flag that students wanted to raise next to the flag of the United States was torn. This turmoil deepened the polarization felt between Panamanians and US citizens.

In 1968, military influence led to the deposition by the National Guard of the elected president Arnulfo Arias, and a year later Omar Torrijos took office, starting an era of dictatorships. Torrijos led a severe and corrupt regime but was generally liked due to his social programs and national foreign policy. He pushed for the handover of the canal, and in 1977 the Torrijos-Carter treaty was signed by Panama and the United States. The treaty granted the transfer of the Canal to Panama by 1999.

Torrijos died in 1981, and general Manuel Noriega took control, suppressing opposition and collaborating undercover with the United States contra war in Nicaragua in exchange for high payments. However, his relations with the United States worsened, and in 1989, they invaded Panama to depose the dictator, who was accused of drug-trafficking. Although the operation was to be 'surgical,' the United Nations estimated 500 Panamanian civilians killed during the invasion. Democracy was installed in the nation, and the army was abolished.

After the US invasion, the constitutional government was quickly restored. Currently, conservative Juan Carlos Varela is the elected president.

2.2.5 Generalities of Central American Developments

Despite the different developments of Central American nations, some generalities can be pointed out. The republican eras that followed the dissolution of the Federal Central American Republic saw a period of disputes between conservatives and liberals. During the 1930s, the northern countries were occupied by military dictatorships that instilled authoritative and violent regimes. Short periods of liberal victories followed, which established basic social reforms. These changes, however, generated worry in the US government in the context of the growing cold war. Central America became a playground for proxy wars, fought between the left and right wings, supported by the US and the USSR respectively. These civil wars fought in Guatemala, El Salvador, and Nicaragua, led to thousands of deaths and had devastating effects on the national economies. Leftist armies only saw a trimph in Nicaragua. Meanwhile, Honduras and Costa Rica provided support to US troops and were spared from civil conflict. Panama, although not involved in civil wars, was under the control of military dictatorships during this time.

The 1990s saw the reestablishment of peace and democracy in the region, and recent elections have favored mostly left-winged parties. Table 1 summarizes these movements.

Table 1: *Generalities of Central American Developments*

Era	Country						General Developments
	Guatemala	El Salvador	Honduras	Nicaragua	Costa Rica	Panama	
pre-Columbian at the time of the conquest	Mayas (in Mesoamerica) and Chibcha-speaking peoples in the Isthmo-Colombian Area						Conservative and liberal disputes
1502 to the early 16th century	Spanish conquest: violence, Spanish language, Catholic religion, cities and churches, mestizaje and African slaves						
16th century-1821	Colonial period: Audiencia of Guatemala, also the Captaincy General of Guatemala, Viceroyalty of New Spain					Audiencia of Panama, Viceroyalty of Peru	
1821	Independence from Spain						
post-Colonial era	The region was annexed to the Mexican empire until 1823. 1823-1839: Federal Central American Republic					Joined Colombia	
Republican eras (mid-19th century)	Dispute between conservatives and liberals. 1871: liberals take office	Dispute between conservatives and liberals.	Internal conflicts, strong influence of the United States.	1893 liberal José Santos Zelaya takes office	The coffee oligarchy allowed a liberal regime from 1870 to 1930	1903: separated from Colombia, handed over rights of the Canal Zone to the U.S.	
Early 20th century					1917-1919: Federico Tinoco	1903-1968: constitutional democracy	Dictatorships
1930s	1931-1944: Jorge Ubico	1931-1948: General Hernández Martínez and other dictatorships	1932-1948: Tiburcio Carías Andino	1936-1979: Somoza family regimes	1940: Rafael Ángel Calderón Guardia instilled several social reforms		Brief liberal social reforms
1940s	1944-1954: Guatemalan revolution (liberals took office, social reforms)	1948-1962: Democratic Union Revolutionary Party instilled social reforms	1948: Juan Manuel Gálvez allowed freedoms and instilled social reforms		1948: civil war		
1950s	1954-1996: military dictatorships						Civil wars fought between left and right (proxy wars)
1960s		1960-1996 civil war between right and left	1961: military conservative coup, military regimes until 1982	1963-1971, 1972-1975: coroner Oswaldo López	1960s-1990: Nicaraguan revolution between the left wing and the conservatives		
late 1960s			1969: football war between El Salvador and Honduras			1970s: economic crisis	1968-1989: the military takes over, a series of dictatorships
1980s			1980-1992 civil war between right and left	1978-1982: Policarpo Paz García (provisionalmilitary)	1979: the FSLN entered the capital city Managua and took office		
1990s	1996: peace accords signed	1992: peace accords signed		1990: free elections organised		1989: Panama invasion by the US	Peace and democracy
Today	Democracy, left-wing elected president	Democracy, left-wing elected president	2009: coup Democracy, conservative president	Left-winged Daniel Ortega president from 2007-2022	Democracy, left-leaning party elected	Democracy, conservative president	Left-leaning presidents elected
Legend	Yellow: dictatorship or military government		Red: civil war		Blank: historic event		

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2.3 International Contexts

The previous section described how most Central American countries used to be part of one administrative region under Spanish rule, and eventually separated into individual nations that have developed in both shared and unique manners. These nations reached out to the world by participating in integration programs and the global community. This section discusses Central America in these two international contexts: the regional and the global.

2.3.1 Regional Cooperation

Despite its strategic location, Central America has had little presence on the international stage and has historically been subject to outside pressures. Booth, Wade, and Walker comment on the susceptibility of the region: "Their sensitivity to the political and economic world outside their borders derives from the very limits of their wealth, resources, populations, and military capacities. Central Americans depend very heavily on what their countries export (commodities) and import (manufactured goods and energy). They also have large, powerful, and often pushy neighbors."[38]

The area turned to re-integration as one of its strategies to gain more recognition and economic independence, under ECLAC's (Economic Commission for Latin America and the Caribbean, *Comisión Económica para América Latina y el Caribe, CEPAL*) structuralist ideas. As early as 1951, the Organization of Central American States (*Organización de Estados Centroamericanos, ODECA*) was formed with Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua as its five member states (figure 6). One of its biggest achievements was the creation of the Central American Common

Figure 6: Logo of ODECA, source: https://agendartesv.info/centroamerica/

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38   John A. Booth, Christine J. Wade, and Thomas W. Walker, *Understanding Central America: global forces, rebellion, and change* (Westview Press, 2014), 16.

Market (*Mercado Común Centroamericano*, *MCCA*), which eliminated trade barriers, considerably increasing intra-regional trade. The Central American Bank for Economic Integration (*Banco Centroamericano de Integración Economica*, *BCIE*), the Central American Court of Justice (*Corte Centroamericana de Justicia*, *CCJ*), and the Secretariat for Central American Economic Integration (*Secretaría de Integración Económica Centroamericana*, *SIECA*) were additional programs established under *ODECA*.[39]

However, within the context of the Second World War and the civil strife discussed in the previous section, and especially after the 1969 "Football War" between El Salvador and Honduras, integration efforts saw a tremendous setback: the organization activities were suspended in 1973, and remained dormant for decades.

Central America had to wait until the end of the Cold War to continue its regionalization projects. In 1991, the Tegucigalpa Protocol was signed, which reformed *ODECA* by creating the Central American Integration System (*Sistema de la Integración Centroamericana*, *SICA*, figure 7). The main objective of this system, which now included Panama,[40] was to constitute Central America as a region that had features that had been missing for decades: "peace, freedom, democracy, and development."[41]

Figure 7: SICA logo, source: https://www.sica.int

SICA originally had five sub-systems with internal regulations, but activities expanded, and today it has eight organizations and nine secretaries under it. Its member states have increased as

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39   Gabriel Aguilera Peralta, "Centroamérica:Cómo integrarse en un mundo globalizado," *Pensamiento Propio* 42 (2016): 34-35.

40   The late addition of Panama is another evidence of the political and economic distance this country has historically had with Central America.

41   "SICA en breve", SICA, accessed January 13, 2017, http://www.sica.int/sica/sica_breve.aspx

well: as of 2017, Belize and the Dominican Republic have joined *SICA*.

SICA's organizations are somewhat flexible. Thus, the Central American Parliament, or *PARLACEN*, belongs to *SICA* but does not have Costa Rica as a member state, while the MCCA does not include Panama. *SICA* shifted away from structuralism, and now functions under ECLAC's 'open regionalism' strategy, which couples regional integration with market openness, by adhering to free trade agreements to play a part in the global market without losing its regional integration efforts. Recently, however, South American nations have stepped back from this strategy, turning to 'post-liberal regionalism,' which seeks autonomy from the influence of the United States and poverty reduction by returning power to the state.

Aguilera Peralta comments that, in contrast to South American organizations, *SICA* maintains an alignment with the United States by keeping open regionalism strategies, although leftist governments have started to surge.[42] The massive influence of the United States in Central America is undeniable. This is not only due to its military and political involvement during the cold war, as explained in the previous section, but also due to its economic impact. In 2013, the United States accounted for 40% of the regional trade,[43] and it remains one of the main donors of ODA (Official Development Assistance) in the region.

Because *SICA* works as a system with flexibility, most, if not all regional organizations of Central American integration have adhered to it. *SICA* has focused on issues of trade, international justice, legislation, and politics, and the cultural endeavors, managed by the Central American Educational and Cultural Coordination (*Coordinación Educativa y Cultural Centroamericana*, *CECC*) have been relatively scarce.

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42   Gabriel Aguilera Peralta, "Centroamérica:Cómo integrarse en un mundo globalizado," *Pensamiento Propio* 42 (2016): 40.

43   Ibid., 40.

2.3.2 The Global Scope

As part of the wider international arena, Central American countries have been involved in Latin-American, Ibero-American, and broader multilateral organizations. These organizations are numerous and varied, and impossible to address in depth as a thesis section. Because they are important actors in this work but not a central topic, I only provide a list of relevant organizations for this thesis and urge the reader to investigate further, if more information on them is desired. The list is ordered from narrow to broader scopes. Figure 8 describes the scopes of these organizations.
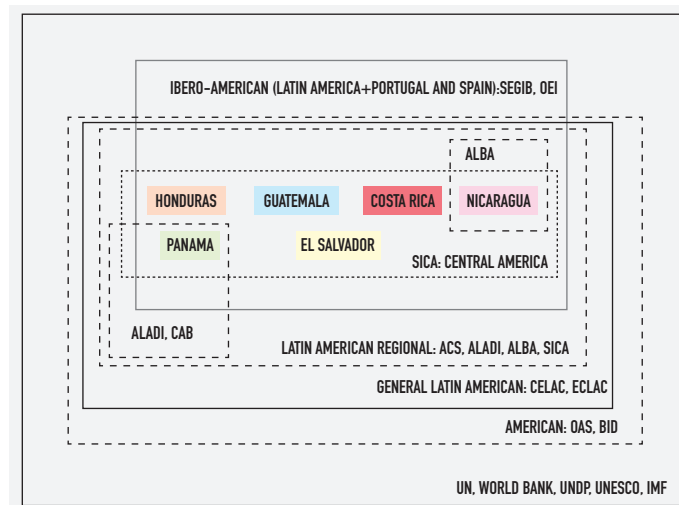
Figure 8: Organization scopes

Latin-American subregional organizations:

-Association of Caribbean States (ACS, *Asociación de Estados del Caribe*) [25 members]

All six countries adhere to this organization of Caribbean states, which has five special committees: trade, transport, sustainable tourism, disaster risk reduction, and budget and administration.[44]

-Bolivarian Alliance for the Peoples of Our America (*Alianza Bolivariana para los Pueblos de Nuestra América*, *ALBA*) [11 members]

Of Central America, only Nicaragua adheres to this organization, inspired by Simón Bolívar and associated with socialist governments. Honduras had joined *ALBA* briefly but withdrew after the 2009 cup. *ALBA*'s official website lists twelve principles that range from trade to defense and include the "Defense of the Latin-American and Caribbean culture and of the identity of the peoples

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44   "About the ACS", ACS, accessed January 16, 2017, http://www.acs-aec.org/index.php?q=about-the-acs

of the region".[45]

-Latin American Integration Association (*Asociación Latinoamericana de Integración*, *ALADI*) [13 members]

Only Panama is a member of this association, which is mostly related to trade. Its main objective is to establish a Latin-American Common Market.[46]

-Andrés Bello Convention Organization of Educational, Scientific, Technological, and Cultural Integration (*Organización del Convenio Andrés Bello de integración Educativa, Científica, Tecnológica y Cultural*, *CAB*)

This organization, formed by Spain and South American countries, only has Panama as a Central American member. It divides its work into specialized institutes, one of which is the Ibero-American Institute of Natural and Cultural Heritage (Instituto Iberoamericano del Patrimonio Natural y Cultural, IPANC).

Latin American organizations:

-Community of Latin American and Caribbean States (*Comunidad de Estados Latinoamericanos y Caribeños*, *CELAC*) [33 members]

As a successor of the Rio Group, this community fosters regional cooperation in Latin America. Some see it as an alternative to the OAS, which is dominated by the United States. The six Central American countries are members.

-Economic Commission for Latin America and the Caribbean (ECLAC, *Comisión Económica para América Latina y el Caribe*, *CEPAL*) [45 total members, 33 from LAC]

The six countries are member states of this commission of the UN, whose goal is to encourage economic cooperation, and who, as aforementioned, encouraged regionalism to tackle economic dependency, all under a Latin American (as opposed to colonial) understanding of economic development.

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45 "Principles of the ALBA", ALBA, accessed January 16, 2017, http://alba-tcp.org/en/contenido/principles-alba

46 "What is ALADI?", ALADI, accessed January 16, 2017, http://www.aladi.org/nsfaladi/preguntasfrecuentes.nsf/5094e65262960d6d03256ebe00601b70/166446ee3e9e027c03256edf006d62ca?OpenDocument

Ibero-American organizations:

- Ibero-American Secretariat (*Secretaría General Iberoamericana*, *SEGIB*) [22 member states]

This organization supports the Ibero-American (Spanish and Portuguese-speaking) Summit of Heads of State and Government, implements its mandates, and fosters Ibero-American Cooperation in the areas of education, social cohesion and culture.[47]

-Organization of Ibero-American States (*Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura*, *OEI*) [23 member states]

This organization that resembles an Ibero-American version of UNESCO includes most of Latin America, Spain, and Portugal, as well as the six countries of this study. It fosters cooperation through education, science, technology, and culture.

American organizations:

- Organization of American States (OAS, *Organización de Los Estados Americanos*, *OEA*) [35 member states]

It is the world's oldest regional organization, dating back to 1889, joined by the six studied countries in 1948. It is a "regional forum for political discussion, policy analysis and decision-making in Western Hemisphere affairs".[48]

- Inter-American Development Bank (IBD, *Banco Interamericano de Desarrollo*, *BID*) [48 member states, 26 borrowing]

All six countries of this study are borrowing members of this multilateral financing organization funded by the OAS. Most of its financed projects are related to development in areas such as infrastructure, education, environmental activities, social investment, and energy.

Multilateral/global:

-International Institute for the Unification of Private Law (UNIDROIT)

Of the six countries, only Nicaragua is a member. Although UNIDROIT focuses on the harmonization of private international law in the form of conventions mostly on travel, finances,

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47   "what is the Ibero-American Secretariat General?", SEGIB, accessed January 16, 2017, http://segib.org/en/who-we-are/

48   "OAS", OAS, accessed October 15, 2016, http://www.oas.org/en/

and trade, it issued the Convention on Stolen or Illegally Exported Cultural Objects, important in cultural heritage law.

-UNDP (United Nations Development Programme)

As the development network of the UN, this program has offered assistance to all six countries and a variety of topics that range from disaster prevention and preparedness to social welfare.

-World Bank

Aiming to "end extreme poverty within a generation and boost shared prosperity",[49] this international bank is part of the United Nations and lends to all six countries of this study. The World Bank was joined by the six countries in this study between 1945 and 1946, and Central America falls into the general Latin America and Caribbean (LAC) region.

-The United Nations Educational, Scientific and Cultural Organization (UNESCO)

The UN organization in charge of education, science, and culture. This organization has had considerable influence on the development of cultural heritage concepts and legislation, in particular through the World Heritage Convention and other multilateral agreements.

UNESCO was joined by all countries in this study between 1947 and 1952. The UNESCO Central America and Mexico cluster offices include the six countries of this study and Mexico and are located in Costa Rica. Originally established as an office for the education sector, it was expanded in 2002 as a subregional office.

- The Organisation for Economic Co-operation and Development (OECD)

Although no Central American country is a member, the region is a recipient of projects and an analysis subject.

-IMF (International Monetary Fund)

The International Monetary Fund has regional offices in Panama for the so-called CA-7: Costa

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49   "About the World Bank", World Bank, accessed January 16, 2017, http://www.worldbank.org/en/about

Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and Dominican Republic. The Fund was joined between 1945 and 1946 by the six countries.

-United Nations (UN) [193 member states, 2 observer states]

All six countries joined the United Nations in 1945,[50] the largest international organization that covers a wide arrange of topics, under which are ECLAC, UNESCO, UNDP and the World Bank.

Some observations can be drawn when considering the organizations joined by Central American countries and the positions they take there. First, the six nations usually accede to the same systems, since they pursue similar economic, social, or political benefits, which tend to be those backed by the US. Here again, the influence of the US is made evident, even though organizations such as ECLAC and *CELAC* try to mitigate it. One interesting exception is Nicaragua and the *ALBA*, which sympathizes with left-wing ideas.

Second, the fact that Panama is the sole Central American member of *ALADI* and the *CAB* comes as no surprise, as Panama has historically been separated from the region, and these two organizations have targeted most of South America and Mexico.

Third, as part of the Ibero-American network, Central America keeps close ties with Spain. Spain is one of the largest promoters of projects that involve cultural heritage.

Fourth, Central American countries are recipients to assistance from organizations such as UNDP, the OAS, and UNESCO. They are also borrowing members from the IBD, the World Bank, and the IMF. This necessarily places the region in a politically and economically weak position when seen in the global context.

Overall, the regionalization of Central America, like that of Asia or Europe, is still an ongoing process, and as such, has not reached a definite form. Significant steps were taken after 1991, and reaching a compromise that allows for flexibility seems to be key in integrating nations with such different political and historical backgrounds. Meanwhile, the influence of multilateral organizations and banks, as well as of powerful actors such as the US and Spain, is unlikely to change in the near

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50   "Member States", United Nations, accessed January 17, 2017, http://www.un.org/en/member-states/

future.

2.3.3 Relevant International Instruments on Cultural Heritage

Just as there is a myriad of international organizations related to Central America, the multiple instruments that aim at safeguarding cultural heritage in the region form an intricate network of bilateral, regional, and multilateral agreements and programs. For the sake of simplicity, in this section, I will only briefly address multilateral conventions that are of relative importance in my work. They are listed from wider to narrower scopes. Programs, which are more numerous and have experienced changes and termination in many cases, will be addressed in the next chapters as necessary.

Multilateral Conventions:

-The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its 1999 Second Protocol

Born out of the destruction and displacement the Second World War had caused on heritage, this convention is seen as one of the catalysts of international instruments that deal with cultural heritage.

-The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

A precursor to the UNIDROIT convention, this instrument is of particular relevance to Guatemala and El Salvador, because it provided a base upon which these countries built some features of their national heritage law.

-The 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage

Widely regarded as one of the most successful international agreements on cultural heritage, this convention served as inspiration for national legislation, especially in countries where heritage law was not fully developed. Only El Salvador ratified the convention in the 1990s, considerably later than the other countries.

- The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects

Signed in the 2000s by all countries except for Costa Rica and Nicaragua, this convention served as a complement to the 1970 convention mentioned above. Considering the constant illegal traffic of cultural goods from Central America, both conventions are of significance for the region. Cases of repatriation are not uncommon, both of illegally or legally obtained objects.

-The 2001 Convention on the Protection of the Underwater Cultural Heritage

Although a few years older than the Convention for the Safeguarding of the Intangible Cultural Heritage, this document has had less impact. Still, underwater sites are being investigated in the region.

-The 2003 Convention for the Safeguarding of the Intangible Cultural Heritage

This convention came with good timing, some years after the civil wars in Central America passed. Because intangible heritage has gained wide international attention in recent years and is relevant to the region, the impact of the convention has been fast and noticeable.

- The 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions

An especially important convention for Guatemala, where the indigenous peoples have demanded a protection of their diverse expressions, a topic that has gained increased importance in the postwar era.

American Conventions:

-The 1976 Convention on the Protection of the Archeological, Historical, and Artistic Heritage of the American Nations

An American version of the 1970 UNESCO convention, aimed at preventing illegal exportation or importation of cultural property and the promotion of cooperation among the American states on cultural matters.

Ibero-American Conventions:

-The 1990 version of the Andrés Bello Convention Concerning the Educational, Scientific, and Cultural Integration

Originally established in 1970 as the Andrés Bello Convention Concerning the Educational, Scientific, and Cultural Integration of the Andean Region, the updated convention was not restricted to Andean countries and Spain but opened up to Panama and Mexico as well.

Central American Conventions:

-1995 Central American Convention for the Protection of the Cultural Heritage

This convention functions as a regional and summarized version of the most important agreements of UNESCO. It divides cultural goods into movable, immovable and living heritage. Immovable heritage is divided into monuments and groups of buildings, and sites are not included. Movable heritage is classified into eleven categories, and living heritage is "represented by persons and institutions of exceptional trajectory and social transcendence, as well as communities, associations, languages, and customs."

The convention establishes the creation of a registry, provides dispositions on international exhibitions, and creates a Central American Commission for the Protection of the Cultural Heritage.

-1995 Central American Convention for Expositions of Archaeological, Historic and Artistic Objects

Rather than a convention on cultural heritage as the one above, this document establishes basic procedures for sending and receiving international expositions.

-1995 Central American Convention for the Restitution and Return of Archaeological, Historic and Artistic Objects

As a Central American version of the 1970 UNESCO and the 1995 UNIDROIT conventions, this convention establishes some basic procedures for the restitution of cultural property, such as a pledge of cooperation and of sharing information.

-Cultural Policy of Central American Integration 2012-2015

Not available in *SICA/CECC*'s website anymore, this policy aimed at the cultural integration of

the region. Although it was presented in all countries, it was not readily adopted and has failed to act. The policy was highly demanding and ambitious for a region that had a relatively short history of cooperation.

-The World Conference on Cultural Policies

Although not a convention, I have decided to include this conference in this section as it represented an important step in cultural policy-making in Latin America. Held in Mexico City in the crucial year of 1982, it opened dialogue on regional cooperation, cultural policies, and on the national problems and perspectives.

Table 2 in the next page lists the years of ratification, acceptance, or access to the main conventions for Central American countries.

Table 2:   *Central American countries and conventions on cultural heritage*

Guatemala	El Salvador	Honduras	Nicaragua	Costa Rica	Panama
Multilateral Conventions					
1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its 1999 Second Protocol					
1985(As)	2001(R)	2002(As)	1959(R)	1998(As)	1962(As)
1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property					
1985(R)	1978 (R)	1979 (R)	1977(R)	1996(R)	1973(A)
1972 Convention Concerning the Protection of the World Cultural and Natural Heritage					
1979(A)	1991(A)	1979(R)	1979(A)	1977(R)	1978(R)
1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects					
2004(As)	2000(As)	2014(As)	✕	✕	2009(As)
2001 Convention on the Protection of the Underwater Cultural Heritage					
2015(R)	✕	2010(R)	✕	✕	2003(R)
2003 Convention for the Safeguarding of the Intangible Cultural Heritage					
2006(R)	2012(R)	2006(R)	2006(R)	2007(R)	2004(R)
2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions					
2006(R)	2013(R)	2010(As)	2009(R)	2011(R)	2007(R)
American Conventions					
1976 Convention on the Protection of the Archeological, Historical, and Artistic Heritage of the American Nations (San Salvador Convention)					
1978(R)	1979(R)	1983(R)	1980(R)	1980(R)	1978(R)
Ibero-American Conventions					
The 1990 version of the Andrés Bello Convention Concerning the Educational, Scientific, and Cultural Integration					
✕	✕	✕	✕	✕	1990(R)
Central American Conventions					
1995 Central American Convention for the Protection of the Cultural Heritage					
2002(R)	1996(R)	✕	1998	✕	✕
1995 Central American Convention for Expositions of Archaeological, Historic and Artistic Objects					
2002(R)	1996(R)	✕	1998	✕	✕
1995 Central American Convention for the Restitution and Return of Archaeological, Historic and Artistic Objects					
2002(R)	1996(R)	✕	1998	✕	✕

Legend: R:Ratification, A: Acceptance, As: Accessed, ✕: not ratified, accepted, or accessed

Sources:
UNESCO conventions: http://portal.unesco.org/en/ev.php-URL_ID=13649&URL_DO=DO_TOPIC&URL_SECTION=-471.html
UNIDROIT: http://www.unidroit.org/status-cp
San Salvador Convention: http://www.oas.org/juridico/english/sigs/c-16.html
Central American Conventions: REDCAMUS, *Manual de Procedimientos Básicos Contra el Tráfico Ilícito de Bienes Culturales* (Guatemala: Ediciones Superiores, 2007)

CHAPTER 3:
GUATEMALA AND ITS CULTURAL HERITAGE POLICIES

3.1 Introduction

Guatemala is located south of Mexico, limiting with Belize to the northeast and to Honduras and El Salvador to the southeast (figure 9). It has access to both the Atlantic and the Pacific oceans and is the most populated country in Central America, with over 15 million inhabitants. Around 40% of the population is indigenous[1] and is divided into various groups, making it a notably diverse country.

Figure 9: Map of Guatemala, source: CIA world factobook, https://www.cia.gov/library/ publications/the-world-factbook/geos/gt.html

The country experienced a series of dictatorships in its past and a civil war that lasted 36 years. Although democracy has been enforced and the Peace Accords were signed, corruption and violence have created obstacles for its development, leading to some of the lowest human development

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1   INE, *Caracterización Estadística: República de Guatemala*, 3 and 13 (Guatemala: 2013). http://www.ine.gob.gt/sistema/uploads/2014/02/26/5eTCcFlHErnaNVeUmm3iabXHaKgXtw0C.pdf

indicators today.[2]

Surface Area in square km*	108890
Population*	16.34 million in 2014
World Risk Index 2015**	Placed 4th out of 171 countries
Ethnic Groups**	Mestizo and European 59.6% K'iche 9.1 % Kaqchikel 8.4% Mam 7.9% Q'echi 6.3% Other Mayan 8.6% Indigenous non-Mayan 0.2% Other 0.1% (2001 census)
Stock of emigrants as percentage of population***	6.1% for 2010
***Data from database:** World Development Indicators, last Updated 06/14/2016	
****Source:** Table of World Risk Index 2015 available at http://www.worldriskreport.org	
*****Source:** CIA World Factbook	
******Source:** World Bank Migration and Remittances Factbook 2011	

Because the civil war was fought between the government and the left-wing guerrillas who were backed by numerous indigenous people that had been historically discriminated, the government has paid close attention to inclusion and recognition in the past two decades. It has turned to cultural heritage as a means of dialogue, recognition and arguably, publicity. Cultural heritage has become an important topic in Guatemala, and its role is not only social but economic as well. Guatemala sees in the sector an opportunity for development. The slogan on the website of the Ministry of Culture and Sports of Guatemala exemplifies the expectations for the sector: "culture, the motor of integral development" ("cultura, motor del desarrollo integral").

In this chapter I discuss Guatemala's cultural heritage policies, going over Guatemala's main issues, its cultural organization, legislation, and status.

Amongst the various references on heritage that were consulted, the following are the main sources used in this chapter:

-*INFILE leyes*

http://www.infile.com/app/infile_leyes.php

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2   Guatemala ranked 128 out of 188 countries in the UNDP's Human development index (HDI),
"Human Development Data (1980-2015)", UNDP, accessed January 4th 2017, http://hdr.undp.org/en/data

The official gazettes of the government are not readily available. Infile is a paid website that digitalizes and organizes the official gazettes and laws of Guatemala.

-Official Website of the Ministry of Culture and Sports of Guatemala

http://www.mcd.gob.gt

The website has information on the Ministry of Culture and Sports of Guatemala, its policies, budget, and relevant legislation.

-Brief Compendium of Cultural Legislation (Breviario de Legislación Cultural) by Max Araujo

A collection of legislation in Guatemala related to culture in general.

-Compendium of Laws on the Protection of the Guatemalan Cultural Heritage (Compendio de Leyes sobre la Protección del Patrimonio Cultural Guatemalteco) by Katherine Grigsby

Legislation of Guatemala related to cultural heritage.

3.2 National Issues in Guatemala and their Relation to Cultural Heritage

Before diving into the cultural heritage law, it is important to have an understanding of the national context that conditions Guatemala's administration and legislation. For this purpose, in this section, I discuss four critical challenges for Guatemala and their relation with culture and cultural heritage.

Inclusive and Multiculturalist Policies as a Result of the Civil War

One of the most influential events of Guatemala is the Civil War, addressed in 2.2.4. Although cultural heritage developments continued during the conflict, it was until the postwar era that the central cultural heritage law could be drafted.

The Peace Accords that officially ended the war, although lacking jurisdictional power, were the documentary result of negotiations between the government and the civil population for securing a 'firm and lasting' peace. Most notably for this study, the Agreement on the Identity and Rights of Indigenous Peoples (AIRIP) refers to the recognition of a multicultural society. Jonas discusses the effect of this Agreement: "the most important declaration in the agreement specified the reformation

of the constitution to make Guatemala officially 'multiethnic, multicultural and multilingual.' "[3] Thus, the social fragmentation that the civil war left became an important springboard for policies that aimed at social integration and reunification. This included general cultural policies and, by default, cultural heritage policies.

There is, however, still the issue of the effectiveness and proper implementation of these policies. Boon comments: "while the indigenous population of Guatemala took the Accord as a sign of change and a better future, subsequent governments have interpreted the Accord loosely and viewed it as generally non-binding. As such, the indigenous populations of Guatemala today still suffer from some of the worst poverty in the region, lack of land tenure and reform, political exclusion, and cultural exclusion."[4]

Another issue related to the multiculturalist engagement of the government that followed the war is that, although it is a way of fostering peace, it is also a way of diverting attention from civil war crime recognition. After all, the state was significantly responsible for most deaths and executions. Steinberg and Taylor relate about their travel in Guatemala looking for evidence of the civil war crimes in national monuments: "Often, their remembering is in an inconspicuous, everyday act: simply living in a humble dwelling that sits on the foundations of a structure destroyed by the military. The site of the massacre becomes the monument. These are intangible, yet palpable, memories of the mind, memories that have not left an obvious, permanent mark on the visible landscape-at least to the outside observer."[5]

Violence as a Deterrent for Tourism

Although decreasing and not as pressing as in El Salvador and Honduras, the issue of violence in Guatemala remains, with one of the highest murder rates in the Western Hemisphere. The Overseas Security Advisory Council of the United States reports: "Guatemala's worrisome murder rate appears driven by four key factors: narco-trafficking activity, gang-related violence, a heavily-armed population (upwards of 60 percent possess a firearm) and a police/judicial system that remains either unable/unwilling/both to hold many criminals accountable."[6]

Violence threatens the stability and wellbeing of the Guatemalan society and brings enormous

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3   Susanne Jonas, *Of centaurs and doves: Guatemala's peace process* (Westview Press, 2000), 45.

4   "Guatemala: Guerrillas, Genocide, and Peace", Logan Boon, accessed January 4th 2017, http://www.beyondintractability. org/library/guatemala-guerrillas-genocide-and-peace

5   Michael K Steinberg and Matthew J. Taylor, "Public memory and political power in Guatemala's postconflict landscape," *Geographical Review* (2003): 453.

6   "Guatemala 2015 Crime and Safety Report", OSAC(Overseas Security Advisory Council of the United States), accessed August 14 2016, https://www.osac.gov/pages/ContentReportDetails.aspx?cid=17785

costs to the country, affecting its already weak economic development. It can influence the number of foreign and national visitors negatively, which in turn leads to fewer visitors to heritage sites, generating fewer revenues and lowering the perception and valuing of the Guatemalan heritage. Although the United States has not issued a travel warning for Guatemala (as it has for El Salvador and Honduras), it is not regarded as a safe travel destination.

Low Economic Status, Poverty, and Inequality

Guatemala has been classified a lower middle-income country by the OECD. Despite the stable economic growth, Guatemala faces serious issues of inequality and poverty. According to the World Bank overview, "Guatemala, the biggest economy in Central America, has one of the highest inequality rates in Latin America, with some of the worst poverty, malnutrition and maternal-child mortality rates in the region, especially in rural and indigenous areas." [7]

Poverty surpasses 50 percent (table 4).[8] On top of this, low levels of tax income (around 11 percent of GDP in 2015, the lowest in the countries of this study) have weakened the government,

Table 4:   The economy of Guatemala

GDP at market prices (current US$) for 2014	58,827,085,047
GDP growth (annual %)	4.2 in 2014
Poverty headcount ratio at national poverty lines (% of population)	59
Personal remittances, received (current US$) for 2014	5,836,627,286
GDP composition, by sector of origin (2015 est.)	agriculture: 13.4% industry: 23.8% services: 62.7%
*Data from database: World Development Indicators, last Updated 06/14/2016	
**Source: CIA World Factbook	

and corruption has become a major issue: Guatemala scored 28 out of 100 points in the Corruption Perceptions Index of Transparency International of 2015 (lower numbers indicating higher

7   "Guatemala Overview", World Bank, accessed June 13, 14 2016, http://www.worldbank.org/en/country/guatemala/overview

8   51% according to the World Bank overview, 59% for 2014 according to official figures.

corruption).[9] In 2015, former president Otto Pérez Molina and vice-president Roxana Baldetti were arrested because they were allegedly overseeing a customs fraud network. As a result, government institutions are challenged with little resources to tackle the various issues of security, health, and other public services they face. Furthermore, ODA has dropped in Guatemala from 495 million dollars in 2013 to 277 in 2014 (table 5).

Table 5:   ODA Receipts for Guatemala

Net ODA Receipts for Guatemala (USD million)						
1986*	1996*	2010*	2011*	2012*	2013*	2014*
135	192	389	379	303	495	277
Data from database: World Development Indicators, last Updated 06/14/2016						

Vulnerability to Natural Disasters

Placed fourth in the World Risk Index (table 3), Guatemala is prone to earthquakes, floods, eruption damage, and others. The World Bank reports: "The worst disaster was the 1976 earthquake that killed over 23,000 people and resulted in economic damages estimated at 17.9 percent of gross domestic product (GDP). Over the last decades, further events caused additional human and economic losses, such as Hurricane Mitch (4.7 percent of GDP), the 2001 drought (0.1 percent), and Hurricane Stan (3.4 percent)."[10]

Because of its location on the Montagua and the Chixoy-Polochic Faults, earthquakes have been especially frequent in this country, directly damaging cultural heritage, even archaeological sites. Feilden comments: "many archaeological sites were reduced to rubble in the 1976 Guatemala earthquake, because they were exposed to risks that had not existed prior to their excavation."[11]

Figure 10:   Cathedral with craking above arches caused by February 4, 1976, earthquake, Tecpan, Guatemala, source: Bernard M. Feliden, Between two earthquakes (see footnote 10)

9   Transparency International, *Corruption Perceptions Index, 2015*, consulted August 15 2016, http://www.transparency.org/cpi2015#results-table

10   "Guatemala Overview", World Bank, accessed June 13, 14 2016, http://www.worldbank.org/en/country/guatemala/overview

11   Bernard M. Feliden, *Between two earthquakes: cultural property in seismic zones* (Getty Publications, 1987), 53.

3.3 Organization, Budget and Programs

Guatemala has a well-organized institution and numerous legislation on cultural heritage. It is managed by the central government through the Ministry of Culture and Sports of Guatemala (*Ministerio de Cultura y Deportes de Guatemala* or *MCD*). In this sub-chapter, I review its organization, budget, and programs.

3.3.1 The Ministry of Culture and Sports of Guatemala

Cultural sectors in Guatemala had been loosely placed in the Ministry of Education until a vice-ministry of Culture within the Ministry of Education was created in 1979,[12] under the state of emergency of a military regime that followed the 1976 earthquake. As the civil war that started a decade earlier continued, the potential of 'indigenous culture' as a way of handling the insurgent population was recognized. It became "a 'thing' with political use as something everyone, not just Indians, 'had' ".[13] In 1986, during the last years of military rule, the Vice-ministry was replaced by the Ministry of Culture and Sports.[14] Since its beginning, the ministry was plagued with managerial and economic problems, as well as a constant contradiction in the direction it should take, torn between supporting 'white' (ladino) and indigenous culture (figure 11).[15] In the early 1990s, interest in highlighting the indigenous cultures decreased, but with the recent organization of indigenous groups and the rise of tourism, focus has been placed back to this issue.[16]

Figure 11: Two logos of the Ministry of culture and Sports show two discourses. The old version features an indigenous person in action, while the new one is more neutral. Sources: Ministry of Culture and Sports website, http://www.mcd.gob.gt

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12   Edna Núñez de Rodas, *Política cultural en Guatemala* (Unesco: 1980), 23-24.

13   Diane M. Nelson, *A finger in the wound: Body politics in quincentennial Guatemala* (Univ of California Press: 1999), 108.

14   Max Araujo, *Breviario de legislación cultural* (Guatemala: Asociación en Guatemala de Amigos de la UNESCO, 2009), 99.

15   Diane M. Nelson, *A finger in the wound: Body politics in quincentennial Guatemala* (Univ of California Press: 1999), 107-115.

16   Ibid., 116-119.

Although the internal structure of the Ministry has undergone some changes, it is still the main authority that regulates cultural matters, including cultural heritage. Originally, the ministry had two vice-ministries, one in charge of culture and one in charge of sports. In 2010, the Vice-ministry of National and Cultural Heritage was added and appointed with heritage-related tasks.

Cultural heritage is mainly administrated by the World Heritage Delegation, the Institute of Anthropology and History, the Technical Department of Museums and Cultural Centers, and the Intangible Heritage Department (shown in blue, figure 12), all under the Vice-ministry of National and Cultural Heritage. This organization is straightforward and simple when compared to other Central American countries. Also, unlike other countries in this study where all cultural matters are placed under one office, having a heritage-specific vice-ministry allows for a more specialized management of the vast Guatemalan cultural heritage.

The minister is appointed by the president, and the ministry runs with an estimated total staff of around 3524[17] persons in the field of culture, of which 1468 are directly appointed for cultural heritage.
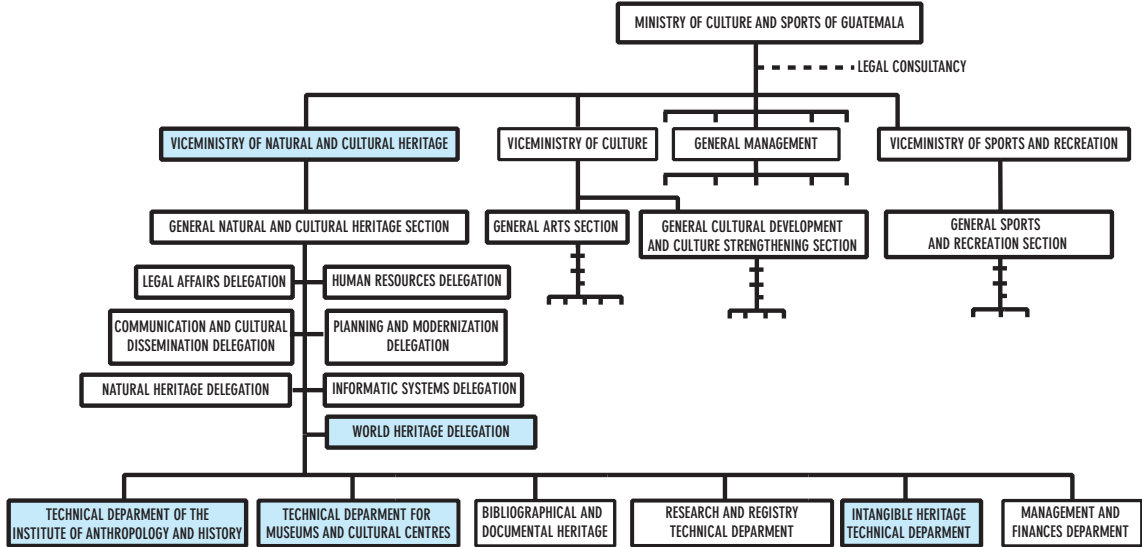
Figure 12: Organizational chart of the Ministry of Culture and Sports of Guatemala, source: http://mcd.gob.gt/direccion-de-las-artes/organigrama/

The following are the main organizations that handle cultural heritage in Guatemala:[18]

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17   This amount was added from the payroll information of 2015 available at the transparency portal of the ministry's website. I added the amount of people on payroll of the Cultural Development and Culture Strengthening Section(115), the National and Cultural Heritage Section(1468), the Sports and Recreation Section (971), the Arts Section(817)and the Ministerial Dispatch (153). However, it needs to be considered that staff of the Public Information Unit and the ministerial dispatch also work on the sports section.

18   Information taken from the Organization and Functions manual, "Manual de Organización y Funciones," Ministerio de Cultura y Deportes de Guatemala, accessed January 30, 2017, http://mcd.gob.gt/wp-content/uploads/2013/07/manual_de_organizacion_y_funciones.pdf

World Heritage Delegation

This delegation, directly in charge of World Heritage, bases its action criteria on the World Heritage Convention. It coordinates matters related to World Heritage with the Vice-ministry of National and Cultural Heritage.[19]

Institute of Anthropology and History/IDAEH (Instituto de Antropología e Historia)

The institute, created in 1946, is one of the oldest organizations in Guatemala that handle cultural heritage, and still exists today. It was the institution that designated and confirmed the three World Heritage sites in Guatemala and has included other sites in the tentative list. It is modeled after the Mexican National Institute of Anthropology and History. The institute is in charge of the following programs and sites:

-Conservation and Restoration Department for Movable Goods of Guatemala *(Departamento de Conservación y Restauración de Bienes Culturales Muebles)*, the agency responsible for the restoration of movable cultural heritage. It was previously known as the Cultural Heritage Rescue Unit (Unidad de Rescate del Patrimonio Cultural or URPAC), which was established in 1976, after the great earthquake.

-Conservation and Restoration Department for Immovable Goods (*Departamento de Conservación y Restauración de Bienes Culturales Inmuebles*), the agency that executes monument and historic center restoration projects.[20] This agency was also created in 1976 to restore the damaged property that resulted out of severe earthquake. It was integrated into *IDAEH* two years later.

-Pre-Hispanic, Colonial, and Republican Monuments Department (*Departamento de Monumentos Prehispánicos, Coloniales y Republicanos*), founded in 1975 to safeguard and protect Pre-Hispanic and Colonial archaeological resources.[21] This department approves projects (such as research projects) in archaeological zones and registers retrieved archaeological materials. It has monument

19   "Dirección de Patrimonio Cultural y Natural", Ministry of Culture and Sports of Guatemala, accessed June 21, 2016, http://mcd.gob.gt/direccion-de-patrimonio-cultural-y-natural/

20   "Se celebra 40 aniversario de Departamento de Conservación y Restauración de Bienes Culturales," Ministry of Culture and Sports of Guatemala, accessed June 21, 2016, http://mcd.gob.gt/se-celebra-40-aniversario-de-departamento-de-conservacion-y-restauracion-de-bienes-culturales/

21   Pre-Hispanic and Colonial Monuments Department of Guatemala website, accessed June 21 2016, http://patrimonio.260mb.org/demopre.htm?ckattempt=1

inspectors for the regional zones of Guatemala as well as staff to look over the archaeological parks, ceramics, archives, and others. It can also promote the declaration of archaeological sites, creating parks or cultural monuments.

-Conservation and Restoration Department for Archaological Sites in Petén

-Tikal National Park

-Takalik Abaj National Park

-Yaxha Park, Nakum, Naranjo

-Quirigua Archaeological Park

-Archaeological Atlas

Museums and Cultural Centers

This department manages the following institutions that hold movable cultural heritage:
        -National Museum of Modern Art "Carlos Mérida"
        -Natural History Museum "Jorge A. Ibarra"
        -National History Museum
        -Archaeology and Ethnology Museum
        -Colonial Art Museum
        -Museum of Antique Books
        -Santiago de los Caballeros Museum
        -Regional Museums
        -Site Museums
        -Cultural Centers
        -National Culture Palace, a building that holds exhibitions and cultural activities, while providing offices used by the executive government.

Bibliographical and Documental Heritage

A department in charge of documental and bibliographical materials. Under it are:

-The National Library

-General Archives of Central America

-National Archives

-Library of the *IDAEH*

Research and Registry

This department has three sections:

-Registry of Cultural and Colonial Assets

-Prevention and Control of Illicit Traffic of Cultural Goods

-Archaeological, Historic, and Architectural Investigations

Intangible Heritage Technical Department

This department consists of the following sections:

-Sacred Places

-Handicrafts and Popular Arts Unit

-Inventory and Studies Unit

-Promotion and Diffusion Unit

Other organizations that handle culture:

-Academy of Geography and History of Guatemala (*Academia de Geografía e Historia de Guatemala*), an academic society

-Tikal Association (*Asociación Tikal*), a non-profit organization

-Mesoamerican Regional Research Center (*Centro de Investigaciones Regionales de Mesoamérica, CIRMA*), a non-profit organization

-National Council for the Protection of Antigua Guatemala (*Consejo Nacional para la Protección de la Antigua Guatemala*) , created in 1969, is the body in charge of the conservation of this World Heritage Site, with its legal status and full capacity to act, and endowed with its own assets.

The Ministry, born out of political interests and with problems arising from its beginnings, has not yet found a stable organization and direction. What was once an institution that shifted between focusing on 'ladino' and indigenous culture, has opted for a new strategy: a division of roles, seen in its very organization: the Vice-ministry of Culture is mainly in charge of theatre, the arts, and ballet, all related to 'white' culture, while the Vice-ministry of National and Cultural Heritage handles most indigenous cultural expressions. The notion of using culture for unification purposes, one of the reasons that the Ministry re-gained attention in the 1990s, is undermined by an internal dichotomy. The other reason for the rebirth of the Ministry, tourism, has had little representation there.

With this outcome, the cultural sector has had a new function delegated to it: supporting indigenous cultures in a political, official manner.

3.3.2 Budget

The Ministry receives its budget for both cultural and sports-related affairs, as well as for the upper offices. The budget is distributed in programs. Below are the main programs for 2013 for the Ministry:

01 CENTRAL ACTIVITIES

11 FORMATION, PROMOTION, AND DIFFUSION OF ART AND CULTURE

12 PROTECTION, RESTORATION, AND PRESERVATION OF CULTURAL AND NATURAL HERITAGE

13 SUPPORT TO NON-EDUCATIONAL SPORTS AND RECREATION

14 OTHERS

Column 2 of table 6 shows the budgets for the Ministry in the years 2008-2013, which has increased significantly during that period. The columns 3-7 show the budget for each sub-unit

Table 6:   Budgets for the Ministry of Culture and Sports, years 2008-2013, source: see footnote 23

1. YEAR	2. TOTAL BUDGET MINISTRY OF CULTURE AND SPORTS (GTQ)	3.BUDGET FOR UPPER MANAGEMENT OF THE MINISTRY	4. BUDGET FOR ARTS	5. BUDGET FOR THE CULTURAL AND NATURAL HERITAGE SECTION	6. BUDGET ALLOCATED TO SPORTS AND RECREATION	7. OTHERS (CULTURAL DEVELOPMENT AND CULTURAL STRENGTHENING)	8. APPROVED GENERAL EXPENSE BUDGET OF GUATEMALA	9. % OF GENERAL EXPENSE BUDGET ALLOCATED FOR THE MINISTRY OF CULTURE AND SPORTS	10. % OF GENERAL EXPENSE BUDGET FOR THE CULTURAL AND NATURAL HERITAGE SECTION
2008	285,071,672	16,068,841	48,308,697	103,606,927	105,551,257	11,535,950	43,935,500,000	0.65	0.24
2009	361,993,746	25,036,569	51,720,302	104,066,717	152,445,313	28,724,845	50,031,900,000	0.72	0.21
2010	407,413,458.8	24,656,456.73	61,998,893.27	114,065,217	193,814,273	12,878,618.8	54,283,200,000	0.75	0.21
2011	354,839,706	19,325,444	53,639,435	105,299,808	165,690,100	10,884,919	59,174,100,000	0.60	0.18
2012	372,986,660	21,560,652	52,275,718	102,247,378	187,766,109	9,136,803	60,047,400,000	0.62	0.17
2013	426,004,513	26,841,648	70,368,509	108,895,109	205,997,928	13,901,319	66,985,200,000	0.64	0.16

Sources: Budgets of the Ministry of Culture and Sports of Guatemala, available at http://mcd.gob.gt/coordinacion-de-presupuesto/ , General Expense Budgets, Ministry of Finance: http://www.minfin.gob.gt/index.php/presupuestos-aprobados

within the Ministry. Most of the increase is seen in the sports sector, whose budget has almost doubled (sixth column, table 6). Financing for the upper management (third column) and the Arts Department (fourth column) also increased, while there is not much change in the Heritage section (fifth column), which receives around Q105 million. Thus, the proportion of the budget allocated for heritage relative to the budget of the Ministry of Culture and Sports has decreased from about little more than one-third to less than one-fourth. The amount of budget for heritage remains constant, but one has to consider the inflation that as of 2017 reaches 4.23 percent, lowering economic capabilities.[22]

In proportion to the general expense budget of Guatemala (eighth column), the Ministry received around 0.6-0.7 percent in total over the years, but the part for the heritage sector decreased from 0.24 to 0.16 percent (ninth and tenth columns).

In interviews, government workers have commented on cutting services, such as security in the case of museums, to be able to function properly. There was general concern amongst the interviewees on the future economic sustainability of the sector. As the functions of the Ministry and the Heritage Section grow with projects that target intangible heritage, economic capacity is diluted. As a response, Guatemala has turned to ODA for its projects, generating dependency on external resources, which cannot be regularly secured.

Table 7 shows the budget allocated under the program of protection, restoration, and preservation of the natural and cultural heritage (the amount of the budget differs from that of table five because it shows the budget for the program and not the executive unit). This information shows that the

Table 7: Breakdown of the Heritage Budget in Guatemalas Ministry of culture and Sports

UPDATED BUDGET BY ACTIVITY FOR HERITAGE PROTECTION, RESTORATION, AND PRESERVATION, 2013, GTQ	
PROGRAM	**BUDGET**
Direction and Coordination	9,381,444
Research, Cataloguing, and Registry of Cultural Goods	3,628,861
Management Services for Parks, Archaeological Sites, and Cultural and Natural Rescue Zones	30,686,410
Museum Administration Services	11,056,384
Intangible Heritage Safeguarding	927,057
Bibliographical and Documental Heritage Administration Services	5,277,085
Tikal National Park Management	19,721,070
Services of Conservation and Restoration of Cultural Goods	9,176,118
Services of Conservation and Rescue of Archaeological and pre-Hispanic Sites	9,862,680
TOTAL	99,717,109
Source: Ministry of Culture and Sports of Guatemala, available at http://mcd.gob.gt/coordinacion-de-presupuesto/	

22   "Índice de Precios al Consumidor", Bank of Guatemala, accessed January 23rd 2017, http://www.banguat.gob.gt

Management Services for Parks together with the Tikal Park management accounted for about half the available resources in 2013. Tikal is especially large, covering 57,600 ha,[23] and requires considerable maintenance of both its sites and its nature (figure 13). The intangible heritage unit, created in 2006, receives only about one percent of the total budget for the cultural heritage program.

Because Antigua Guatemala is managed by the decentralized National Council for the Protection of Antigua Guatemala, its budget is separate from that of the Ministry. For 2016, the Council reported a budget of Q 9,485,505.00, a budget that has decreased gradually in the past years.[24]

Figure 13: Tikal National Park, showing the top of a pyramid emerging from the thick forest (photo by Elke Hüttmann)

3.3.3 Programs

The basic programs of the Heritage Department of the Ministry of Culture and Sports were broadly discussed in the previous section. These programs cover basic needs such as registry, restoration, and administration. There are, however, new additional activities that the Ministry carries out yearly and that express the direction the Ministry is taking. After six months of a new government, the Ministry issued a report on its development.

That report highlighted the following activities for the Vice-Ministry of heritage:[25]

-Restoration work in the Museum of Natural History

-Rescue of the National History Museum, allocating funds for restoring exhibition spaces

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23   Compare to the Archaeological Park and Ruins of Quirigua, which has 34 ha or Antigua, whose urban core covers 49.57 ha. Area sizes gathered from the site descriptions of UNESCO, accessed January 12th 2017, available at http://whc.unesco.org/en/statesparties/gt

24   The annual budget information available online goes back to 2012, when the budget for the Council was Q14,558,851. "Obligaciones de Transparencia Presupuestaria", National Council for the Protection of Antigua Guatemala, accessed January 12th 2017, http://www.cnpag.com/obligaciones-de-transparencia-presupuestaria.html

25   "Ministerio de Cultura y Deportes rinde informe a 6 meses de Gobierno", Ministry of Culture and Sports, accessed January 28th 2017, http://mcd.gob.gt/ministerio-de-cultura-y-deportes-rinde-informe-a-6-meses-de-gobierno/

-An administration plan for the Uaxactún archaeological zone

-Recuperation of three Mayan objects that were about to be auctioned in Germany

The report that was issued after the first year of the new administration added to these achievements two further developments:

-anti-corruption actions and

-The exhibition of Mayan artifacts in Europe [26]

Thus, out of six highlighted actions of the Vice-Ministry of Heritage, three were related to pre-Columbian culture. The anti-corruption actions, which are in line with the new government policies, followed a shortage of Q839,800 in the income of archaeological parks,[27] and the denunciation of corruption in the previous government.

3.4 Legislation

Legislation of cultural heritage in Guatemala is numerous[28] and dates back as far as the eighteenth century. Today, the main legislative reference for cultural heritage protection is the Law for the Protection of the Cultural Heritage of the Nation of 1997. Cultural heritage is also referred to in the Guatemalan Constitution and in general cultural policies of Guatemala, as well as in accepted international agreements. In this section, I address the development and present of legislation on the Guatemalan cultural heritage. Appendix A lists the legislation found on Guatemalan heritage.

3.4.1 Brief History of the Concept and Development of Cultural Heritage Policies in Guatemala

Guatemala was the center of the Mayan civilization as well as of the General Captaincy of

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26   "Primer año de Gobierno, informe de labores 2016 – 2017 Ministerio de Cultura y Deportes", Ministry of Culture and Sports, accessed January 28th 2017, http://mcd.gob.gt/primer-ano-de-gobierno-informe-de-labores-2016-2017-ministerio-de-cultura-y-deportes/

27   "Ministro Chea Urruela avanza en lucha contra la corrupción en cartera de Cultura y Deportes", Ministry of Culture and Sports, accessed January 28th 2017, http://mcd.gob.gt/ministro-chea-urruela-amplia-denuncia-por-corrupcion-en-sitios-arqueologicos/

28   Ortiz Sobalvarro, Perdomo Figueroa, Guantá Quex, and Hernández Estrada catalogue culture-related laws for a judiciary reform proposal of the sector, and report 131 laws specific to the culture sector and 183 regulations from the 19th century to 2001. Source: Alfonso René Ortiz Soblavarro, Óscar Vinicio Perdomo Figueroa, María Antonia Guantá Quex, and Liliana Isabel Hernández Estrada, *Estrategia de Reforma Jurídica y Normativa para el Sector Cultura* (Culture and Sports Ministry-World Bank, 2001), 4.
Araujo lists over 250 laws that can be related to the sector. Source: Max Araujo, *Breviario de legislación cultural* (Guatemala: Asociación en Guatemala de Amigos de la UNESCO, 2009), 105-119.
Grigsby uses 32 legal instruments in her cultural heritage compendium (which includes the constitution and international agreements). Source: Katherine Grigsby, Blanca Niño Norton, and Oscar Mora, *Compendio de leyes sobre la protección del patrimonio cultural guatemalteco*, (Guatemala: UNESCO, 2010)

Guatemala, as discussed in 2.2.1 and 2.2.2. Its long-standing historical importance is reflected in the vast cultural heritage that can be found in the nation. One of the first attempts to officially manage heritage in Republican Guatemala (after independence from Spain) was creating a national museum.

Several attempts at creating a museum had been made throughout the nineteenth century and at the beginning of the twentieth. Although the attempts had partial success, a properly national museum was opened until 1898.[29] By this time, explorers and researchers, mostly from the US, were already heavily engaged in studying the pre-Columbian civilizations of Guatemala.[30] Expeditions to sites such as Tikal and Petén attracted foreign professionals and spiked international interest. This new attention may have led to some of the first legal steps for cultural heritage preservation, such as the creation of the General Section of Archaeology, Ethnology, and History, and its National Museum under the Public Instruction Secretariat in 1922.

It is worth mentioning that, while this foreign stimulus created interest both from the inside and the outside of the country, it also proved an opportunity for the legal exportation of many cultural objects. Because the persons with expertise were close to the cultural decision-makers (and in some cases were the decision-makers themselves), and because there was little legal protection and possibly little interest, many collections were taken outside of the country.[31] The wave of exports, in turn, led to a defensive position on the government's side. One of the first cultural heritage protection laws of Guatemala is Decree 1376 of 1925 (reformed by Presidential Decree 1569, September 1st, 1934), which states:

"All monuments and archaeological, ethnological, historic and antique art objects within the territory of the Republic are the exclusive property of the Nation, and no one may transfer them."[32]

This statement would be one of the first legal steps in the re-appropriation of national heritage. Soon, more regulations and governmental bodies followed, filling the legal gap in heritage protection.

Two forces explain these first Guatemalan actions related to cultural heritage: the will to explore

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29   Marta Elena Casús Arzú, "Museo Nacional y museos privados en Guatemala: patrimonio y patrimonialización. Un siglo de intentos y frustraciones," *Revista de Indias* 72, no. 254 (2012): 96-97.

30   For example John Carmichael, Gustave Bernouilli, and Sir Alfred Percival Maudslay, all of whom visited the site several times between the nineteenth and twentieth century.

31   Casús Arzú, "Museo Nacional y museos privados en Guatemala: patrimonio y patrimonialización. Un siglo de intentos y frustraciones," 105-106.

32   Translated by the author. Max Araujo, *Breviario de legislación cultural* (Guatemala: Asociación en Guatemala de Amigos de la UNESCO, 2009), 25.

the cultural assets of a newly independent nation while officially developing a national identity (in the case of national museums), and the influence of foreign intentions, be they honest or deceptive.

In the early development stage, one of the most important achievements was the Institute of Anthropology and History of Guatemala, created in 1946 after Mexican fashion (see 3.3.1) during the "Ten Years of Spring" period of social reforms (see 2.2.4). One year later, general protection procedures were established, so that there was already a governmental body and legislation for cultural heritage in the late 1940s. Despite great efforts to create conservation and restoration projects, there was little achievement due to a lack of funds and qualified personnel. [33]

During the 1950s and 1960s, museums were created and special regulations were issued for some monumental sites (Tikal, Kaminal Juyu, and Antigua). Despite this recognition, however, cultural heritage was the "object of continuous degradation."[34]

It was until the 1970s that cultural heritage developments were given a substantial push, mainly because of two factors: the growing international trend in heritage conservation and a 7.5 Mw magnitude earthquake that struck the country in 1976. Already in 1970, the Education Ministry released a ministerial agreement that listed archaeological, historic, and artistic zones and monuments to enable their protection, based on a register created by *IDAEH*. The agreement divides the sites into pre-Hispanic and Hispanic monuments and is a first step in widening the concept of heritage to include smaller monuments. After the 1976 earthquake, the government together with the OAS and UNESCO carried out rescue projects, and the Cultural Heritage Rescue Unit was created. This unit, after some structural changes, would become the current Conservation and Restoration Departments of Cultural Assets under the Technical Department of the Institute of Anthropology and History.

So far, culture had belonged to the Education Ministry. In 1979, the Vice-ministry of Culture was created,[35] with arts divisions, social inclusion, and dissemination divisions and the *IDAEH* under it. Seven years later, the vice-ministry became the Ministry of Culture and Sports.

The three World Heritage Sites (Tikal National Park, the Archaeological Park and Ruins of Quirigua, and Antigua Guatemala), were inscribed in 1979 (Antigua and Tikal) and 1981 (Quirigua), and placed under special consideration in the 1985 Political Constitution (see 3.4.2).

All of these efforts were carried out during the civil war. With the 1995 Agreement on Identity

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33   Edna Núñez de Rodas, *Política cultural en Guatemala* (Unesco: 1980), 60.

34   Translation by the author, Alfonso René Ortiz Soblavarro et al., *Estrategia de Reforma Jurídica y Normativa para el Sector Cultura*, (Ministry of Culture and Sports of Guatemala, 2001), 54.

35   de Rodas, *Política cultural en Guatemala*, 24.

and Rights of Indigenous Peoples, laws and decrees that recognized indigenous people and peaceful intercultural relations followed. These precautions were even taken in Guatemala's main heritage protection law today: the 1997 Law for the Protection of the Cultural Heritage of the Nation has articles that specifically prohibit disdaining traditional culture (see 3.4.3).

In 2000, the government released the first "National Cultural and Sports Policies." The document is the product of a national congress held in April, a great effort that included national and international organizations, NGOs, communities, and people from the four basic ethnic groups of Guatemala, amounting to over 600 persons who "set the basis of the new nation we aspire."[36] These cultural policies are close to ideological guidelines that revolve around multiculturalism, culture for development, peace, and decentralization. The modern concept of culture for development mentioned in the policies was further implemented with the 2007 National Cultural Development Plan that bore the title "Culture, Development Motor."

In 2008, a Government Agreement established some basic definitions of museums, national museums, state museums, regional museums, cultural centers and interpretation centers,[37] which had so far not been thoroughly organized.

In 2015, an updated version of Culture, Sports, and Leisure Policies was approved.[38] These policies were drafted in a Congress as well, this time held two years prior. The new cultural policies aim to cover the period of 2015-2034, and are organized around the guiding policy "National Cultures and Integral Development". It

"is based on the concept that, based on the signing of a firm and lasting peace, Guatemala recognizes itself as a multicultural, multilingual and multiethnic State(…)"[39]

Around this guiding policy, which has not changed radically since its predecessor, strategies and other policies are to be placed, which include cultural heritage. The ideological side taken by the new policies is characteristic in their passionate discourse, charged with philosophies and filled with plans for the future. It has become clear that inclusiveness is the main goal of Guatemalan cultural

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36   "Políticas culturales y deportivas nacionales," Ministry of Culture and Sports, accessed October 10th 2017, http://www.lacult.unesco.org/docc/Politicas_Cult_Deport.pdf

37   State museums were classified into 4 national museums, 6 regional museums, one cultural center, and four interpretation centers (formerly site museums). However, the Protection Law also allows for municipal museums that can be established by the municipalities.

38   Ministerial Agreement 948-2015

39   "Políticas Culturales, Deportivas y Recreativas 2015 – 2034," Ministry of Culture and Sports, accessed October 10th, 2017, http://mcd.gob.gt/politicas-culturales-deportivas-y-recreativas-2015-2034/

policies, but the role of heritage in this picture and the question of an effective implementation remain to be answered.

Table 8 shows the relationship between the historical events of Guatemala and cultural heritage policies. Notably, there were no significant improvements during the dictatorial reign of Ubico, but during the 1944-1954 revolution, there were important developments. This does not necessarily mean, however, that cultural heritage improvements in Guatemala happen during liberal and social regimes: the table also shows that even during the 1954-1996 mainly military governments, important steps were taken, such as the creation of the Ministry. The fact that during the 1930s dictatorial regime there was little activity and during the 1970s-1990s there was much may be attributed to concern over damage during the civil war, the 1976 earthquake, and the international trends on heritage preservation. This idea is supported by the fact that advancements during the conflict were preventive: lists and World Heritage inscriptions. After the civil war, Guatemala created the Protection Law, which attempted to define heritage and its procedures, and turned more towards indigenous rights related to culture, and regarding heritage, towards intangible heritage.

Table 8:   Historic events and heritage-related events

Era	Historic Events	Heritage-related Events
Republican eras (mid-19th century)	Dispute between conservatives and liberals. 1871: liberals take office	**1898**: First National Museum
	1898-1920: Manuel Estrada Cabrera	
Early 20th century	Expeditions	**1922**: General Section of Archaeology, Ethnology, and History, and its belonging National Museum **1925**: Decree states that heritage belongs to Guatemala
1930s -1940s	1931-1944: Jorge Ubico	**1935**: heritage mentioned in the Guatemalan Constitution
1940s	1944-1954: Guatemalan revolution or "Ten Years of Spring" (liberals took office, social reforms)	**1946**: Anthropology and History Institute **1947**: Law for Heritage
1950s	1954-1996: military dictatorships	Special regulations for three monumental sites
1960s	1960-1996 civil war between right and left	
1970s	1976: 1976 Guatemala earthquake	**1970**: Comprehensive list on heritage sites **1978**: World Heritage Convention **1979**: Vice-ministry of Culture **1979**: Two sites inscribed in the World Heritage List
1980s		**1981**: Quirigua inscribed in the World Heritage List **1986**: Ministry of Culture and Sports
1990s	1996: peace accords signed	**1995**: Agreement on Identity and Rights of Indigenous Peoples **1997**: Law for the Protection of the Cultural Heritage of the Nation
2000s		**2000**: National Cultural and Sports Policies **2006**: Convention for the Safeguarding of Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions
Today	Democracy, left-wing elected president	**2015**: Culture, Sports, and Leisure Policies
Legend	Yellow: dictatorship or military government	Red: civil war

3.4.2 The Guatemalan Constitution

The Guatemalan Constitution is the supreme law of the country. Already in 1935, Article 11 of the reforms of the Guatemalan constitution included cultural heritage. In 1945 the constitution claimed that:

"All artistic, historic, and religious riches, no matter who the owner may be, are part of the cultural treasures of the Nation and are under safeguarding and protection of the State."[40]

This article is almost a copy of Article 45 of the 1931 Spanish constitution, which claims:

"All artistic and historic riches, no matter who the owner may be, are part of the cultural treasures of the Nation and are under safeguarding and protection of the State."[41]

The Spanish Constitution of 1931 was drafted as the Constitution of the Second Spanish Republic.[42] The Republic was proclaimed when King Alfonso XIII left the country after anti-monarchist parties won municipal elections. In the context of a civil movement that sought to change the political status quo, claiming state ownership of national heritage was only one of many social reforms.

The choice of this constitution as an inspiration is understandable when considering that Guatemala had just escaped an authoritarian regime (see 2.2.4) and was also seeking to establish social reforms. However, a small but important detail was changed in the Guatemalan version: the addition of riches with 'religious' character, even though the new regime was to be secular.

The constitution of 1956 modified the article slightly: [43]

"all archaeologic, historic, and artistic riches, no matter who the owner may be, are part of the cultural treasures of the Nation and are under safeguarding and protection of the State."[44]

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40   Translation by the author, Article 86 of the 1945 Guatemalan Constitution, accessed September 19th, 2016, https://archivos.juridicas.unam.mx/www/bjv/libros/5/2210/24.pdf

41   Translation by the author, Article 45 of the Spanish 1931 Constitution, accessed September 19th, 2016, http://www.congreso.es/docu/constituciones/1931/1931_cd.pdf

42   "Constitución de 1931", Spanish Congress, accessed September 20th, 2016, http://www.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/ConstEsp1812_1978/Const1931

43   Translation and italics by the author, Article 108 of the Constitution, accessed September 19th, 2016, https://archivos.juridicas.unam.mx/www/bjv/libros/5/2210/25.pdf

44   Translation and italics by the author, Article 86 of the 1956 Constitution, accessed September 19th, 2016, https://archivos.juridicas.unam.mx/www/bjv/libros/5/2210/24.pdf

The article remained the same for the constitution of 1965.[45] Archaeologic riches replaced religious riches in at a time when *IDAEH* and the first heritage protection law had long been established, showing the growing importance of archaeology in Guatemala.

The currently valid constitution was written in 1985 and amended in 1993. Following the cultural constitutionalism trend, it has a whole section on culture with nine articles. It grants the right to culture and cultural identity.

On cultural heritage, Article 60 reads:

"Cultural heritage. The paleontological, archaeological, historic, and artistic assets and values of the country form the cultural heritage of the nation and are under the protection of the State. Its alienation, export, or alteration is prohibited, except in cases that the law determines."[46]

Besides the addition of paleontology, the article prohibits illegal traffic, which is a known threat for Guatemalan heritage.

Article 59 states:

"Protection and research of culture. To protect, promote, and disseminate the national culture is a primary obligation of the State; as is emitting the laws and dispositions that lead to its enrichment, restoration, preservation, and recuperation; also promoting and regulating its scientific research, as well as the creation and application of the appropriate technology."[47]

Article 61 states:

"Protection of the cultural heritage. The archaeologic sites, monumental groups of buildings,

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45   Article 107 of the Guatemalan 1965 Constitution, accessed September 19th, 2016, https://archivos.juridicas.unam.mx/www/bjv/libros/5/2210/26.pdf

46   Translation by the author, 1986 Guatemalan Constitution, accessed September 19th, 2016, http://www.oas.org/dil/esp/Constitucion_Guatemala.pdf

47   Ibid.

and the Cultural Center of Guatemala will receive special attention from the State, with the purpose of preserving their characteristics and safeguarding their historic value and cultural goods. Tikal National Park, the Archaeological Park and Ruins of Quirigua, as well as Antigua Guatemala, are subject to special attention from the State because they have been declared World Heritage Sites. This applies to others that acquire similar recognition."[48]

Article 62 refers to what may be considered intangible heritage:

"Protection of art, folklore, and traditional handicrafts. The national artistic expression, folklore and the autochthonous handicrafts and industries must be subject to the special protection of the State, with the purpose of preserving their authenticity. The State will provide national and international markets for the free commerce of the work of artists and craftspeople, promoting their production and adequate technicalization."[49]

The constitution has several considerations towards the indigenous peoples, stating that the state will respect their clothing, traditions, and languages.

On language, Article 143 reads:

"Official language. The official language of Guatemala is Spanish. The vernacular languages are part of the cultural heritage of the Nation."[50]

The considerations towards cultural heritage in the Guatemalan Constitution of 1985 are fairly modern and go deeper than previous versions. There are a few particularities of these considerations:

-There is mention of paleontological heritage, which is not mentioned in the other constitutions of this study.

-World Heritage sites are given 'special attention,' as well as the Cultural Center, sites, and monumental groups of buildings. There is a precedent to this particularity: article 107 of the 1965 Constitution called for 'special attention' on the state's side for Antigua because of its 'character as a

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48   Ibid.

49   Ibid.

50   Ibid.

national monument and monument of America.'[51]

-There is protection for intangible heritage. Although 'intangible heritage' is not directly mentioned, the constitution grants protection to artistic expressions and folklore, as well as indigenous languages. Including popular arts and industries into the national culture is also mentioned constitution of 1945 [52]and the subsequent versions.

3.4.3 Law for the Protection of the Cultural Heritage of the Nation[53]

For fifty years, the main legal instrument for cultural heritage protection in Guatemala remained the same until 1997, when the Law for the Protection of the Cultural Heritage of the Nation (referred to as the Protection Law) was issued. A year later, various reforms modified the Law and repealed certain articles. The law addressed movable, immovable, and intangible heritage integrally, although various procedures such as certain financial incentives and sanctions can only be realistically applied on tangible heritage.

In this section, I go over the law as a whole. Table 9 in the next page provides an overview of this law, its chapters, and articles.

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51   Article 107 of the Guatemalan 1965 Constitution, accessed September 19th, 2016, https://archivos.juridicas.unam.mx/www/bjv/libros/5/2210/26.pdf

52   Article 87 of the 1956 Constitution, accessed September 19th, 2016, https://archivos.juridicas.unam.mx/www/bjv/libros/5/2210/24.pdf

53   Translations by the author, Law for the Protection of the Cultural Heritage of the Nation, Ministry of Guatemala, http://mcd.gob.gt/wp-content/uploads/2013/07/LEY_PARA_LA_PROTECCION_DEL_PATRIMONIO_CULTURAL_y_NATURAL1.pdf

Table 9:   Overview of the Law for the Protection of the Cultural Heritage of the Nation of Guatemala

CHAPTER I **GENERAL DISPOSITIONS**	-Purpose of the law: regulate the protection, defense, research, conservation and recuperation of the goods that form the cultural heritage of the nation (Article 1) -Definition of cultural heritage (Article 2) -Classification of cultural heritage (Article 3)
CHAPTER II **ON THE PROTECTION** **OF CULTURAL HERITAGE**	-The norms of heritage safeguarding are public and of public interest and going against them will give placed to sanctions (Article 4) -Cultural goods can be public or private and are protected by the State. Public goods cannot be alienated. Immovable good ownership transfer must be notified to the registry. (Article 5) -The measures apply to cultural heritage, whether or not it has been declared national monument or archaeological zone (Article 6) -This law applies to cultural heritage that is endangered by construction works, water construction and modification, modification of land, opening of communication lines or natural disasters. The State will dictate necessary preventive or prohibitive measures regarding these (Articles 7 and 8) -Cultural goods protected by this law may not be modified, and excavations may not be carried out without permission from the Heritage Section. Municipal permission is also required for modifications on declared heritage. Cultural heritage may not be destroyed. (Articles 9 ,10, and 12) -Exports are prohibited, but temporary exports may be allowed under certain circumstances for up to three years (Article 11) -Documentary heritage is protected, and may not leave the country unless required under certain conditions (Articles 13 and 14) -Immovable heritage also includes its surroundings, defined by the State. Projects developed in these sites must be approved by the Heritage Section (Articles 15 and 16) -If a natural disaster causes damage to heritage, threatening people, and demolition, reconstruction, or restoration is considered, the Heritage Section must issue an evaluation for this(Article 17)
CHAPTER III **EXPOSITION OF ARCHAEOLOGIC,** **HISTORIC, ETHNOLOGIC, AND** **ARTISTIC OBJECTS**	-Requirements for the exhibition of objects(Article 18) -A list of the objects will be created, which will serve as the base for insurances. Once accepted, the conditions of the collections must be specified, and an agreement will be signed between the government and and the interested person. After the exhibit, the collection will be inspected. The same principles apply for itinerant exhibitions. The Ministry has right to the final selection of the objects that will leave the country (Articles 19, 20, 21, and 22)
CHAPTER IV **CULTURAL GOODS REGISTRY**	-Defines and establishes the Cultural Goods Registry as well as alternate registries (Article 23) -Natural or legal personas that own cultural goods have to inscribe them in the registry (Article 24)
CHAPTER V **DECLARATION AND INVENTORY OF** **CULTURAL GOODS**	-On the process for the declaration of cultural goods (Article 25) -Legal effects of the declaration of cultural goods (Article 26) -The Cultural Goods Registry will keep an inventory of the goods that integrate the cultural heritage of the nation(Article 28)
CHAPTER VI **EXEMPTIONS AND FISCAL INCENTIVES**	-Donations or investments destined to the purposes of this law are deductible from the income tax, as are the improvements done on declared cultural heritage of the nation, as long as they have been authorized in beforehand (Article 29)
CHAPTER VI **ON INDIVIDUALS**	-Owners of cultural goods are responsible for their conservation and custody (Article 30) -Owners intending to do works on places close to heritage sites that may affect the characteristics of the site must have authorization from the Heritage Section (Article 31) -Excavation, explorations, etc. are prohibited without authorization from the Heritage Section. Any extracted object is property of the State. When heritage is accidentally discovered, works must be stopped and the discovery must be notified (Articles 32 and 33) -Landowners of property where cultural goods exist may not oppose exploration, excavation, etc. (Article 34) -Requirements for commercial establishments that sell and buy cultural goods (Article 35)
CHAPTER VII **DIFFUSION OF CULTURAL GOODS**	-Cultural object reproductions are allowed as long as no harm is done to the original. If direct contact is required, authorization must be given beforehand (Article 37) -Public and private museums must create registries that are ascribed to the Cultural Goods Registry. If required, assistance can by provided by the IDAEH (Article 40) -With the confirmation of IDAEH, municipalities can create and give maintenance to municipal museums, allocating necessary media and resources (Article 41)
CHAPTER IX **DEFINITIONS**	-Definitions on cultural heritage such as monuments, sculpture monuments, historic gardens, etc., as well as procedures such as alteration, conservation, etc.(Article 42)
CHAPTER X **SANCTIONS**	-Sanctions for protective measure violations, cultural goods destruction or alteration, illicit traffic, illicit excavations, illicit signboard placing, illicit demolition, violating return conditions, historic documents extraction, original names alteration, traditional culture undermining, theft, illicit modification, illicit replica export (Articles 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56) -Public workers of the heritage field have twice the amount of the sanction (Article 48)
CHAPTER XI **FINAL DISPOSITIONS**	-An inter-sectorial commission is created (Article 57) -Conditions for Non-profit organizations at departmental and municipal levels(Article 58) -Associations that have legitimacy to denounce illicit acts against cultural heritage will be recognized (Article 59) -Municipal, judicial, police, and military authorities must collaborate with the corresponding authorities (Article 60) -Municipalities with a consent from the IDAEH can give licenses that allow construction, reparation, demodulation, etc. that affect cultural heritage of the nation (Article 61) -Municipalities will ensure the implementation of this Law, dictating necessary dispositions on protection and conservation.If damage or threats occur, the State must be notified within 48 hours (Article 62) -The Ministry and IDAEH will coordinate their actions with the General Procurator of the Nation and the Public Ministry(Article 63) -Authorized imported cultural goods are exempt of taxes, customs fees or consular fees and will be included in the national inventory (Article 64) -The government will adhere to the treaties it considers convenient (Article 65) -Diplomatic or consular representatives must communicate to the Ministry of the whereabouts of Guatemalan cultural heritage (Article 66) -Any change of ownership must be notified to the Registry (Article 67) -Necessary legal actions will be taken by the Ministry to recover the cultural goods addressed in this law when they are abroad (Article 68) -The Heritage Section and IDAEH can create their regulations, dispositions, and measures that lead to the enforcement of this Law. (Article 70)
	Articles 27, 36, 38, 39, 69 are repealed

Definitions and Concept of Cultural Heritage

Cultural heritage is addressed in an integral manner in this law. It is defined in Article 2:

"Cultural Heritage. The goods and institutions that by the ministry of law or authority declaration integrate and constitute movable or immovable goods, public and private, relative to paleontology, archaeology, history, anthropology, art, science, technology, and culture in general, including the intangible heritage, which contribute to the strengthening of the national identity are part of the cultural heritage of the nation. "

Although it is addressed integrally, Article 3 of the Law provides a clear-cut classification of cultural heritage, shown in table 10. Industrial and modern heritage are not included in the Protection Law, and the Protection Law does not give any value statements on concepts such as uniqueness or antiquity. Rather, it places the value of cultural heritage in accordance to its relation

Table 10: Cultural Heritage Classification in Guatemala

Cultural Heritage has been classified in the Law for the Protection of the Cultural Heritage of the Nation as follows:

"Article 3.- Classification. For the purposes of the present law the following are considered goods that form the cultural heritage of the Nation:

I. Tangible Cultural Heritage

a)Immovable cultural assets:

1 Architecture and its elements, including applied decoration
2 Groups of elements and groups of buildings and of vernacular architecture
3 Historic centers and groups, including surrounding areas and their natural scenery
4 Urban traces of cities and towns
5 Paleontological and archaeologic sites
6 Historic sites
7 Areas or singular groups, be they man-made or combined with the natural landscape, recognized or identified because of their character or their scenery of exceptional value
8 Prehistoric and pre-Hispanic inscriptions and representations

b) Movable cultural assets

Movable cultural assets are the assets that for religious or secular reasons are of genuine importance for the country, and have a relation with Guatemalan paleontology, archaeology, anthropology, history, literature, art, science or technology, that come from one of the following sources:

    1.Collections and model objects that because of their scientific interest and importance are of value for the Guatemalan zoology, botany, mineralogy, anatomy and paleontology.
    2.The product of *terrestrial or underwater* excavations or explorations, be they authorized or not, *or the product of any kind of paleontological or architectonic find,* be it planned or accidental.
    3.Elements produced at the dismembering of artistic and historic monuments as well as at the archaeological sites.
    4.Artistic and cultural assets related to the history of the country, outstanding events, or outstanding figures of the social, politic, and intellectual life that are of value to Guatemalan culture, such as:

    a) Original paintings, drawings, and sculptures
    b) Photographs, etchings, serigraphy and lithography
    c) Sacred art of unique character that is significative and made in noble, permanent materials whose creation is relevant from a historic and artistic point of view
    d) Incunable manuscripts and antique books, maps, documents and publications
    e) Newspapers, magazines, bulletins and other journal materials of the country
    f) Archives, including photographic cinematographic, and electronic archives of any kind
    g) Musical instruments
    h) Antique furniture

II Intangible Cultural Heritage
Institutions, traditions and customs such as oral, musical, medicine, culinary, craft, religious, dance and theatre traditions."

Chapter IX of the Protection Law provides specific definitions for the Law. The following are definitions for heritage types. The definitions for 'despoilment,' 'alteration or intervention,' 'conservation,' 'restoration,' 'rehabilitation,' and 'reconstruction' are not included.

"Article 42.- Definitions. For effect of this law the following are understood:

a) **Monuments:** immovable goods of architectonic, archaeologic, historic, artistic, or engineering quality and their surroundings. The monumental value is constituted by great groups of buildings or modest works that have acquired archaeologic, historic, artistic, scientific and/or social interest through time.

b) **Sculpture Monuments:** Structure or figure made in memory of an event or a historic figure or for aesthetic purposes.

c) **Historic Gardens:** Delimited spaces, product of an architectonic and vegetal composition, ordered by man through natural elements and with the help of fabricated structures that from a historic or aesthetic point of view are of public interest.

d) **Plazas:** Public spaces where social, cultural, or civic activities are developed, that also have architectonic, urban, or ethnographic value.

e) **Historic Center:** Individual nuclei of immovable assets where the growth of urban population originates, that are clearly limited and have the following characteristics:
1-That form a settlement unit and
2-That are representative of the evolution of a community, by being testimony to its culture or by constituting a value of usage and of collectivity enjoyment

f) **Historic Groups:** Group of buildings that form a city or settlement, continuous or disperse, conditioned by a physical structure representative of the evolution of a human community, by being testimony to its culture or by constituting a value of usage and of collectivity enjoyment. Also, any individualized nucleus of immovable assets in a superior population unit is a historic group, that has the described characteristics and that can be clearly delimited.

g) **Archaeologic Sites:** Cultural-natural place or location related with events or past memories, popular traditions, cultural creations, or with the works of nature and man, that have historic, archaeologic, paleontologic, or anthropologic value.

h) **Archaeologic Sites or Zones:** Cultural-natural place or location where the existence of tangible or intangible goods that can be studied with archaeologic methodology is known or presumed, whether they have been excavated or not, that are on the ground, underground, or under territorial or jurisdictional waters."

Translation and italics by the author, source: Law for the Protection of the Cultural Heritage of the Nation, Ministry of Guatemala, http://mcd.gob.gt/wp-content/uploads/2013/07/LEY_PARA_LA_PROTECCION_DEL_PATRIMONIO_CULTURAL_y_NATURAL1.pdf

with disciplines such as archaeology, history, or art.

The definitions for movable cultural asset categories (Article 3, I., b), see table 10 in the previous page) are strikingly similar to those of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. It has certain additions, such as sacred art, which are not part of the UNESCO Convention definitions. The 1993 Salvadoran Special Protection Law for the Cultural Heritage of El Salvador uses the same source for its definitions of heritage, also adding religious expressions, so that it is possible that the original source was from El Salvador and not UNESCO. Unlike El Salvador, however, modern additions to the categories were made, mainly the "underwater excavations" in 2. and electronic archives in f). The Protection Law also includes documentary heritage in Article 13.

Chapter IX provides detailed definitions for monuments, sculpture monuments, historic gardens, plazas, historic centers, historic groups, archaeologic sites and archaeologic sites or zones (table 10). The definitions for a), c), and f) are very similar to those of the Salvadoran Heritage Law Regulations of 1996 that resemble Spanish Heritage Law of 1985,[54] which, in turn are inspired by the World Heritage Convention (WHC). When comparing the categories presented in table 10, it is evident that classifications do no match the definitions (compare Article 3 and 42 in table 10), which may

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54   Official Gazette of the Sate of Spain, accessed September 19th, 2016, https://www.boe.es/buscar/act.php?id=BOE-A-1985-12534

be due to the use of several sources when creating the law. This leads to incoherences as to what heritage is defined as in Guatemala.

To show the influences on the Guatemalan Protection Law, table 11 presents two basic aspects: the classification of heritage and the definition of 'monument' in three documents. As for the

Table 11:   Heritage classification in the World Heritage Convention, the Sapnish law, and the Guatemalan law

HERITAGE CLASSIFICATIONS	DEFINITION OF A MONUMENT
World Heritage Convention of 1972: **Cultural Heritage divided into:** -monuments -groups of buildings -sites	**World Heritage Convention of 1972:** architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science
Spanish Historic Heritage Law of 1985: **Historic Heritage divided into:** -monuments -historic gardens -historic groups of buildings -historic sites -archaeologic zones	**Spanish Historic Heritage Law of 1985:** immovable goods of architectonic or engineering quality, or works of colossal sculpture as long as they are of historic, artistic, scientific or social interest.
Regulations for the Salvadoran Special Protection Law for the Cultural Heritage of 1996: -monuments -sculpture monuments -historic gardens -plazas -historic groups of buildings -historic centers -historic sites -archaeologic zones	**1996 Salvadoran Regulations for the Heritage Law:** immovable goods that constitute the product of architectonic or engineering works, that are witness of a civilization, a significant phase of its evolution, or of a historic event, of artistic, scientific, or social interest.
Definitions in the Guatemalan Cultural Heritage Law of 1997 for: -monuments -sculpture monuments -historic gardens -plazas -historic centers -historic groups of buildings -archaeologic sites -archaeologic sites or zones	**Guatemalan Cultural Heritage Law of 1997:** immovable goods of architectonic, archaeologic, historic, artistic, or engineering quality and their surroundings. The monumental value is constituted by great groups of buildings or modest works that have acquired archaeologic, historic, artistic, scientific and/or social interest through time.
Translation and italics by the author, sources: Convention Concerning the Protection of the World Cultural and Natural Heritage, UNESCO, http://whc.unesco.org/archive/convention-en.pdf Law 16/1985, of June 25th, of the Spanish Historic Heritage, State Agency of the Official Gazette, https://www.boe.es/buscar/doc.php?id=BOE-A-1985-12534 Law for the Protection of the Cultural Heritage of the Nation, Ministry of Guatemala, http://mcd.gob.gt/wp-content/uploads/2013/07/LEY_PARA_LA_PROTECCION_DEL_PATRIMONIO_CULTURAL_y_NATURAL1.pdf All accessed October 4th, 2016.	

classification, Spain added two categories more than those of the WHC: historic gardens and archaeologic zones. The historic gardens of Spain, which combine European and Arabic garden designs, are a specific asset found the Iberian peninsula. Archaeological sites are also abundant, dating back to prehistoric times. The influence of the WHC is less evident in Spain than that of the Spanish Heritage Law in Guatemala. Some definitions of the Protection Law of Guatemala are drawn from the Spanish precedent, although modifications were made in the classification. For example, sculpture monuments and plazas are added, but historic gardens, which arguably are not very representative of Guatemala, remain unchanged. Adding definitions for both 'archaeologic sites' and 'archaeologic sites or zones' is one of the more confusing modifications.

As for the definition of 'monument', Spain adds 'social' value to its qualification, while the Guatemalan definition expands it further, adding 'archaeologic' for its 'monumental value' (a version

of the Outstanding Universal Value of the WHC).

From these observations, I argue that the definitions in the Guatemalan Protection Law were adapted from other documents in a manner that has rendered incoherence in the definition and classification of heritage.

Ownership of Cultural Heritage

Ownership is addressed in Article 5 of the Protection Law. Cultural goods can be of private or public ownership. The public goods are imprescriptible and inalienable. All cultural goods in national territory, whatever their ownership, are under the Protection Law and under protection and safeguarding of the state. Owners are responsible for the conservation of their goods.

Identification, Registry, and Declaration of Cultural Heritage

Chapter IV specifies the regulations for the registry, and Chapter V those for declaration.

The Registry of Cultural and Colonial Assets (formerly the Cultural Goods Registry) is the public institution that keeps track of the cultural objects of Guatemala, by listing them up in a national inventory and updating any change of ownership or location. Other institutions, however, can take over registry functions and work as alternate registries with the permission of the Ministry. Alternate registries are a form of decentralization and delegation of responsibilities.

The registry is compulsory for any person, natural or judicial, that owns 'by any title' goods that are part of the cultural heritage of the nation. This implies that goods not owned by title do not have to be registered. Ownership for movable items can be accredited by a sworn statement. The Registry can deny inscribing a good. An inscription can also work as a proof of ownership. In the form of a vicious cycle, the registry is conditioned by ownership, but ownership is proven by registry.

The declaration of cultural heritage goes through a different process. When a solicitor applies for a declaration, the *IDAEH* opens a file to evaluate the asset and to issue preventive conservation procedures. Declarations are made through ministerial agreements that have to be published in the official gazette. Once declared, the owner commits to protecting the good and to inform of any damage or loss to the cultural good. In justified cases, the owner will have to allow the examination, study, or periodic supervision of the *IDAEH* of the good in question. Placing publicity, signboards, or signalization of any kind that deteriorate or damage the value or appreciation of the declared good is prohibited.

Although technically intangible cultural heritage is to be registered by the same institution, there is little information on any such registry, although in 2014 UNESCO held workshops on community-based inventorying.

Export

Export is addressed in Article 11. Definitive export is prohibited, but temporary export is allowed for up to three years, in cases of exhibitions abroad or scientific research, conservation, or restoration projects, as long supervised by the Heritage Section.

Temporary exhibits outside of the country are addressed in detail in Chapter 3 of the Protection Law, which explains the process of acquiring a permit for such exhibitions.

To get a permit, the solicitor must give information on the activity, on its duration, its country, and specific location. Furthermore, a minimum of people is required to accompany the objects, as well as the name of the responsible persons or institutions of the activity and the commitment of acquiring insurance.

Once the application is received, documents are created with details on the collection, its value, and physical status. These documents are used to draft the national guarantee commitment or the insurance policy. The solicitor commits to returning the objects and to guaranteeing their safety.

Once accepted, the general status of the collection is evaluated, and an agreement between the solicitor and the Ministry of Culture and Sports is signed that regulates the conditions of the process. The national guarantee commitment or the insurance policy are received at the Ministry in case claims have to be made.

After the exhibit finishes, a detailed act is written on the conditions of each object of the exhibition.

The same conditions for this process apply for itinerant exhibitions. The responsibility falls on the countries where the temporary exhibit is organized until it is accepted in the next country.

Relationship with the Municipalities and Decentralization

Articles 60 and 62 state that municipalities have to cooperate with the corresponding authorities so that the Protection Law is enforced. If a municipality knows of any destruction, damage or threat, it has to be reported to the *IDAEH*, the national police, the Public Ministry, and the judicial authorities within 48 hours. Thus, the municipalities are legally subject to the protection law and

central institutions. Regardless, municipalities are granted legal say in the following:

-Creating municipal museums (Article 41)

-With consent from *IDAEH*: give permits for construction, repair, remodeling, demolition, reconstruction, and so forth for works that affect immovable cultural heritage (Articles 9 and 61). Relative to other Central American countries, this is a considerable step towards cultural heritage decentralization since in the following studied countries licenses can only be handed out by the central institution in charge.

Decentralization is further secured through the Law for the Creation of the Cultural Decentralization Unit (*Aporte para la Descentralización Cultural, ADESCA*),[55] which was issued a few months before the Protection Law. *ADESCA* was created from the Peace Agreements to complement the policies of the Ministry of Culture and Sports. Its objectives are to finance activities that support the creation and cultural and artistic diffusion, rescue projects for popular cultures, and cultural heritage conservation and diffusion activities.[56]

ADESCA receives its budget from the general income and expenses budget of the state in each term.[57] In 2015 it was of four million GTQ, which is about 533000 USD today. Of these, about 1.4 million is destined for regular transfers, which are given to individuals or organizations that work in art or culture who apply for these subsidies. It is equivalent to El Salvador's *PTR* program.

Conservation and Protective Measures

Chapter II is named "On the Protection of Cultural Heritage" and provides general protection measures for cultural heritage. Some measures are indirectly mentioned in Chapter X. Although Article 30 establishes that owners have to conserve cultural goods, this chapter begins by stating that all cultural goods, whether publicly or privately owned and whether they are declared or not, are "under safeguarding and protection of the State". Both the state and the owner are responsible. Important general measures are:

-Demolitions, reconstructions, restorations, modifications, and excavations, either on land, underground, or underwater, cannot be made unless there is permission from the Heritage Section

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55   Aporte para la Descentralización Cultural or ADESCA, Decree 95-96 and regulations through government agreement 854-2003

56   Decree 95-96, UNESCO Database of National Cultural Heritage Laws, http://www.unesco.org/culture/natlaws/media/pdf/guatemala/guatemala_decret95_22_10_1996_spa_orof.pdf

57   Max Araujo, Breviario de legislación cultural (Guatemala: Asociación en Guatemala de Amigos de la UNESCO, 2009), 30.

(this applies for movable and immovable heritage). Municipal permission is also required for modifications on declared immovable heritage

-Signboards may not be placed in heritage sites

-If a cultural good is discovered by accident, the works that caused the discovery must be suspended immediately and the *IDAEH* must be notified to carry out the necessary studies

-Owners of property where cultural goods exist may not oppose authorized exploration, excavation, investigation, reconstruction, or studies

-Definite exports are prohibited, but temporary exports are allowed. Replica exports need a special permission

-Protection of immovable heritage also includes its surroundings

-Scientific and research projects in heritage sites cannot be made without permission of the *IDAEH*

-Traditional names of towns and sites may not be altered

-Traditional culture may not be disdained

Fiscal incentives

Chapter VI of the Protection Law and addresses fiscal incentives, which are:

-Donations or inversions for the enforcement of the Protection Law are deductible from the income tax

-If authorized by the *IDAEH*, any improvements on immovable heritage will also be deductible from the income tax

Sanctions

Sanctions are specific according to the criminal action, and are addressed in Chapter X. Chapter IV of the Penal Code[58] also provides sanctions for cultural heritage violations. The discrepancy between the Protection Law and the Penal Code needs to be studied but fall into the judicial sector that is outside of the scope of this thesis.

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58   Added by Article 22 of Decree 33-96

3.4.4 Cultural Policies in Guatemala and International Instruments

Guatemala has been active in the international cultural heritage community. Table 2 in Chapter 2 shows that Guatemala is the country with the largest amount of international convention ratifications from the list. Perhaps its historically and culturally strong position in Central America and its closeness to Mexico -a pioneer in international heritage-are clues to these international efforts.

The bad image of the Guatemalan government during and after the Civil War, critiqued by persons such as Rigoberta Menchú,[59] may also have contributed to fostering an international image of cultural awareness.

Guatemala ratified the WHC in 1979 and has the following properties inscribed on the World Heritage List:

1979: Antigua Guatemala (cultural)

1979: Tikal National Park (mixed)

1981: Archaeological Park and Ruins of Quirigua (cultural)

The Convention for the Safeguarding of Intangible Cultural Heritage was approved in 2006, and the following elements have been inscribed:

2013: Nan Pa'ch ceremony, which was inscribed in the List of Intangible Cultural Heritage in Need of Urgent Safeguarding

2008: Language, dance and music of the Garifuna (with Belize, Honduras and Nicaragua)

2008: Rabinal Achí dance drama tradition

3.5 Conclusions

Guatemala's cultural asset conservation was redefined by the post-war Heritage Protection Law, which addressed heritage holistically. Furthermore, the existence of the recent specialized Heritage Vice-Ministry facilitated Guatemalan heritage management. Although these decisions have given

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59   Menchú is an activist whose civil rights and feminist movements granted her the Nobel Peace Prize.

some independence and demarcation to the sector, the Heritage Vice-Ministry is still subject to the Ministry of Culture and Sports and its general policies. Furthermore, external pressures from the new Guatemalan administration and outside actors such as international organizations have had influence as well.

The sector, like many developing countries, has been weakened due to corruption, a stagnant budget, and the adoption of new tasks that exhaust resources. The lack of a disaster risk management plan for cultural heritage in the country that places 4th out of 171 in the World Risk Index[60] is also a serious matter.

Based on the information provided in this chapter, I have made the following conclusions specific to Guatemalan cultural heritage policies:

-A Shift from Heritage Protection to the Political Role of Social Inclusion

The heritage sector enjoyed special attention during the 1970s with the 1976 earthquake, the civil war, and international heritage movements. However, interests shifted towards indigenous rights and popular culture after the civil war ended. The majority of the indigenous people joined the revolutionaries against the government because of the discrimination they were experiencing. After the 36-year-long conflict, the Guatemalan regime vowed to validate native Guatemalans' rights, as a moral obligation and to prevent another civil war from happening again. With the Agreement on the Identity and Rights of Indigenous Peoples, culture and identity were included in the nation-wide efforts. Thus, the Ministry of Culture has adopted the political role of emphasizing indigenous cultures and their inclusion through international conventions and national legislation, while downplaying the consequences of the civil war and the preservation of memory. This had an effect on heritage, where focus shifted from protection to establishing a social role, mainly through highlighting intangible heritage.

-A Division between Arts and Heritage

Although the discourse of the government has been unification, the very organization of the Ministry of Culture and Sports has opted for a division of roles, after decades of alternating between 'ladino' (white)-centric and indigenous-centric policies. Thus, the Vice-Ministry of Arts is in charge of "arts" such as theater, classical music and dance, while the Vice-Ministry of Heritage handles indigenous expressions and heritage. Such a division undermines the unification and integration

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60   World Risk Index 2015, accessed August 12th 2016, http://www.worldriskreport.org

policy that the regimes have proclaimed. It also delegates general cultural policies to the Heritage Sector, overloading it with a political role that is outside of heritage protection and administration.

-The Facade of Intangible Heritage Safeguarding

Within heritage, intangible heritage declarations of local customs have worked as a way of validating native people. International assistance opportunities and international pressure have contributed to these activities as well. Consequently, decrees that declare intangible heritage expressions have increased significantly in recent years, ranging from corn to radio stations (see Appendix A).

However, the budget allocation has shown a different story: within the vice-Ministry, the budget for intangible heritage is around one percent, and governmental programs do not show a priority for intangible cultural heritage. There are many expressions recognized, but there is no safeguarding strategy. The maintenance of vast archaeological parks such as Tikal takes up over half of available resources. Archaeological sites also generate more revenues than local customs. Thus, the move towards intangible heritage protection has been mostly legal, but with little commitment on the executive side. This mismatch is reflected in the vast amount of declarations, contrasting with the minimal budget, registry, and safeguarding methods.

-External Influences in Heritage Law

The constitutional article that defines heritage and the definitions on the Law for the Protection of the Cultural Heritage of the Nation have their origins in the Spanish Protection Law and international treaties. Some of the definitions are literal transcriptions. Within the Law, the use of different sources creates inconsistencies in the definition of heritage (such as definition overlapping, or defining types of heritage that are not representative of Guatemala, such as historic gardens). The addition of categories such as archaeological, religious, and paleontological heritage show a more specialized vision of what assets are considered worth protecting.

The World Heritage Convention has had great influence, to the point that the constitution grants special consideration to World Heritage Sites and that a specialized unit for World Heritage exists within the Ministry of Culture and Sports. Thus, much of the activities related to heritage focus on World Heritage Sites. This is especially true for the popular tourist destinations Tikal and Antigua, and creates an imbalance in the legal considerations and the resources destined to heritage in Guatemala.

Setting aside the question of whether the Ministry of Culture and Sports should have a political role at all, it is clear that cultural inclusion is the official discourse of the institution. Even if such inclusion is achieved, economic and social inequality will continue to generate dissatisfaction in the indigenous and international communities. The role of the heritage sector is also questionable in this picture, but intangible heritage has already been charged with it. Unless the commitment of the Guatemalan government towards indigenous people through intangible culture is proven with actions that go deeper than declarations, the Ministry of Culture and Sports will continue to struggle with the issue of exclusion as it has since its inception, losing credibility.

CHAPTER 4:
EL SALVADOR AND ITS CULTURAL HERITAGE POLICIES

4.1 Introduction

El Salvador, located between Guatemala, Honduras, and the Pacific Ocean (figure 14), is known as the smallest and most densely populated country in Central America. After a period of alternating repressive dictatorships, El Salvador saw itself in a civil war that lasted twelve years (from 1980 to 1992)[1] in which thousands of Salvadorans lost their lives.[2] Once the Chapultepec Peace Accords were signed in 1992, El Salvador quickly moved to re-establish democracy and peace. Recovery from the Civil War is ongoing, and new challenges for the development of El Salvador have arisen.

Figure 14: Map of El Salvador, source: CIA world factobook, https://www.cia.gov/library/publi-cations/the-world-factbook/geos/es.html

Although these events are similar to those of neighboring Guatemala, a crucial element

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1   Charles T. Call, "Assessing El Salvador's transition from civil war to peace," in *Ending Civil Wars*, eds. Stephen John Stedman, Donald Rothchild, and Elisabeth Cousens (Boulder: Lynne Rienner, 2002).

2   OAS (Organization of American States), *Annual Report of the Inter-American Commission of Human Rights 1988-1989*, September 18 1989, http://www.cidh.org/annualrep/88.89eng/chap.4a.htm

differentiated the Salvadoran reality: less than one percent of the population is indigenous in El Salvador (table 12), contrasting with around forty percent in Guatemala. Thus, the necessity of fostering inclusion in El Salvador is weaker.

Table 12:   General information of El Salvador

Surface Area in square km★	21040
Population★	6.11 million in 2014
World Risk Index 2015★★	Placed 10th out of 171 countries
Ethnic Groups★★★	mestizo 86.3% white 12.7% Amerindian 0.2% black 0.1% other 0.6%
Stock of emigrants as percentage of population★★★★	20.5% for 2013
★Data from database: World Development Indicators, last Updated 06/14/2016	
★★Source: Table of World Risk Index 2015 available at http://www.worldriskreport.org	
★★★Source: CIA World Factbook	
★★★★Source: World Bank Migration and Remittances Factbook 2011	

In this chapter, I discuss the particular reality of El Salvador, and the current organization, legislation, and conditions of its cultural heritage.

The following are the main resources I used in for chapter:

- The Salvadoran government transparency portal

http://publica.gobiernoabierto.gob.sv

A website that collects official government documents and makes them available to the public. It contains information on budget allocation, number of public officials, and mid-year reports (informe de rendición de cuentas) of SECUTURA (*Secretaría de Cultura* or Secretary of Culture).

-The official SECULTURA website

http://www.cultura.gob.sv

This website contains information on the institution, organizational charts, basic functions, goals, events, etc.

-Online archive of Salvadoran official gazettes

http://www.diariooficial.gob.sv/diarios/

A reference for official legislation that contains all official gazettes from 1847 to the present date.

-Las Políticas Culturales Del Estado Salvadoreño 1900-2012 by Knut Walter (Las Políticas Culturales del Estado Salvadoreño 1900-2012)

Book on the historical development of cultural policies in El Salvador.

4.2 National Issues in El Salvador and their Relation to Cultural Heritage

In this section, I discuss four particular issues relevant to El Salvador and its cultural heritage policies, to provide a context for their making and managing.

The Civil War Aftermath: Identity Issues and Migration

The Civil War, addressed in 2.2.4., led to the death and disappearance of thousands of Salvadorans. The effect of the war on cultural heritage policy-making was stronger than in Guatemala: efforts at heritage protection and management were few, and they tended to be short-termed or provisional. The forced break of ongoing excavations due to the violence[3] exemplify how the conflict also had a direct impact in cultural heritage. Significant administration and legislative changes could only be made once the war was over.

The Civil War changed Salvadoran identity and unity, as it heightened the polarization between the *FMLN* and the government.[4] Furthermore, the heavy migration of Salvadorans that increased rapidly between 1980 and 1990[5] due to the conflict has deepened the identity crisis. Today, about one-fifth of the total population of El Salvador are immigrants to the United States (table 12),[6] to

3   Fabricio Valdivieso, "Remembranzas de un departamento de Arqueología con los primeros arqueólogos formados en El Salvador," *Kóot* 2 (2013): 77-100.

4   In a study about the psycho-social traumas that the Salvadoran society experienced during the civil war, Martín-Baró comments on the deliberate social polarization, stating that both contenders tried to emphasize antagonistic elements, exploiting as much as possible sources of resentment and intergroup hate.
Iganacio Martín-Baró, "La violencia política y la guerra como causas del trauma psicosocial en El Salvador," *Revista de Psicología de El Salvador* Vol. VII, no. 28 (1988).

5   Immigration had been an issue since before the civil war due to the size, density, and lack of resources of the country. Rivas identifies four migration waves for Salvadorans during the twentieth century. One of the most well-known cases is the migration of Salvadorans to Honduras, which led to the 1969 so-called Football War, which ended with the displacement of about 300000 Salvadorans who had emigrated to Honduras.
Wendinorto Rivas, "Migrantes, identidad y cultura en El Salvador," *Realidad y Reflexión* 8, no. 25 (2009): 28-36.

6   "Salvadoran Immigrants in the United States", Migration Policy Institute, accessed June 14 2016, http://www.migrationpolicy.org/article/salvadoran-immigrants-united-states

the point that an estimated 16.8 percent of the countries' GDP comes from personal remittances[7] (also see table 13). Migration and its substantial effects on El Salvador are likely to change though, as the Trump administration has been keen on deporting illegal immigrants.[8] Rivas comments on migrants and cultural identities: "The migrations and their cultural effects are constructing a sort of double cultural citizenship, the original and the acquired one, that are not a simple addition but

Table 13:   The economy of El Salvador

GDP at market prices (current US$) for 2014*	25,163,700,000
GDP growth (annual %)*	2 in 2014
Poverty headcount ratio at national poverty lines (% of population)*	31.8 in 2014
Personal remittances, received (current US$) for 2014*	4,235,129,689
GDP composition, by sector of origin (2015 est.)**	agriculture: 10.7% industry: 25.5% services: 63.8%
*Data from database: World Development Indicators, last Updated 06/14/2016	
**Source: CIA World Factbook	

are rather expressed through fusions, producing other identities that are hard to classify in the conventional academic or government perspectives".[9]

In contrast to Guatemala, the few Salvadoran indigenous people translated into less significant indigenous participation during the conflict. Thus, social inclusion was not a key topic in the Chapultepec Peace Accords, nor the central role for the Salvadoran cultural sector. Nevertheless, the Civil War is a recurrent theme in Salvadoran museums. Furthermore, migration is such an important topic that both the University Museum of Anthropology (*Museo Universitario Antropológico* or *MUA*) of the El Salvador Technological University and the "Dr. David J. Guzmán" Anthropological Museum (*Museo Antropológico "Dr. David Guzmán", MUNA*) inaugurated permanent exhibitions on the theme of migrations (figure 15, next page).

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7   "Migration and Remittances Factbook 2016", World Bank, 2016, http://go.worldbank.org/QGUCPJTOR0

8   Ioan Grillo, "How Trump's Deportation Crackdown Could Sink El Salvador", *Time*, February 24, 2017, http://time.com/4678380/donald-trump-deportation-el-salvador/

9   Translation by the author, Wendinorto Rivas, "Migrantes, identidad y cultura en El Salvador," *Realidad y Reflexión* 8, no. 25 (2009): 28-36.

Figure 15: Migrations and Belongingness room, "Dr. David J. Guzmán Anthropological Museum, photo by the author

Violence as a Deterrent for Tourism and Research

After the Civil War, thousands of young people relocated to Los Angeles as refugees, and some started to get involved with local gangs. Following the US War on Drugs, criminal immigrants were deported back to El Salvador. Thus, gangs that had originated in Los Angeles found themselves in a territory with a weak law enforcement where weapons from the conflict remained. Salvadoran gangs grew considerably and spread transnationally, becoming one of the most pressing issues that hinder development in the country. The World Bank reports: "Crime and violence threaten social development and economic growth in El Salvador and negatively affect the quality of life of its citizens. While a truce established between street gangs in 2012 contributed to reducing violence levels to fewer than 25 homicides per every 100,000 inhabitants, violence has been on the rise since 2015."[10]

Gang violence is also an obstacle for tourism development. Both Salvadorans and foreigners avoid leisure in this small country (the WTTC placed it 173rd out of 184 countries in the ranking of long-term growth forecast of the tourism sector[11]). The United States, for example, has issued travel warnings for El Salvador repeatedly in the past years, citing that "the current murder rate in

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10   "El Salvador Overview", World Bank, accessed June 13, 14 2016, http://www.worldbank.org/en/country/elsalvador/overview

11   WTTC, *Travel & Tourism Economic Impact 2015 El Salvador*, accessed July 11 2016, http://www.wttc.org/-/media/files/reports/economic%20impact%20research/countries%202015/elsalvador2015.pdf.

El Salvador is among the highest in the world."[12] Thus, foreign visitors are few when compared to neighboring countries: *FUNDAR* estimates that 90% of visits to archaeological parks in El Salvador are made by Salvadorans.[13] Because tourism can generate income and raise awareness on cultural heritage, the stagnant tourism development affects the heritage sector.

Furthermore, violence has had its effect in research. In April of 2016, research in the site Joya de Cerén had to be suspended because of the ongoing gang activities.[14]

Gang violence also affects culture accessibility. Because immovable heritage sites cannot be moved to safe areas, much of the cultural heritage offer has been transferred to the museums. Famous Salvadoran museums are located in the tightly guarded, high-status "Pink Zone" of the San Benito colony. Although this stratification may generate more revenues for the museums, which can profit from their relationship with the high society, culture accessibility for Salvadorans is naturally affected, as transportation to sites is dangerous and the main museums are reserved for the higher society.

Developing Economy

The OECD classified El Salvador as a lower middle-income country. Although the economy has improved considerably in the past decade, poverty remains over 30 percent (table 13). Foreign ODA, which was particularly high during and shortly after the civil war, has decreased significantly

Table 14:   *ODA receipts for El Salvador*

Net ODA Receipts for El Salvador (USD million)						
1986*	**1996***	**2010****	**2011****	**2012****	**2013****	**2014****
336	301	280	278	220	169	98
*Source: World Development Indicators, last Updated 06/14/2016, ****Source:** World Bank, Secretariat estimates. Group totals and averages calculated on available data only						

(table 14). At the governmental level, lack of budget is an issue that has its effects on the cultural sector: in 2014, *SECULTURA* (*Secretaría de Cultura or Secretary of Culture*) had to make a series of budget cuts to be able to perform for the rest of the year. Political disputes worsened the situation: El Salvador began 2017 with no approved general budget,[15] as parliament could not agree on the

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12   "El Salvador Travel Warning," US Department of State, accessed August 10, 2016, https://travel.state.gov/content/passports/en/alertswarnings/el-salvador-travel-warning.html

13   "Estadísticas de visitantes," FUNDAR, accessed August 23, 2016, http://www.fundar.org.sv/parques.html#visitantes

14   María Luz Nóchez, "Pandillas ahuyentan a los arqueólogos de Joya de Cerén," *El Faro*, January 4, 2017, accessed February 20, 2017, http://www.elfaro.net/es/201701/el_agora/19725/Pandillas-ahuyentan-a-los-arqueólogos-de-Joya-de-Cerén.htm

15   "El Salvador inicia 2017 sin presupuesto general aprobado," *Estrategia y Negocios*, January 2, 2017, http://www.estrategiaynegocios.net/centroamericaymundo/centroamerica/elsalvador/1031488-330/el-salvador-inicia-2017-sin-presupuesto-general-aprobado

general budget approval. Such conflicts affect investments in programs and proper execution.

Vulnerability to Natural Disasters

Vulnerability to natural disasters is a constant threat for El Salvador. According to the World Bank: "El Salvador is exposed to hydro-meteorological and geophysical hazards, and has a history of destructive earthquakes, volcanic eruptions, tropical storms, and droughts. It ranks second among countries with the highest economic risk exposure to two or more hazards and the highest percentage of total population at a relatively high mortality risk."[16]

Although significant progress has been made in disaster risk management, natural disasters still pose a threat for the cultural heritage sector. In 2011, a UNESCO mission was sent to evaluate the damage to colonial churches following severe earthquakes (figure 16). Few colonial constructions have survived earthquakes in El Salvador so that the remaining ones form an important part of Salvadoran cultural heritage. Guevara and Sánchez-Ramírez found that, although the heritage personnel is well trained in restoration, it is not trained in prevention methods for earthquake damage.[17] As may be expected, most of the analyzed constructions lacked earthquake-resistant reinforcement, explaining the high losses they experienced in 2011.

Figure 16: Santa María de Ostuma Church after the second earthquake of 2001, source: Teresa Guevara P. L., and A. Roberto Sánchez-Ramírez. "Los Sismos De Enero Y Febrero De 2001 En El Salvador Y Su Impacto En Las Iglesias Del Patrimonio Cultural."

16   "El Salvador Overview", World Bank, accessed June 13, 14 2016,http://www.worldbank.org/en/country/elsalvador/overview

17   Teresa Guevara P. L., and A. Roberto Sánchez-Ramírez. "Los Sismos De Enero Y Febrero De 2001 En El Salvador Y Su Impacto En Las Iglesias Del Patrimonio Cultural." *Boletín Técnico* 43 (2005): 28-57.

4.3 Organization, Budget and Programs

In this section, I review the organization, budget, and programs regarding cultural heritage in El Salvador.

4.3.1 *SECULTURA*

At the governmental level, cultural heritage is managed by the Secretary of Culture (*Secretaría de Cultura, or SECULTURA*, figure 17), an autonomous and decentralized organization within the presidency. Before *SECULTURA*, Salvadoran heritage had been managed by the short-lived Ministry

Figure 17: Current logo of SECULTURA, source: SECULTURA website, http://www.cultura.gob.sv/

of Culture and Communications, which was created in 1985. Walter comments on the political reasons for creating such a ministry in the midst of the civil war: "The impression one gets is of a ministry that wanted to centralize some of the most important mechanisms of ideological intervention of the state, an initiative that made some sense when the battle to beat the enemy was fought not only in the battlefield, but in the political environment as well."[18] However, in 1991 (a year before the official end of the Civil War), the Ministry of Culture and Communications ended its existence as it was replaced by *CONCULTURA*,[19] (*Consejo Nacional para la Cultura y el Arte*, National Council for Culture) a decentralized institution that functioned under the supervision of the Ministry of Education. *CONCULTURA* also had its roots in the Civil War, but rather than an ideological tool of the government, it aimed at identity strengthening, which had been greatly damaged during the conflict, as discussed in the previous section. *CONCULTURA* also developed several projects that involved cultural heritage and started programs that supported local initiatives. However, in 2009, the *FMLN* replaced *CONCULTURA* with *SECULTURA*, aiming at the creation of a ministry of culture. Despite these intentions, changes were not substantial in the administration, and as of

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18   Translation by the author, Knut Walter, *Las Políticas Culturales Del Estado Salvadoreño 1900-2012* (San Salvador: AccesArte, 2014), 125-124.

19   Ibid., 122-126.

2017, there is little evidence that such a ministry will be created.[20] As María Luz Nóchez and Tomás Andréu noted in an El Faro article, creating a ministry of culture with the minimum budget of 0.60% of the national general budget, as was originally proposed, meant allocating 11 extra million dollars for it.[21] Its budget at the time was around 18,5 million dollars so that such an increase would be quite substantial and is unlikely to go through. Luz Nóchez and Andréu attributed the Ministry of Culture project as a political strategy to gain the support of the cultural sector for the 2009 elections. It can also be seen as part of a political statement, meaning that the new government intended to underline its differences with the previous right-wing government by establishing "another" cultural institution. In any case, politicization has determined the evolution of the Salvadoran cultural sector, and threatens its stability by weakening the possibility of stable, long-term projects, as any initiative is liable to stop when there is a change of government. For example, in 2014, *SECULTURA* attempted to establish a general cultural policy of its own,[22] but it did not go through as it was harshly criticized by political opponents and even encountered little support from inside.[23]

As for its internal organization, *SECULTURA* runs seven national sections (figure 18, upper sections), a General Cultural Management Section, and two additional sections (Print and Publication and the "Dr. David Guzmán" Anthropological Museum Section, lower sections in figure 18). The
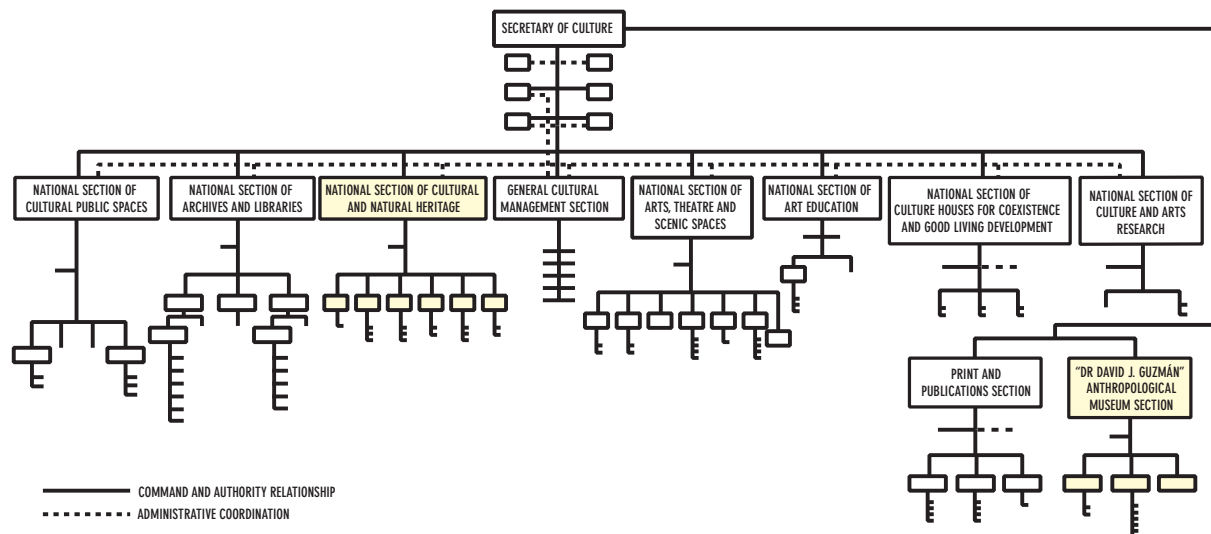
Figure 18: Organizational chart of SECULTURA, source: http://www.cultura.gob.sv/organigrama/

20   The recently approved Law of Culture did not include the promised Ministry of Culture and lowered expectations that it would ever be created.
María Luz Nóchez, "Adiós, Ministerio de Cultura," August 11, 2016, http://www.elfaro.net/es/201608/el_agora/19035/Adiós-Ministerio-de-Cultura.htm

21   María Luz Nóchez, "Secretaría de Cultura recorta gastos para intentar terminar 2014," *El Faro*, August 24, 2014, http://www.elfaro.net/es/201408/el_agora/15716/Secretar%C3%ADa-de-Cultura-recorta-gastos-para-intentar-terminar-2014.htm

22   SECULTURA, *Política Pública de Cultura El Salvador 2014-2024*, 2013, http://www.sicelsalvador.gob.sv:4847/agenda/agenda/documentos/ppc/politica-publica-cultura_2014_2024.pdf.

23   Wilmer Merino, "Política de cultura no será base de gestión", *La Prensa Gráfica*, June 9, 2014, http://www.laprensagrafica.com/2014/06/09/politica-de-cultura-no-sera-base-de-gestion

president directly appoints the Secretary, and the organization has a total staff of 1209.[24]

Although it has one of the widest organizational charts in Central America, it used to be even wider: in 2014, it reduced its sixteen national sections to the current seven.[25] Unlike Guatemala, which divides its Ministry into three vice-ministries, having a broader organization allows for more flexibility. Thus, units such as the National Section of Culture Houses, which are neither strictly "arts" nor "heritage," can be placed directly under the Secretary. The disadvantage to such an organization, however, is the overlapping of functions and a loss of oversight. For example, the duties of the National Section of Culture and Arts Research overlaps with those of other sections that have research departments.

Cultural heritage is mainly administered by the National Section of Cultural Heritage and Natural Heritage, and the "Dr. David Guzmán" Anthropological Museum Section (shown in yellow in figure 18), divided into the following institutions:

*National Section of Cultural Heritage and Natural Heritag*e (figure 19)
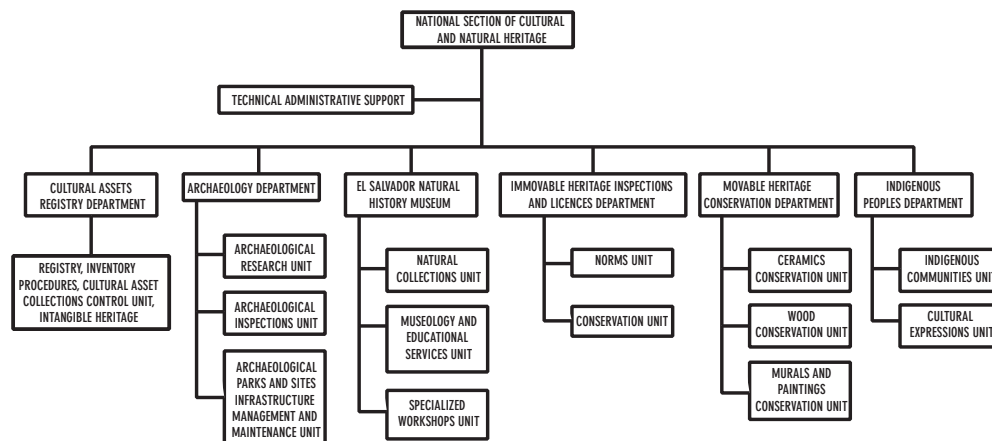
Figure 19: Organization of the National Section of Cultural and Natural Heritage, source: http://www.cultura.gob.sv/ organigrama/

Although the Section is responsible for cultural and natural heritage, most departments handle cultural heritage. The section has the following departments under it:

-Cultural Assets Registry Department

24   Transparency Portal, accessed August 10, 2016, http://publica.gobiernoabierto.gob.sv/institution_organizational_ structures/7581

25   Élmer L. Menjívar, "Secretaría de Cultura reduce a 7 las 16 direcciones nacionales y avanza hacia ministerio," *El Faro*, July 1, 2014, http://www.elfaro.net/es/201407/el_agora/15618/

The department identifies and protects cultural goods, whether they are in private, municipal, or national hands.[26]

-Archaeology Department

This department investigates, inspects, and conserves archaeological sites and parks.[27] Because sites are not as big as in neighboring Guatemala or Honduras, they can be administered by the Department conjunctly.

-El Salvador Natural History Museum

Besides holding the natural history collection, the museum carries out biological and paleontological research.[28]

-Immovable Heritage Inspections and Licenses Department

The Department handles heritage architecture, public spaces, and urban image in historic centers and groups of buildings. It supervises the implementation of national and international heritage legislation and is the organization that can intervene directly or give support to intangible heritage.[29]

-Movable Heritage Conservation Department

The department onserves and restores objects from the national collections. It is divided into materials, namely ceramics, wood, and murals and paintings.[30]

-Indigenous Peoples Department

The department gives special support to indigenous peoples, their dissemination and the promotion of their expressions.[31]

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26   "Dirección Nacional de Patrimonio Cultural y Natural," SECULTURA, accessed August 11, 2016, http://www.cultura.gob.sv/direccion-nacional-de-patrimonio-cultural-y-natural/

27   Ibid.

28   Ibid.

29   Ibid.

30   Ibid.

31   Ibid.

"Dr. David J. Guzmán" Anthropological Museum Section or MUNA (figure 20)
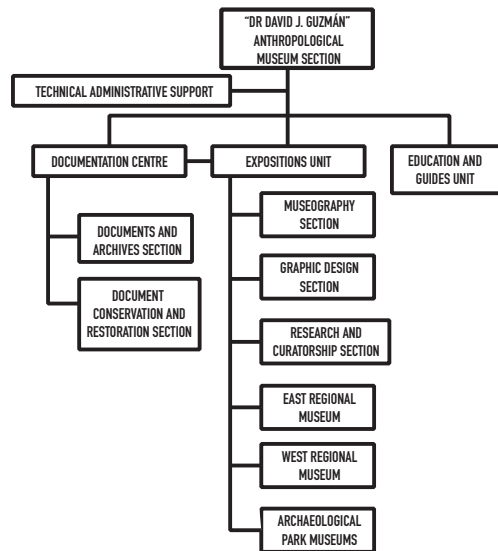
Figure 20: Organization of the "Dr. David Guzmán" Anthropological Museum Section, source: http://www.cultura.gob.sv/organigrama/

It has three main units: the Documentation Center (handles documentation and archives, as well as conservation and restoration for documents), the Expositions Unit (in charge of all areas related to exhibitions, including museography, graphic design, and research, and has dependencies for both regional museums as well as the archaeological park museums), and the Education and Guides Unit (develops education and museum guides).

The Museum is parallel to the National Section of Cultural and Natural Heritage, and not within it, as the "El Salvador Natural History Museum" is, which demonstrates the importance and individuality this institution has taken, as it functions as an administrative organization itself. As is the case with Costa Rica, the lack of monumental sites enables placing more importance in museums, which affects the notion of what "heritage" is perceived as.

With a good degree of autonomy, the *MUNA* rents its usable spaces to collect additional funding. The regional museums of the *MUNA* through temporary exhibitions ensure that the cultural offer of movable heritage is diverse and updated in remote areas as well.

Other organizations that handle culture:

-Pro Cultural Heritage Patronage (*Patronato Pro Patrimonio Cultural*), an NGO that used to co-administer the World Heritage Site Joya de Cerén. It had to close its offices in 2005 but still exists

as an organization. [32]

-Santiago Apóstol Church Restoration and Conservation Committee (*Comité de Restauración y Conservación de la iglesia Colonial Santiago Apóstol de la Ciudad de Chalchuapa*)

-Salvadoran History Academy (*Academia Salvadoreña de la Historia*), and academic society

-Our Lady Asunción Restoration and Maintenance Committee (*Comité Pro-Restauración y Mantenimiento de la Iglesia Nuestra Señora de la Asunción y su Entorno*)

-Suchitoto Cultural Restoration Association (*Asociación Patronato Pro-Restauración Cultural de la Ciudad de Suchitoto*)

-Los 44 Cultural Foundation (*Fundación Cultural Los 44*), helps coordinate the East Regional Museum

-National Archaeology Foundation (*Fundación Nacional de Arqueología*, *FUNDAR*), NGO for the conservation, protection, and research of Salvadoran Archaeology

In the immediate post-conflict era, *CONCULTURA* focused on peacemaking and cultural heritage preservation, because it had been endangered and disregarded during the Civil War. A few years later, many heritage-related tasks were transferred to the "Dr. David J. Guzmán" Anthropological Museum. Thus, the museum carries out excavations, events on intangible heritage preservation (figure 21) - which has no specialized unit within *SECULTURA* -, and research through the re-

Figure 21: A Nahuat song is sung in an event for and exhibition on the Nahuat language, MUNA, photo by the author.

established journal "Anales." While the rebirth of the museum has allowed for new programs on cultural heritage, it also shapes the idea of what cultural heritage is, channeling it as an archaeology-

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32   Adda Montalvo, "La ONG queda en letargo," *El Diario de Hoy*, May 23 2005, http://archivo.elsalvador.com/noticias/2005/05/23/escenarios/esc1.asp

related concept tied to this particular institution.

As *SECULTURA* delegated heritage preservation, it kept a social role, which was to be characterized by a commitment of building a more integrated, peaceful society. However, such a role is not easily assumed, considering the issues discussed in the previous section that go outside of culture: migration, the effects of the civil war, and violence. Furthermore, political interests have heavily influenced the organization of culture in El Salvador, and thus, *SECULTURA* remains as an institution with little impact and no clear direction that is disconnected from cultural heritage.

4.3.2 Budget

SECULTURA's budget is assigned by the presidency and approved yearly by the Ministry of Finance, and is distributed in the following main programs, which vary according to the priorities at the time:[33]

01 DIRECTION AND ADMINISTRATION

02 NATIONAL CULTURAL SERVICES

03 SUBSIDIES TO CULTURAL INSTITUTIONS

04 RESTORATION AND CONSERVATION OF CULTURAL ASSETS

04 PROGRAM 'WOMAN CITY'

05 HUMAN, SOCIAL, AND CULTURAL DEVELOPMENT IN PROGRESS TERRITORIES

05 COMPLIANCE WITH THE JUDGEMENT OF THE MOZOTE MASSACRE CASE AND NEIGHBORING VILLAGES

06 IMPLEMENTATION AND FORMATION OF THE SUPERIOR INSTITUTE OF ART AND CULTURE

SECULTURA's budget has increased slowly in the past few years, as column 2 of table 15 shows. The same goes for the proportion of the budget relative to the general budget, seen in column 4. The economy of the country is dollarized, inflation tends to be less than 2 percent, and deflation is not inusual,[34] so that the real economic capability of the budget for culture does not decrease as it does in Guatemala. Furthermore, the report for the period 2015-2016 states a total budget of little

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33   SECULTURA yearly reports, http://publica.gobiernoabierto.gob.sv/institutions/presidencia-de-la-republica/information_
standards/mecanismos-de-participacion-ciudadana-y-rendicion-de-cuentas

34   Central Reserve Bank of el El Salvador, accessed January 28th 2016, http://www.bcr.gob.sv/bcrsite/?cdr=123&lang=es

over 33 million dollars, a significant increase.[35]

Table 15:   Budgets of SECULTURA, source: see footnote 34

1. PERIOD	2. SECULTURA BUDGET, USD*	3. GENERAL STATE BUDGET, USD**		4. % OF NATIONAL BUDGET FOR SECULTURA
2011-2012	15,595,674	2012	4203.4	0.371
2012-2013	15,444,889	2013	4505.3	0.343
2013-2014	17,712,650	2014	4679.5	0.377
2014-2015	18,476,024	2015	4823.0	0.383

However, this does not mean that the cultural sector is not economically strong: *SECULTURA* declared itself bankrupt in 2014, having already allocated all of the budget by June and unable to execute any new projects.[36] Although salaries were secured that year, the secretary was unable to conduct any programs and had to resort to cuts in expenses to be able to operate. More recently, 80% of the budget for 2016 was reportedly spent on core functions, leaving the remaining 20% for activities.[37]

SECULTURA has resorted to foreign assistance to develop projects. For 2014, *SECULTURA* reported new cultural heritage cooperation projects with Italy, UNESCO, *CECC/SICA*, and Taiwan. In its 2014-2015 mid-term report, it reported a total budget of 18476,024.45 dollars, of which only 1197,708.89 dollars were assigned to the Special Activities Fund (*FAE*), while the rest was assigned to the government. In comparison, through the External Cooperation Division, donations were collected for an estimated 518,247 dollars and projects were approved at the international level for an approximate 425,841 dollars: that year, the government budget for projects was only about 1.2 times higher than the budget from international cooperation. According to the 2015-2016 report of *SECULTURA*, around 1.5 million dollars are received from financial aid, most of it from foreign assistance.

Table 16 (next page) shows the budget allocation divided into programs of *SECULTURA* for 2013 (which is slightly less than the approved budget). Most of it is allocated to the national cultural services, which include cultural heritage activities, although these are not detailed. There is also less than one percent specifically allocated for cultural heritage restoration and conservation. However, the available data is not sufficient to know with certainty how much is spent specifically on programs related to cultural heritage and how it is divided.

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35   This increase amounts to the proposed quantity in the Ministry of Culture project. "Rendición de cuentas junio-diciembre 2015 enero-mayo 2016," SECULTURA, accessed February 20, 2017, http://publica.gobiernoabierto.gob.sv/institutions/presidencia-de-la-republica/information_standards/memorias-de-labores

36   María Luz·Nóchez and Tomás Andréu, " El Ministerio de Cultura y otras promesas sin presupuesto," *El Faro,* January 18, 2015, http://www.elfaro.net/es/201501/el_agora/16448/El-Ministerio-de-Cultura-y-otras-promesas-sin-presupuesto.htm.

37   Helen Yanes, "Secultura presentó informe de rendición de cuentas," *El Mundo*, August 13, 2016, http://elmundo.sv/secultura-presento-informe-de-rendicion-de-cuentas/

Table 16:   Detail of the budget of SECULTURA

BUDGET ASSIGNATION FOR SECULTURA 2013 BY DIRECTION, USD	
PROGRAM	**BUDGET**
Direction and Administration	2,425,485
National Cultural Services	13,758,110
Subsidies for Cultural Institutions	933,000
Restoration and Conservation of Cultural Assets	80,990
Human, Social, and Cultural Development in Progress Territories	100
TOTAL	17,197,685
Source: Transparency Portal, available at http://publica.gobiernoabierto.gob.sv/ institutions/presidencia-de-la-republica/information_standards/presupuesto-actual	

4.3.3 Programs

El Salvador's cultural heritage has predominantly been the task of the central government, but in past years it has reached for civil and local participation and decentralization through programs such as the following:

-Program of Resource Transfers (*Programa de Transferencia de Recursos* or *PTR*)

A program created in 1995 whose main goal is to strengthen citizen participation in activities related to Salvadoran culture and that are in line with the objectives of *SECULTURA*. For example, the Word and Image Museum (*Museo de la Palabra e Imagen*) is a private initiative that collects documental heritage on social movements from Salvadoran citizens, and has consecutively been granted financial support through the *PTR* program. This way, the government can delegate some of its responsibilities to trusted individuals and organizations, which also helps strengthen the dialogue between the state and the people.

Non-profit entities can apply for the *PTR*, which targets four areas: arts, cultural spaces, built heritage, and research. Once selected and modified (if necessary), they are included in the budget proposal of *SECULTURA*, under "Subsidies for Cultural Institutions" (as seen in table 16).

-Houses of Culture (*Casas de Cultura*)

Although not directly related to cultural heritage, houses of culture are open spaces that promote art and culture at the local and regional levels. The first ten houses of culture were created in 1973, and today there are 170 houses in all departments of the country.[38] They provide library services,

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38   "Casas de Cultura", SECULTURA, accessed Febrruary 24, 2017, http://www.cultura.gob.sv/casas-de-la-cultura/

workshops, and activities related to artistic and traditional expressions as well as to oral traditions.

-Points of Culture (*Puntos de Cultura*)

Similar to the *PTR*, points of culture are projects chosen through a contest for budget allocation of up to 5000 dollars. Organizations and artists may apply. Twenty-two projects are to be chosen from four categories: art for social transformation, alternative communication for coexistence, network strengthening, and culture for good living. The project started in 2016.

-Cultural Information System (*Sistema de Información Cultural*, *SIC*)

This system is an online platform managed by *SECULTURA* that keeps an inventory of cultural heritage of El Salvador. It was launched July 2, 2013 by *SECULTURA* with the support of the Spanish Cooperation Agency and was available at www.sicelsalvador.gob.sv , although it is currently inactive. It provided an interactive map with the locations and definitions of immovable and intangible cultural heritage in El Salvador divided in nine modules: Cultural Spaces (Houses of Culture), Built Cultural Heritage, Traditional Culture, Festivities, Directories, Choir and orchestras system, Indigenous Peoples, Libraries, and Cultural Agenda.

4.4 Legislation

In El Salvador, the legislative body of cultural heritage safeguarding is not as extensive as in other Central American countries. Cultural heritage is addressed in the Salvadoran constitution, in the "Special Protection Law for the Cultural Heritage of El Salvador" and its regulations, as well as in other laws. In this section, I give an overview of the development of cultural heritage legislation in El Salvador. I then address the present constitutional considerations and the Special Protection Law, as well as the status of international cultural heritage instruments in relation with El Salvador. Appendix B lists Salvadoran heritage legislation.

4.4.1 Brief History of the Concept and Development of Cultural Heritage Policies in El Salvador

El Salvador struggled to sustain itself economically since its independence, leaving little space for culture. The first main cultural initiatives of independent El Salvador materialized into three specific projects according to Walter: the National Library, the Music Bands, and the Graphic Arts

School.[39] The National Museum, created in 1883, is another of these first cultural attempts, although of less importance to the government.[40] The early creation of the museum for such a small country is owed to the liberal intellectual Dr. David J. Guzmán, (the museum is named in honor to him) who pushed its inception and became its first director.[41] Guzmán would later move to Nicaragua to create and direct the first national museum there.

One of the first legislative safeguarding measures of El Salvador, also surprisingly early for Central America, is a decree of 1903. It prohibited research and collection of pre-Columbian objects, and provided the museum with some heritage-administrative functions such as allowing cast-making of objects and being informed on the possession of cultural assets. This decree responded to the ongoing excavations and export of archaeological objects of the time. It states that these activities were "harmful to the Republic because precious fragments of its pre-Columbian history are lost, which later may be used for the studies commissioned to the National Museum Section to shed light on our past dwellers, their customs, laws, and government. "[42]

It is worth noting that although deemed necessary, the so-called "history of the primitive races" was not considered part of the Salvadoran identity. As in other Central American countries, the museum operated within a positivistic paradigm, taking a perspective on heritage that was far from being inclusive. It is known that Guzmán expressed that the indigenous people were less civilized, and that their migration was the best way to "improve the races."[43] Dissociating the indigenous from the Salvadoran identity was characteristic of the time, but the idea of the importance of protecting cultural heritage nevertheless continued. López places a paradigm shift in the 1920s (López 205, 104), when a group of intellectuals re-valorized "the indigenous past, the country life and the cultural attributes that could define the Salvadoran,"[44] but the backlash was short-lived.

When the Hernández Martínez dictatorship began, national focus was placed on militarization and austerity, leaving little room for cultural activities. After the *Matanza* massacre of indigenous people committed by the dictator in 1932 (see 2.2.4), the intellectuals had difficulties continuing to believe in the romanticized ideal of the "Indio" created by authors such as Gavidia, as the native

39   Knut Walter, *Las Políticas Culturales Del Estado Salvadoreño 1900-2012* (San Salvador: AccesArte, 2014), 32-38.

40   Ibid., 45.

41   Marlon Escamilla, "El Museo Nacional de Antropología "Dr. David J. Guzmán": una breve Reseña HIstórica," *Maya* (2014, working paper)

42   Translation by the author, Official Diary of March 31, 1903, accessed September 12, 2016, http://www.imprentanacional. gob.sv/index.php/servicios/en-linea/ciudadano/archivo-digital-del-diario-oficial

43   Chester Urbina Gaitán, "Intelectualidad y racismo en Guatemala y El Salvador a finales del siglo XIX," *Kóot* 1 (2013): 65-72.

44   Translation by the author, Carlos Gregorio López, "La historia cultural en El Salvador: un campo de estudio en ciernes," *Diálogos* 6, no. 2(2005), 104.

people proved to be less docile and submissive than imagined.[45] The few initiatives that remained focused on the arts and tourism, although there were some paradoxical considerations towards the indigenous culture, such as the conservation of native names for places.[46]

Towards the 1940s, interest in the Salvadoran's own culture re-emerged. In 1942, a National Folklore and Traditional Salvadoran Art Research Committee was created, which was in charge of investigating traditional cultural expressions.[47] Ralph Steele Boggs relates the activities of the committee that worked hard to generate national interest in its "noble traditional culture inheritance" through radio, conferences, and research plans.[48] Meanwhile, the Carnegie Institution, which had been conducting the Maya Research Program in Guatemala and Mexico, began archaeological research in Santa Ana, with John Dimick and Stanley H. Boggs at its head.[49] In the 1940s, the Tazumal site was excavated by Boggs and was declared a National Historic Monument in 1947, with a site museum created five years later. Boggs was a great influence in the new perspective on heritage that El Salvador would take. He became head of the Department of Archaeological Excavations from 1948 to 1954 and from 1965 to 1988, and at this time the first sites were acquired and the first site museums established.[50] He also was responsible for the declaration of six national monuments in 1976.

Thus, in the first half of the twentieth century, the concept of identity in El Salvador had been constantly challenged by the question of what the role of the "Indio" was, and whether he was to be idealized as a fierce and noble warrior, or regarded as a backwards obstacle for social development. This question remained unanswered, possibly because the indigenous population decreased or was displaced during the 1930s, the idealized concept of the indigenous person proved wrong, and attention was placed on the neutral field of archaeology, supported by the interest that was coming from abroad.

Two years after the coup d'etat of 1948, Reynaldo Galindo Pohl became the minister of culture. Already in 1945, there existed a so-called Ministry of Culture, formerly known as the Ministry of

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45   Federico Paredes Umaña and José Heriberto Erquicia Cruz, "Los conceptos de pasado histórico, Estado y patrimonio como elementos indispensables para la elaboración de una biografía crítica de la arqueología salvadoreña," *Identidades* 4, no. 6 (2013): 21.

46   Decree 137, Official Diary of October 20, 1936, http://www.imprentanacional.gob.sv/index.php/servicios/en-linea/ciudadano/archivo-digital-del-diario-oficial

47   Knut Walter, *Las Políticas Culturales Del Estado Salvadoreño 1900-2012* (San Salvador: AccesArte, 2014), 62.

48   Translation by the author, Ralph Steele Boggs, "Contribuciones importantes al folklore general de El Salvador," *BBAA Boletín Bibliográfico de Antropología Americana* (1954): 112-114.

49   Federico Paredes Umaña and José Heriberto Erquicia Cruz, "Los conceptos de pasado histórico, Estado y patrimonio como elementos indispensables para la elaboración de una biografía crítica de la arqueología salvadoreña," *Identidades* 4, no. 6 (2013): 18.

50   Fabricio Valdivieso, "Remembranzas de un departamento de Arqueología con los primeros arqueólogos formados en El Salvador," *Kóot* 2 (2013): 79-80.

Public Instruction, although mostly it handled education. Pohl pushed several educational reforms and focused on that sector, but he also created an arts section within the Ministry.[51] According to Walter, it was the Ministry with the fastest growth at the time, duplicating its income in the next eight years.[52] It developed several projects, involving professionals from inside and outside of the country, as one of the first systematical attempts to organize national culture. Although most projects of the Ministry targeted the arts and printing, the National Museum (which was not part of the Ministry of Culture but was financed by it) maintained its position and expanded its collection.

The 1960s and 1970s are seen as a golden age for the field of archaeology in El Salvador.[53] In general, cultural initiatives in El Salvador would change little until the 1970s, when structural changes occurred under the education minister Walter Béneke. The General Cultural Section replaced the arts section and gathered several arts and publications dependencies, this time including the National Museum.[54]

An important and long-lasting project launched at the time were the "Houses of Culture," mentioned in the previous section. Their main goals were to support education especially by fostering reading habits and coordination, to stimulate and enrich the cultural life of the communities, and to contribute to bibliographic production. The project started in 1973 with ten houses of culture (no special law was created for this project, so an official recognition was issued until 1997), and continues today with over 170 registered houses.

As the civil war unfolded towards the end of the 1970s, attention to culture came to a halt. The minister of education was assassinated in 1979; most excavations had to be stopped,[55] and violence created instability in the country.

The civil war lasted twelve years, and although the Ministry of Culture and Communications was created during the conflict, it was short-lived (see 4.3.1). Under it, the Provisional Law for Safeguarding Salvadoran Heritage was decreed, with some basic definitions and regulations.[56] While various forms of heritage were taken into account since the end of the nineteenth century, no integral law addressed cultural heritage in El Salvador until then. This development is very different from that of the rest of Central American countries, where several protection laws were issued throughout

51   Knut Walter, *Las Políticas Culturales Del Estado Salvadoreño 1900-2012* (San Salvador: AccesArte, 2014), 77.

52   Ibid.

53   Fabricio Valdivieso, "Remembranzas de un departamento de Arqueología con los primeros arqueólogos formados en El Salvador," *Kóot* 2 (2013): 81.

54   Ibid., 99

55   Fabricio Valdivieso, "Remembranzas de un departamento de Arqueología con los primeros arqueólogos formados en El Salvador," *Kóot* 2 (2013): 81.

56   Decree 816, Official Diary of November 20, 1987, http://www.imprentanacional.gob.sv/index.php/servicios/en-linea/ciudadano/archivo-digital-del-diario-oficial

the twentieth century addressing cultural heritage holistically.

Towards the end of the war and with the Peace Agreements signed in 1992, substantial changes could finally be made in the cultural sector in the organization, internationalization, and national legislation of heritage. In 1991, the government created the *CONCULTURA*, which assumed heavy responsibilities in a country hit by the Civil War. Walter explains how identity strengthening was one of its main tasks, under three main cultural policies: heritage research, the communication and valuation of national cultural manifestations, and stimulating and developing individual and collective creativity.[57] Many of *CONCULTURA*'s projects revolved around immovable heritage, its restoration and renovation, and most of their funds were provided by the state. Only then the excavations at Joya de Cerén, which were suspended during the conflict, could be resumed, and the site was inscribed on the World Heritage List in 1993, two years after El Salvador accepted the World Heritage Convention. In the same year, 1993, the aforementioned Special Protection Law for the Cultural Heritage of El Salvador was issued, which is the main reference for Salvadoran heritage protection today and is discussed in 4.4.3. Three years later, its regulations were approved.

In the 2000s, several projects flourished: the National Anthropology Museum David J. Guzmán re-opened after a decade of being closed due to an earthquake. Also, the Salvadoran Art Museum and the Casa Blanca Archaeological site were inaugurated, and an archaeological department was created within *CONCULTURA*, as the first generation of Salvadoran archaeologists were just graduating in the country.[58] The relatively late appearance of the archaeology department is incongruent with the early developments of the discipline in El Salvador and the inception in neighboring countries of Anthropology and History Institutes, as established in Mexico and imitated in Central American countries.[59]

The politization discussed in 4.3.1 has had its toll on Salvadoran cultural policies. For the 2009 elections, the socialist *FMLN* vowed to create a Ministry of Culture and a Law of Culture and Art, which generated support from artists for the party. Although *SECULTURA* was established in 2009, it has not yet risen to become a ministry, maintaining its position as an autonomous institution that depends on the presidency. Furthermore, the proposed Law of Culture and Art was

57   Knut Walter, *Las Políticas Culturales Del Estado Salvadoreño 1900-2012* (San Salvador: AccesArte, 2014), 127-129.

58   Fabricio Valdivieso, "Remembranzas de un departamento de Arqueología con los primeros arqueólogos formados en El Salvador," *Kóot* 2 (2013): 78 and 93.

59   Federico Umaña Paredes and José Heriberto Erquicia Cruz, "Los conceptos de pasado histórico, Estado y patrimonio como elementos indispensables para la elaboración de una biografía crítica de la arqueología salvadoreña," *Identidades* 4, no. 6 (2013): 23-24.

drafted under criticized circumstances[60] and issued, but only with half of the proposed number or articles, eliminating those that were emblematic for the *FMLN* campaign, such as social security for artists.[61] Along with the Law, two cultural policy drafts have been proposed by the Secretary of Culture, one for 2010-2014 and another one for 2014-2024. However, these extremely ambitious policies were not officially adopted. Promises during the campaigns that proved difficult to keep coupled with political opposition have rendered *SECULTURA* a weak institution.

The area in which *SECULTURA* has been able to perform somewhat is the internationally supported intangible heritage, as the Convention for the Safeguarding of Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions were ratified in 2012. However, the effort has been weak, as no specialized unit for intangible heritage has been created, while heritage declarations for festivals such as the "Día de los Farolitos" are being made.

Table 17 shows the relationship of historic events and cultural heritage policies in El Salvador. It shows that most of the currently valid developments in the field could only be advanced after the Civil War ended, unlike the other countries of this work that were heavily engaged since the 1970s. In general, although legislation and projects were notably early, they were scarce, whether regimes were authoritarian or not.

Table 17:   Historic events and heritage-related events in El Salvador

Era	Historic Events		Heritage-related Events
Republican eras (mid-19th century)	Dispute between conservatives and liberals.		1883: First National Museum 1903: Decree prohibits illegal export and provides the Museum with administrative faculties
Early 20th century			
1930s -1940s	1931-1948: General Hernández Martínez and other dictatorships		1942: National Folklore and Traditional Salvadoran Art Research Committee
1940s-1960s	1948-1962: Democratic Union Revolutionary Party instilled social reforms		1950: Cultural heritage first mentioned in the constitution Ministry of Culture (Education) incorporates an Arts Section
1960s	1961: military conservative coup, military regimes until 1982		
1970s		1969: football war between El Salvador and Honduras	1973: Houses of Culture
1980s		1980-1992 civil war between right and left	Ministry of Culture and Communications (1985-1991) 1987: Provisional Law for Safeguarding Salvadoran Heritage
1990s	1992: peace accords signed		1991: CONCULTURA 1991: World Heritage Convention 1993: Joya de Cercén inscribed in the World Heritage List 1993: Special Protection Law for the Cultural Heritage of El Salvador
2000s	Democracy, left-wing elected president		2009: SECULTURA 2012: Convention for the Safeguarding of Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions
Today	Democracy, left-wing elected president		
Legend	Yellow: dictatorship or military government		Red: civil war

60   Elmer Menjívar and Elena Salamanca, "Una salida en falso para la Ley Nacional de Cultura de El Salvador," *El Faro*, August 30th, 2012, http://www.elfaro.net/es/201208/el_agora/9515/Una-salida-en-falso-para-la-Ley-Nacional-de-Cultura-de-El-Salvador.htm

61   María Luz Nóchez, "Adiós, Ministerio de Cultura," *El Faro,* August 11, 2016, http://www.elfaro.net/es/201608/el_agora/19035/Adiós-Ministerio-de-Cultura.htm

4.4.2 The Salvadoran Constitution

Cultural heritage is addressed directly in Article 63 of the Salvadoran Constitution of 1983, which is the constitution valid today. The article has remained the same since 1939 (Article 52 of the 1939 Constitution, Article 204 of the 1950 Constitution, and Article 203 of the 1962 Constitution, all available on the National Assembly website[62]), stating:

"The artistic, historic and archaeological riches of the country form part of the Salvadoran cultural treasure, which is under safeguarding of the State and is subject to special conservation laws."[63]

As was the case with Guatemala, this article resembles Article 45 of the 1931 Spanish Constitution (see 3.4.2), but to a lesser degree. Article 62 (added in the 1983 Constitution) addresses language:

" The official language of El Salvador is Spanish. The government must look over its conservation and teaching.

The indigenous languages spoken in the national territory are part of the cultural heritage and are to be preserved, diffused and respected." [64]

It is worth noting that because of the vagueness of Article 63, Salvadoran cultural heritage covers a wide range. Thus, intangible heritage could fall under 'artistic' heritage.

4.4.3 The Special Protection Law for the Cultural Heritage of El Salvador and its Regulations

The Special Protection Law for the Cultural Heritage of El Salvador (the 'Protection Law' in this chapter) of 1993 and its regulations of 1996 provide most of the legal framework for cultural heritage in El Salvador. It is much more detailed than its 1987 predecessor, the Provisional Law for Safeguarding Salvadoran Heritage, adding provisions for a registry, for circulation, and for the enjoyment of cultural goods.

Table 18 in the next page provides an overview of the Protection Law, its chapters, and articles.

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62   National Assembly of El Salvador, website of resources for children, accessed September 28th, 2016, https://sitioinfantil. asamblea.gob.sv/la-asamblea/historia/recursos-de-apoyo/

63   Translation by the author, Article 63 of the 1983 Salvadoran Constitution, http://www.asamblea.gob.sv/eparlamento/ indice-legislativo/buscador-de-documentos-legislativos/constitucion-de-la-republica

64   Translation by the author, Article 62 of the 1983 Salvadoran Constitution, 2016, http://www.asamblea.gob.sv/ eparlamento/indice-legislativo/buscador-de-documentos-legislativos/constitucion-de-la-republica

Table 18:   Overview of the Special Protection Law for the Cultural Heritage of El Salvador

CHAPTER I **FIELD OF APPLICATION**	-Purpose: "to regulate the rescue, research, conservation, protection, promotion, encouragement, development, diffusion and validation of the heritage or Salvadoran cultural treasure(…)" (Article 1) -Concept of cultural goods: those recognised by the Ministry (Article 2) -Definition of goods that form cultural heritage(Article 3) -Public cultural goods cannot be expropriated (Article 4), the Ministry (the entity in charge, in this case SECULTURA) has the role of identifying, regulating, conserving, cautioning, researching and diffusing the Salvadoran cultural heritage (Article 5) -The state, municipalities and persons have to make sure that the dispositions of the law are followed (Article 6), and the Ministry is given priority in dictating norms and techniques (Article 7). -Special protection measures are to be taken when cultural goods are being damaged or exposed to damage (Article 8). Urban development plans have to be approved by the Ministry
CHAPTER II **ON PROPERTY, POSSESSION AND OWNERSHIP OF CULTURAL GOODS**	-Cultural goods can be public or private (Article 9), and ownership is allowed as long as recognition, identification, registry and crediting requirements are met(Article 10). -Owners of cultural goods have the obligation of notifying them to the Ministry and inscribing them in the Cultural Goods Registry (Article 11) -Transfers and research are allowed following certain procedures (Articles 12 and 13) - All cultural goods are part of the 'Salvadoran cultural treasure' (Article 14)
CHAPTER III **ON THE REGISTRY OF MOVABLE AND IMMOVABLE CULTURAL GOODS**	-Establishes the Cultural Goods Registry (Article 15) -Before being inscribed in the registry, cultural goods have to be recognized and identified (Article 16). Registry is regulated and certified by the Ministry (Articles 17 and 18). - Immovable cultural goods are also inscribed in the real estate and mortgage registry and cannot be expropriated (Articles 19 and 20)
CHAPTER IV **ON THE CIRCULATION OF CULTURAL GOODS**	-Cultural goods may circulate if regulations are followed (Article 21), but may not be exported without permission from the Legislative Assembly at the risk of confiscation(Article 22). -The Ministry authorizes the temporary export of cultural goods under certain circumstances (Article 23) -Commercial antique shops are allowed as long as the regulations are followed (Article 24) -Owners of immovable heritage that discover cultural indications have to report them (Article 25) -If an immovable cultural good is declared, the declaration is notified to various bodies and the owner may not oppose the declaration. Owners have the special obligation of not doing work that may harm the goods (Article 26). Special regulations apply (Article 29). Research is allowed under regulations of the Ministry (Article 27) -The state may acquire a cultural property (Article 28) and take protective measures when deemed necessary(Article 30). Measures can be permanent (Article 31), and goods may be expropriated when conservation measures are not met (Article 32).
CHAPTER V **ON THE ENJOYMENT OF CULTURAL GOODS**	-Cultural goods are to be enjoyed by the Salvadorans (Article 33) in public or private places that are established, organized and function through a set of regulations (Article 34). The divulgation of these goods aims at informing, educating, creating, stimulating and developing appreciation for their value (Article 35) -The Ministry may reproduce or allow reproduction of cultural goods (Article 36) and is to do so when ordered by the executive branch(Article 37). Reproduction is allowed in a series of mediums (Article 38), and private cultural goods may be supervised under special regulations (Article 39)
CHAPTER VI **ON THE CONSERVATION AND SAFEGUARDING OF CULTURAL GOODS**	-Cultural value is assigned to the cultural goods described in Article 2 (Article 40). They include their surroundings and are subject to conservation and safeguarding (Article 41) -A monumental cultural good may not be substantially modified without previous authorization from the Ministry, and any obstacles to their contemplation are prohibited. If destroyed or damaged, they have to be restored or reconstructed under supervision of the Ministry (Articles 42 and 43)
CHAPTER VII **PROHIBITIONS, AUTHORISATIONS AND SANCTIONS**	-Spanish is the official language and is to be conserved. Indigenous names of places and goods may not be altered (Article 44). -The export of cultural goods is prohibited except for legal exceptions (Article 45) -Going against protection measures can be fined with the amount of two to one million minimum salaries according to the degree of the infraction(Article 46). The good may be confiscated or expropriated (Article 47) -Sanctions are without prejudice to the criminal liability of individuals (Article 48) -Import of cultural goods is only allowed with certification of the country or origin and following the procedures of certain international treaties (Article 49). Illegal imports are penalized (Article 50). -Cultural goods may be recognized by legislative decree, executive decree, or internal resolution of the Ministry (Article 51) -Cultural associations may be formed at various levels (Article 52)
CHAPTER VIII **FINAL DISPOSITIONS**	-The goods included in the Salvadoran cultural treasure are exempt from property taxes(Article 53) -What is not addressed in this law will be resolved according to valid international treaties celebrated by El Salvador with other states or international organizations. In case of conflict, the international instrument will prevail over the this law (Article 54)
Translation by the author, source: Special Protection Law for the Cultural Heritage of El Salvador, http://www.asamblea.gob.sv/eparlamento/indice-legislativo/buscador-de-documentos-legislativos/ley-especial-de-proteccion-al-patrimonio-cultural-de-el-salvador	

Definitions and Concept of Cultural Heritage

The Law addresses tangible and intangible heritage integrally. Article 2 gives an overall definition:

"For the purpose of this Law, cultural goods are considered those that have been expressly recognized by the Ministry, be they of anthropological, paleontological, archaeological, prehistoric, historic, ethnographic, religious, artistic, technic, scientific, philosophic, bibliographical, or documental nature."

Because cultural goods are only those declared by the Ministry (in this case *SECULTURA*), the Protection Law does not apply to cultural goods that have not been recognized. Full coverage of the Law is theoretically secured by making registry compulsory. However, in practice this may present some difficulties. Owners might not want to register their cultural goods or might not be aware of this duty. Cultural heritage is further classified in Article 3, as is shown in table 19. As is the case

Table 19: Definitions of cultural heritage in the Salvadoran Law

Article 3 of the Special Protection Law for the Cultural Heritage of El Salvador states that the following form the Cultural Heritage of El Salvador:
 	
 "
 a)   Collections and samples of zoology, botany, mineralogy, anatomy and objects of paleontological interest
 b)   The assets related with history, including science, technical, military and social history, as well as the lives of national leaders, thinkers, wisemen and artists related to cultural events of national importance
 c)   The product of excavations whether authorized or not, or of archaeological findings
 d)   Elements produced at the dismembering of artistic and historic monuments as well as at the archaeological sites
 e)   Verified antiquities, such as inscriptions, seals, etchings or other objects
 f)   Ethnological materials
 g)   Assets of artistic value such as:
   1) Pictures, paintings, and drawings completely hand-made on any kind of canvas and in any material except for industrial drawings
   2) Original productions in statue and sculpture art of any material
   3) Etchings, stamps and original lithography
   4) Original artistic groups and assemblies of any kind of material
 h)   Journal manuscripts, books, documents and antique publications of special historic, artistic, scientific, or literary interest, either loose or in collections
 i)   Post seals, fiscal and analog seals, either loose or in collections
 j)   Archives, including phonographic, photographic, and cinematographic
 k)   Furniture objects and antique musical instruments
 l)   Imagery, altarpieces, parafernalia or religious utensils of historic value
 m)   National philatelic and numismatic collections of historic value
 n)   Journal manuscripts, manuscript collections, editions, books, documents, monographs, periodical publications, such as magazines, bulletins, national periodicals and other similar ones, maps, plans, pamphlets, photography and audiovisual materials, record archives, disc archives and microfilms, electronic and tape recordings related to cultural events
 ñ)   Official and ecclesiastic archives
 	
 Also, monuments of architectonic, sculpted, and urban character, historic gardens, squares, historic groups of buildings, vernacular groups of buildings, and ethnographic groups of buildings, historic centers, and archaeological zones.
 	
 The following are also considered cultural assets:
 1)   The Nahuat language and other indigenous languages as well as traditions and customs
 2)   Traditional craft techniques and products
 3)   Plastic, musical, dance, theater, and contemporary literary manifestations and any other cultural asset that the Ministry may consider may be part of the National Salvadoran Treasure. "

Article 10 of the Regulations for the Special Protection Law for the Cultural Heritage of El Salvador categorizes immovable heritage as follows: 1. Monuments   2. Sculpture monuments   3. Historic Gardens   4. Plazas   5. Historic Groups (includes buildings and spaces as well as archaeological and paleontological sites)   6. Historic Centers   7. Historic Sites   8. Archaeological Zones
Translation by the author, source: Special Protection Law for the Cultural Heritage of El Salvador,   http://www.asamblea.gob.sv/eparlamento/indice-legislativo/buscador-de-documentos-legislativos/ley-especial-de-proteccion-al-patrimonio-cultural-de-el-salvador

with Guatemala, some definitions (a) to k) in the upper part of table 19) of heritage are the same as those of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (see 3.4.3). However, the Law also adds religious, numismatic, and audiovisual material (l to ñ). While these first categories address movable heritage and give precise examples, immovable heritage is broadly defined and not categorized. As for intangible heritage, the Law includes the endangered Nahuat language together with techniques and intangible manifestations.

The regulations that were passed three years later provided clearer definitions for immovable heritage (table 19 below). As was the case with Guatemala, they are the same as those in Article 15 of the Spanish Heritage Law of 1985[65] (see table 11 in 3.4.4), including historic gardens, which are not characteristic of El Salvador. The 2011-2012 report of *SECULTURA* mentions work on a proposal to update the Protection Law, so that the legislative framework includes tangible and intangible cultural heritage. However, as of 2016, no such update has been implemented.

Despite a broad concept of heritage, efforts have been made to expand it further: for example, an underwater archaeology corridor has been implemented, consisting of 5 underwater archaeology sites. Also, in the years 2011-2012 Las Aradas of Yurique was declared a 'Cultural Good of the Nation'. This site was declared to commemorate the Sumpul massacre as part of an apology campaign on behalf of president Funes in 2012, giving the site the role of civil war remembrance, a type of heritage that does not fully fit current definitions. Modern heritage, on the other hand, has not been officially addressed.

The Protection Law does not point out criteria for registering a cultural good, but Articles 8 and 9 of the Regulations add two dimensions to the concept of heritage besides intrinsic cultural and research value: the era they come from, and the level of endangerment they have.

Special consideration is given to the Nahuat language, mentioned expressly both in the Constitution and in the Protection Law. Nahuat has been declared a severely endangered language by UNESCO, with less than 200 older adults people speaking it.[66] Protective programs include teaching the language to new generations in schools, creating audiovisual material in Nahuat, events, and expositions. Also, indigenous names for places, cultural goods, populations, areas, streets, monuments, rivers, and so forth. may not be changed, according to Article 44 of the Protection Law. Decree 716 of 2014 included the Salvadoran sign language LESSA in the Protection Law, as

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65   Official Gazette of the Sate of Spain, accessed September 19th, 2016, https://www.boe.es/buscar/act. php?id=BOE-A-1985-12534

66   Jorge E Lemus, "Un modelo de revitalización lingüística: el caso del náhuat o pipil de El Salvador," *Wani* 62 (2012): 25-47.

the "natural and official language utilized by Salvadoran persons," and appoints the state with its education and conservation.

Although the idea of cultural heritage in El Salvador is wide and has been expanding, it remains restricted to what the government decides to protect by law, which facilitates impunity for damage or illegal trade of cultural goods. Theoretically, protective measures can be taken if deemed necessary, but the inefficient Protection Law already facilitated the theft of a Jaguar Head mentioned in the Introduction on this thesis.[67] Lack of preventive measures more recently enabled the theft of nine archaeological objects from the *MUNA*.[68]

Identification of Cultural Heritage

SECULTURA and its Registry Department are the acting institutions in charge of identifying and registering immovable heritage.

In the Cultural Information System (*Sistema de Información Cultural*, *SIC*) run by *SECULTURA* there are 2136 buildings with historical value (5 historic centers, 2040 monuments, 1 sculpture monument, 2 squares and parks, 13 historic sites and 75 uncategorised sites) registered until September 2016,[69] although the site is inactive today. These included a variety of buildings, such as schools, private houses, and shops, that may be owned by the central government, by municipalities or individuals. *SIC* also reported 9 sculpture monuments, 7 cemeteries, and 1 engineering work, but it did not include archaeological sites or cave paintings.

According to *FUNDAR*, currently there are 5 national archaeological parks, all located in the west of the country, and there are plans to open 5 more parks in the future. There are also several smaller excavation sites (a total of 671 in 2006 according to *CONCULTURA*), and their number has been increasing. Some of these sites are already functioning as tourist attractions, but there is little planning on their use in the future.

As for intangible cultural heritage expressions, they are being declared by the government and are included in the Cultural Assets Registry Department and the Cultural Information System. *SIC* reports 24 artisan processes, 44 festivities, 14 traditional culture 'holders' (persons who safeguard traditional methods by using them), 25 traditional artistic expressions, and 83 artists.

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67 María Luz Nóchez, "Hurtan en Santa Ana escultura "cabeza de jaguar" de 2,300 años de antigüedad," *El Faro*, March 6, 2015, http://www.elfaro.net/es/201503/el_agora/16672/Hurtan-en-Santa-Ana-escultura-cabeza-de-jaguar-de-2300-años-de-antigüedad.htm

68 María Luz Nóchez, "¿Quiénes hurtaron las nueve piezas del Museo Nacional de Antropología?," *El Faro*, January 10, 2017, http://www.elfaro.net/es/201503/el_agora/16672/Hurtan-en-Santa-Ana-escultura-cabeza-de-jaguar-de-2300-años-de-antigüedad.htm

69 Cultural Information System of SECULTURA, accessed September 21, 2016, http://sicelsalvador.gob.sv

Ownership of Cultural Heritage

Ownership is addressed in chapter 2 of the Protection Law and Chapter 7 of its regulations. Cultural heritage may be public or private property. Publicly owned cultural goods may belong to the state, governmental dependencies, official autonomous institutions, as well as municipalities (Article 28 of the Regulations).

Private ownership is recognized for the purpose of protection and conservation. Owners have to comply with certain regulations: they have to inform of their possession of a cultural good so that it is recognized, identified, certified, and inscribed. Transfer of ownership must be done following certain procedures. The goods in possession must be safeguarded.

Identification, Registry, and Declaration of Cultural Heritage

Salvadoran legislation on cultural heritage provides two identification procedures: registry, which is compulsory, and declaration, which is conditional.

-The registry is discussed in Chapter 3 of the Protection Law and Chapter 8 of the Regulations. The movable and Immovable Cultural Assets Registry Department is in charge of a registry, which keeps special inscription books. Goods have to be inscribed with certain annotations (specified in Article 38 of the regulations), and any loss must be reported. Specific conditions for the registry are not included in the Protection Law and its Regulations.

As for the number of registered goods, in its 2014-2015 report, *SECULTURA* informs that 937 cultural goods of private collections, 8 of ecclesiastical collections, 13 of governmental collections 419 of the National History Collection, and 343 goods of the National Archaeology collection were inscribed in the inventory. This gives a total of 1720 cultural objects inscribed in one year, both movable and immovable. Although intangible heritage may also be registered, the report did not mention any registered intangible cultural heritage expressions.

- The declaration process is discussed in Chapter 2 of the Regulations. It names the Ministry of Education (now *SECULTURA*) as the institute that is to recognize and declare cultural goods, both private and public. This process may begin at the Ministry or at a personal request validated by the Ministry. Once recognized, the owner is notified and a publication of the declaration is made in the official gazette. The Movable and Immovable Cultural Assets Registry Department is notified, and in the case of immovable goods, the National Registry Center is notified as well. The declaration process is to be resolved in less than 45 days with the possibility of extension according to the conditions and necessities of the process.

This cumbersome process would be effective if implemented correctly. However, it relies completely on the action of *SECULTURA*, and if the direction is lazy, neglecting, or corrupt, there are no countermeasures to prevent damage. The ineffective Law had its toll on and a site in Cihuatán, which was damaged because their existence was not reported properly by *CONCULTURA*[70] (figure 22). A misinterpretation of a permit also allowed for the destruction of the site El Cambio, for which the ex-director of *CONCULTURA* was captured.[71]

Figure 22: Contruction in Cihuatán, the first great Maya city in El Salvador. Source: see footnote 72

Export

Export of cultural goods is prohibited without the consent of the Legislative Assembly. Even temporary exports for exhibitions or research need to have consent from the Legislative Assembly, as well as respond to certain conditions. Such a measure makes legal export of goods extremely difficult.

Relationship with the Municipalities and Decentralization

Article 7 of the Protection Law states that municipalities (*municipalidades*) have to follow the norms and techniques that the Ministry dictates, which is reiterated in Chapter 5 of the regulations. Although municipalities (*municipios*, the administrative region) may own cultural goods and have a special responsibility of conserving and safeguarding them, they may not approve any construction, repair, demolition or modification projects carried out in declared immovable cultural goods.

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70   Daniel Valencia Caravantes, "Fallas de Concultura propiciaron destrucción en Cihuatán," *El Faro*, April 11, 2010, http://www.elfaro.net/es/201004/noticias/1479/

71   Daniel Valencia Caravantes, "Capturan a ex director de Patrimonio Cultural por destrucción de sitios arqueológicos," *El Faro*, September 30, 2010, http://www.elfaro.net/es/201009/noticias/2567/

This centralized management makes sense considering the size of the country. Still, the government carries out programs to decentralize the cultural offer itself, as discussed in the previous section.

Conservation and Protective Measures

Chapters 6 of the Protection Law and 14 of the Regulations address general protection measures for cultural heritage.

In principle, cultural goods have to be conserved and safeguarded by its owners. If they are put at risk, the owner undergoes sanctions as described below. Preservation measures are supported by the incentives described below, and subsidies are handed for restoration projects in El Salvador.

Substantial modifications or alterations of immovable heritage are not allowed without prior consent of the Ministry, and research and excavations of archaeological or historic interest must have previous authorization. As explained above, export of movable goods is highly restricted.

The Ministry is allowed to "take necessary measures" to protect goods that are endangered or being damaged. This applies not only to the goods addressed in the Protection Law but also to those considered potential part of the Salvadoran cultural treasure by the Ministry. Necessary measures include suspension of development works, and acquisition or expropriation of the goods in question. If any indication of a cultural good is discovered (during a construction, for example), it has to be notified immediately to the authorities. Upon technic assessment, the government then may hire professionals (archaeologists, architects or technicians) to conduct studies and rescue activities if needed. An owner may not oppose the declaration of a cultural good.

Article 8 of the Protection Law requires urban and rural development plans as well as constructions and restorations related to immovable cultural goods to be authorized by the Ministry. If a cultural good is inscribed, the state may acquire it or its property through negotiation or expropriation.

Incentives

Article 53 of the Protection Law and Chapter 19 of its Regulations address financial incentives. The immovable goods included in the Salvadoran cultural treasure are exempt from property taxes. Any conservation, restoration, or safeguarding measures carried out with approval of the Ministry are deductible from the income tax. Tax obligations may be paid with Cultural Goods inscribed in the Registry.

Besides, the *PTR* program discussed in the previous section has allocated resources for restoration projects of immovable heritage, such as the San Miguel Arcángel Parrish, the San Pedro Parrish, the former athletic club in Santa Ana, and the cathedral of Santa Ana, and the Form Museum and the Word and Image Museum.

Sanctions

Going against protection measures can be fined with the amount of two to one million minimum salaries according to the degree of the infraction and the economic capacity of the infractor. The payment has to be made in five days time. If it is not made, the process is transferred to the Ministry of Finance. The product of the fines is deposited in a special fund for the Cultural Heritage Direction.

The cultural good in question may be confiscated or expropriated. If a public officer is involved, he or she may lose the position according to the gravity of the infraction.

4.4.4 Cultural Policies in El Salvador and International Instruments

At the international level, El Salvador was slow at participating in the cultural heritage community. After accepting the World Heritage Convention just as the civil conflict was ending, further international instruments were ratified, and as of 2017, it is the second country with the most ratified international conventions in this study (see Table 2 in 2.4).

As has been stated before, El Salvador has turned to international assistance to develop its cultural heritage projects, which accounts for about 1 of its 30 million dollar total budget. The World Heritage website cites nine approved requests amounting 205,500 USD. El Salvador has also turned to other multilateral agencies, such as *CECC-SICA*, and to bilateral cooperation. However, according to the OECD, ODA has decreased significantly in the past years, going from 208.99 million USD in 2012 to 82.78 in 2015.[72] This decrease inevitably affects the cultural projects as well. *SECULTURA* will need to develop strategies to overcome future cuts, such as involving private sectors and local communities in their projects.

After ratifying the World Heritage Convention in 1991, *SECULTURA* inscribed the following property in the World Heritage List:

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[72]   OECD statistics, accessed February 24th, 2017, from http://stats.oecd.org/qwids/

1993: Joya de Cerén Archaeological Site

Although the Convention for the Safeguarding of Intangible Cultural Heritage was approved in 2012, no expression has been included in the List yet.

4.5 Conclusions

The end of the 12-year-long Civil War in El Salvador came with profound transformations for the cultural heritage sector through a new administrative unit, a new national law on heritage protection, and unprecedented participation in the international community. The recentness of these changes has rendered a relatively modern perspective, allowing for a holistic approach that includes intangible heritage. However, it has also allowed for little consolidation time, and as of 2017, disputes and political pressures still disrupt long-time projects that involve culture, even if heritage has not been charged with a political role as was the case in Guatemala. The imposition of *SECULTURA* (the Secretary of Culture), the failed project of elevating it into a ministry, and the partially failed Law of Culture and Arts are testimony to the deviations caused by political interests and political opposition.

Although the budget for *SECULTURA* has increased gradually, most of it is spent on core functions, leaving little room for activities and programs such restoration projects or houses of culture. *SECULTURA* has been able to secure international aid for its projects, but ODA for El Salvador has been decreasing dramatically over the past decade, and the Secretary will need to establish strategies for its independent development. As for natural disasters, the 1991 earthquakes have already taken their toll on colonial churches, and preventive measures for disasters are needed to prevent further destruction.

From the information gathered and presented in the previous sections, I have drawn the following observations about Salvadoran heritage policies:

-Delegating Heritage Functions to the "Dr. David J. Guzmán" Museum

After the Civil War ended, the newly established *CONCULTURA* (*SECULTURA*'s predecessor)

took action upon three main fields: heritage, identity, and creativity support for the civil society. As basic cultural heritage procedures were established and the left-wing *FMLN* party won the 2009 elections, the cultural sector (now *SECULTURA*) focused on identity building and on support for the civil society (through programs such as the *PTR* and the Points of Culture), as well as on administrative changes. Heritage had little place in the new sociopolitical role of *SECULTURA*, so that much of the heritage-related duties were delegated to the "Dr. David J. Guzmán" Museum, which administratively is in a position that is parallel to the National Section of Cultural and Natural Heritage. Thus, the Museum manages regional museums, opens exhibitions on contemporary issues, and holds events for intangible cultural heritage. Additionally, it has revived its scientific journal, shaping the governmental actions on cultural heritage.

-Heritage Viewed Through the Lens of Archaeology

Archaeology has historically had a strong position in El Salvador due to many factors. Because foreign explorers either looted sites or exerted pressure on the government to establish legislation to conduct their research, heritage law has been influenced by the field. Sites in El Salvador are not as "monumental" as in other Central American countries. Furthermore, there is no colonial city, and there are few indigenous people who draw attention towards intangible heritage as is the case in other nations. Consequently, much of the information on the Salvadoran past and identity gathered has been through archaeological excavations. As the first generation of Salvadoran archaeologists graduated in 2000, they were promptly placed in positions of importance, such as the Heritage Section direction and the "Dr. David J. Guzmán" Museum direction. Thus, the concept of heritage has been associated with archaeology in El Salvador more than in other countries, to a point that might narrow the possibilities of heritage in the vision of decision-makers. An important step in heritage diversity was taken when *SECULTURA* engaged in sites of remembrance of the Civil War, facilitated by the political interest of remembering the war crimes of the opposing right wing.

-Inequality in the Access to Cultural Heritage

As stated above, much of what heritage "is," is run through the "Dr. David J. Guzmán" Museum and the discipline of archaeology. A consequence of this concentration is that access to cultural heritage is distributed unequally. For one, the location of the Museum -in the middle of the high-class, heavily guarded *Zona Rosa* (or Pink Zone)- associates the institution with the elites. The Museum takes advantage of this situation, by renting its spaces and maintaining a close relationship

with intellectuals and the upper class. Meanwhile, archaeological sites and other museums are not easily accessible, because they are separated by long distances and the ongoing violence in the streets, which even affects access to the World Heritage Site Joya de Cerén. Thus, the enjoyment of the cultural heritage is unequal, as it is reserved for the upper class.

-An Inefficient Heritage Protection Law

The Protection Law has weaknesses that can be exploited by persons conducting illicit traffic of cultural assets. The Law demands recognition of cultural assets to take precautionary measures. It also places all responsibilities on *SECULTURA*, with no countermeasures or supervisory body to ensure adequate an implementation. Furthermore, it is highly centralized, as it allows little decision power to the municipalities on heritage issues. It is also authoritarian, as it seeks to regulate most processes related to heritage, which further raises the complexity and inapplicability of the Law.

The origin of many of the issues discussed above can be traced back to the unanswered question of what role and use heritage has in El Salvador. Tourism and social integration are not as important as in neighboring countries. As long the role of heritage for El Salvador remains uncertain, it will continue to be in the hands of a select few that keep cultivating an extremely narrow heritage concept, reserved for intellectuals and the upper class. Distinguishing the role and establishing a strategy based on it can change this situation, but as long as political battles continue to threaten the stability of the Salvadoran cultural sector, planning is unrealistic and of little use. *SECULTURA* needs first and foremost to have enough stability to create and follow a long-term strategy that can then be worked on to have a wider, more balanced, and more participative concept of cultural heritage.

CHAPTER 5:
HONDURAS AND ITS CULTURAL HERITAGE POLICIES

5.1 Introduction

Honduras is located between Guatemala, El Salvador, and Nicaragua, (figure 23) and has access to both the Atlantic and the Pacific oceans. It shares many historic characteristics with its three neighbors, but unlike them, it did not experience a civil war. The lack of a violent conflict is attributed to two factors: policies that mitigated popular living standard erosion and the avoidance of brutal political repression.[1] Nevertheless, much of Honduras's development was conditioned by the Central American conflicts: the country worked with the United Sates by allowing military and

Figure 23: Map of Honduras, source: CIA world factobook, https://www.cia.gov/library/publications/the-world-factbook/geos/ho.html

anti-communist groups to position themselves there in exchange for foreign aid. Historically weak, the Honduran government has been subject to corruption in recent years, and in 2009, a coup d'état derailed the democratic regime that had been kept for decades. Furthermore, the development of

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1   John A. Booth, Christine J. Wade, and Thomas W. Walker, *Understanding Central America: global forces, rebellion, and change* (Westview Press, 2014), 209.

the country has been seriously compromised by natural disasters, such as hurricanes, earthquakes, floods, and others. Crime rates are remarkably high: Honduras has been dubbed "the most dangerous country in the world"[2] because of its gang violence and staggering murder rate. These factors contribute to the low human development index of Honduras, the lowest in this study.[3]

As is the case with El Salvador, constant administrative changes and corruption have challenged the stable evolution of the cultural sector, and with it, the development of cultural heritage policies and administration. Because Honduras is the only country I did not visit for this thesis, I consulted a variety of media sources to provide an overview of its current situation.

In this chapter, I discuss the particular reality of Honduras, addressing its main issues, cultural organization, legislation, and current conditions.

The following are the main resources used in this chapter:

-*UNESCO Cultural Heritage Law Database*
http://www.unesco.org/culture/natlaws/
UNESCO portal that collects national laws related to cultural heritage. The official gazettes website (http://www.lagaceta.hn) was also consulted, but its old editions only go back to 2000.

-*Las Políticas Culturales en Honduras: Análisis y Perspectivas para su desarrollo by Hernán Mejía*
Book on cultural policies of Honduras published by UNESCO.

-*Institute of Public Information Access*
http://portalunico.iaip.gob.hn
Government transparency website that provides legislation and governmental information on each government unit, including organizational charts, regulations, and budget information.

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2   Philip Sherwell, "Welcome to Honduras, the most dangerous country on the planet," *The Telegraph,* November 16 2013, http://www.telegraph.co.uk/news/worldnews/centralamericaandthecaribbean/honduras/10454018/Welcome-to-Honduras-the-most-dangerous-country-on-the-planet.html

3   "Human Development Data (1980-2015), " UNDP, accessed January 15, 2017, http://hdr.undp.org/en/data

-Honduras: Monumentos Históricos y Arqueológicos by Daniel F. De la Borbolla and Pedro Rivas

1953 book on Honduran heritage and heritage legislation.

-El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras by Darío A.Euraque

Memoirs of the former director of the Honduran Institute of Anthropology and History, his achievements and his ousting following the 2009 coup d'etat.

5.2 National Issues in Honduras and their Relation to Cultural Heritage

To have a comprehensive overview of what factors affect the development of cultural heritage policies in Honduras, it is important to study its national context. For this purpose, in this section, I address four key challenges for Honduras and its cultural heritage.

Direct and Indirect Effects of Violence

Honduras held the highest per capita homicide rate in the world in 2013,[4] with 64.1% of its external death causes owed to murder.[5] Although in the last three years the homicide rate has dropped by 23.9 percent,[6] widespread violence continues to threaten the development of the country. The transnational drug trade, enabled by rapid urbanization, economic crisis, and the proliferation of gangs, paved the way for organized crime groups in Honduras. The effect of their violence on Honduran heritage is perceived in the murder of people related to the field. For example, crime gangs displace and kill indigenous people, bearers of intangible expressions who account for little less than a tenth of the Honduran population (table 20, next page), to continue their trade in rural areas.[7] Another example of such violence is the 2016 murder of the Honduran indigenous activist Berta Cáceres, who opposed a hydropower project in the Gualarque River.[8] Although the project

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4   UNODC, "Homicide counts and rates, time series 2000-2012," accessed January 16, 2017, https://www.unodc.org/gsh/en/data.html

5   Observatorio Nacional de la Violencia, *Boletín Nacional, Edición 40*, January-December 2015, available at http://www.iudpas.org/boletines/boletines-nacionales

6   Ibid., 4.

7   Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2015* (July 2015), (Minority Rights Group International 2015), 122, http://minorityrights.org/publications/state-of-the-worlds-minorities-and-indigenous-peoples-2015/

8   Jonathan Watts, "Berta Cáceres, Honduran human rights and environment activist, murdered," *The Guardian*, March 4, 2016, https://www.theguardian.com/world/2016/mar/03/honduras-berta-caceres-murder-enivronment-activist-human-rights

was suspended and the river was subsequently declared a sacred river and cultural heritage of the Lenca indigenous peoples by the Council of Indigenous Peoples of Honduras (COPINH),[9] the Lenca people lost an important human asset that acted in their interests. Even government officials have been affected by the violence: in 2009, the representative of the Honduran Institute of Anthropology and History in the Northern region was murdered under unclear circumstances.[10]

Table 20:   General information of Honduras

Surface Area in square km*	112490
Population*	8.08 million in 2015
World Risk Index 2015**	Placed 31st out of 171 countries
Ethnic Groups***	Mestizo(mixed Amerindian and European) 90% Amerindian 7% Black 2% White 1%
Stock of emigrants as percentage of population****	7.5% for 2010
*Data from database: World Development Indicators, last Updated 06/14/2016	
**Source: Table of World Risk Index 2015 available at http://www.worldriskreport.org	
***Source: CIA World Factbook	
****Source: World Bank Migration and Remittances Factbook 2011	

Violence is also an obstacle for travel and tourism, which lowers the possibility of cultural tourism and thus the attention and investment in cultural heritage for leisure-related activities. The United States regularly issues travel warnings for the country, stating that: "the level of kidnapping, crime, and violence in Honduras remains critically high."[11] Despite reduced visitor numbers, their impact is great in the country: Kubickova and Li mention in a comparative study with Costa Rica and Guatemala that although Honduras receives less tourists, their contribution to the GDP (a total contribution of 15.1 of the GDP in 2015[12]) is the highest.[13] The government fostered tourism development through tax cuts and economic incentive, and created special security in popular destinations such as Roatan, Bay Islands and Copán. Such a division, however, affects culture accessibility, as access to culture is placed in hubs reserved for tourists and elites.

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9   COPINH, "Declaramos el Río Gualcarque un Río Sagrado y Patrimonio Cultural del Pueblo Indígena Lenca," May 17, 2016, accessed January 20, 2017, https://copinh.org/article/copinh-declaramos-el-rio-gualcarque-un-rio-sagrado/

10   Darío A Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras*, (Centro Editorial, 2010), 125.

11   US Department of State, "Honduras Travel Warning," accessed January 26 2017, https://travel.state.gov/content/passports/en/alertswarnings/honduras-travel-warning.html

12   WTTC, "Travel & Tourism Economic impact 2016," accessed January 16, 2017, https://www.wttc.org/-/media/files/reports/economic-impact-research/countries-2016/honduras2016.pdf

13   Marketa Kubickova and Hengyun Li, "Tourism Competitiveness, Government and Tourism Area Life Cycle (TALC) Model: The Evaluation of Costa Rica, Guatemala and Honduras," *International Journal of Tourism Research* 19, no. 2 (2017): 223-234.

Low Economic Status, Poverty, and Inequality

Honduras was classified as a lower middle-income country by the OECD. Central American poverty ratios today are the highest in Honduras, with over 60% at national poverty lines (table 21),

Table 21: The Honduran economy

GDP at market prices (current US$) for 2014★	19,385,314,718
GDP growth (annual %)★	3.1 in 2014
Poverty headcount ratio at national poverty lines (% of population)★	63
Personal remittances, received (current US$) for 2014★	3,369,514,366
GDP composition, by sector of origin (2015 est.)★★	agriculture: 13.9% industry: 26.4% services: 59.7%
★Data from database: World Development Indicators, last Updated 06/14/2016	
★★Source: CIA World Factbook	

despite increasing foreign ODA (table 22). Its neo-liberalist economy has made the country vulnerable to international fluctuations and undermined state-led programs that had aided political stability before.[14] Furthermore, although during the 1970s Honduras ameliorated economic inequalities, the World Bank reports that the country has the highest level of economic inequality in Latin America today. [15] Gender inequality remains a problem especially in rural areas despite combating laws and regulations adopted by the national government. [16]

Table 22: ODA for Honduras

Net ODA Receipts for Honduras (USD million)						
1986★	**1996★**	**2010★**	**2011★**	**2012★**	**2013★**	**2014★**
279	356	633	619	568	627	604
★Data from database: World Development Indicators, last Updated 06/14/2016						

Poverty and insecurity fuel contemporary illegal trade, as indigenous individuals and peasants who live in areas surrounding archaeological sites engage in selling objects to make some extra income (figure 24, next page).[17] At the governmental level, lack of budget has caused severe cuts and a restructuring of the Honduran cultural sector that rendered it partially dysfunctional in 2013. In 2015, over 450 employees of the Arts and Culture Secretary protested because they had late salary payments, up to two months late.[18] With no available resources, institutions with structural

14 Claude F. Baudez, *Central America* (Barrie & Jenkins, 1970), 229.

15 "Honduras Overview", World Bank, accessed January 13, 14 2017, http://www.worldbank.org/en/country/honduras/overview

16 Rachel Lomot, "Gender Discrimination: A Problem Stunting Honduras' Entire Economy," *Global Majority E-Journal* 4, no. 1 (2013): 15-26.

17 Eric Fortier-Brynaert, "Poverty, Insecurity, and Looting", #hist4805b *Looted Heritage Seminar Student Journal*, Fall and Winter, 2014-2015, at Carleton University, Ottawa, Canada, April 5, 2015, accessed January 21, 2017, https://flipboard.com/@fhg1711/daylight-issfulpuz

18 "Secretaría de Arte y Cultura ahora será dirección institucional," March 10, 2015, *La Tribuna*, http://www.latribuna.hn/2015/03/10/secretaria-de-arte-y-cultura-ahora-sera-direccion-institucional/

problems (such as the Villa Roy Republican History Museum) have had to close instead of undergoing necessary restorations.

Figure 24: Confiscated cultural assets that were found in a boat, source: "Detención ju-dicial para cuatro hombres que portaban piezas arqueológicas," Proceso Digital, June 6 2016, http://www.proceso.hn/caliente/12-caliente/detencion-judicial-para-cua-tro-hombres-que-portaban-piezas-arqueologicas.html?tmpl=component&print=1

Corruption and a Weak Democracy

A weak democracy and wide-spread corruption have made the Honduran government lose credibility. Democracy was derailed by the 2009 coup, which overthrew the democratically elected president, who wanted to eliminate presidential term limits. The coup suspended civil liberties and was heavily criticized by the international community, leading to the removal of the state from the OAS. The elections that followed were carried out under dubious circumstances, further generating a lack of trust in the reliability and stability of the political conditions of the country. The coup had its effect on the cultural sector, as the former director of the Honduran Institute of Anthropology and History was dismissed after it, along with years of work and planning.[19]

In 2015, a scandal revealed that president Juan Orlando Hernández Alvarado benefitted from embezzled national funds, and, as a response to a failed and dubious dialogue and ongoing protests, the OAS stepped in by creating the Support Mission Against Corruption and Impunity in Honduras in 2016. That year, Honduras scored 30 out of 100 points in the Corruption Perceptions Index of Transparency International[20] (lower numbers indicating higher corruption).

19   Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras* (Centro Editorial, 2010).

20   Transparency International, "Corruption Perceptions index 2016", accessed January 15, 2016, http://www.transparency.org/news/feature/corruption_perceptions_index_2016#table

As for Honduran cultural heritage, corruption has already had its toll: in 2011, funds that had supposedly been allocated to repair a press of the cultural sector went missing, and the repair works were never done.[21] That same year, the Supreme Accounts Tribunal reported budgetary irregularities of the Arts and Culture Secretary.[22] Added to critiques of embezzlement, constant administrative changes and harassment issues have debilitated the already weak Honduran cultural sector, which cannot manage and plan cultural heritage adequately under these circumstances.

Vulnerability to Natural Disasters

Honduras, placed 31st in the World Risk Index (table 20), has suffered considerable damage from hurricanes, most notably Hurricane Fifi and Hurricane Mitch. A GFDRR report states: "In 1998, Hurricane Mitch's torrential rainfall over Honduras flooded extensive regions and triggered thousands of landslides, destroying an estimated 70 percent of the country's crops and 70 percent of the nation's transport infrastructure. Economic damage was estimated at more than US\$3 billion."[23] The same hurricane destroyed old Tegucigalpa neighborhoods, churches, an art gallery, and historical documents,[24] as well as of the whole Morolica community.[25]

Besides hurricanes, the country is in constant threat of other disasters, such as earthquakes and floods. The Villa Roy Museum has remained closed since 2010 due to earthquake damage, and even the Honduran Institute of Anthropology and History has had to move its staff and cultural objects due to a landslide threat to its offices (figure 25, next page). Its high vulnerability lies not so in the number of disasters as in the weakness of disaster preparedness and post-disaster recovery, as the UN Resident Coordinator of Honduras observed.[26] Such a weakness also applies for Honduran cultural heritage, which has no disaster risk prevention plan.

21   "Precariedad e irregularidades mantienen relegada la cultura," *La Tribuna*, April 13, 2015, http://www.latribuna. hn/2015/04/08/precariedad-e-irregularidades-mantienen-relegada-la-cultura/

22   Tribunal Supremo de Cuentas, *Informe No 029/2011-DPC-DCSD*, November 24, 2011, http://www.tsc.gob.hn/ Denuncia%20Ciudadana/2011/029-2011-DPC-DCSD.pdf

23   GFDRR and World Bank, *Disaster Risk Management in Central America: GFDRR Country Notes*, Honduras, 171.

24   Thelma Mejía, "Honduras: Inventory of Mitch's Cultural Destruction," *IPS News*, November 21, 2008, http://www.ipsnews. net/2008/11/honduras-inventory-of-mitchs-cultural-destruction/

25   Marisa López, "La contribución de la Antropología al estudio de los desastres: el caso del Huracán Mitch en Honduras y Nicaragua," *Yaxkin* 18 (1999): 13.

26   Humberto Jaime, "Central America cannot continue to rebuild disaster risk," UNISDR News Archive, May 11, 2012, https:// www.unisdr.org/archive/26710

Figure 25: Hole created by a crack in the IHAH offices, source: "Ordenan desalojo del IHAH por derrumbe," El Heraldo, http://www.elheraldo.hn/metro/709558-213/ordenan-desalojo-del-ihah-por-derrumbe

5.3 Organization, Budget and Programs

5.3.1 The Executive Section for Culture and Arts and the Honduran Institute of Anthropology and History

The Executive Section for Culture and Arts (Dirección Ejecutiva de Cultura y Artes, DECAD)

Culture in Honduras is managed by the **Executive Section for Culture and Arts**, which was created in 2014 and responds directly to the presidency. It is part of the **Executive Section for Culture, Arts, and Sports** (*Dirección Ejecutiva de Cultura, Artes y Deportes*, *DECAD*, figure 26). Its

Figure 26: DECAD logo, source: DECAD facebook site, https://www.facebook.com/CulturayArtes/

predecessor is the Secretary of State within the Culture, Tourism, and Information Dispatch, which was created in 1975. Although the National Institute of Anthropology and History (discussed below) already existed since the 1950s, the Secretary was set up to have a more contemporary approach, aiming at forming a national identity while creating touristic and cultural activities that engaged civil society participation. It was also appointed with the formulation of policies and programs for the National Institute of Anthropology and History.

The Secretary, however, experienced various adjustments, adding or removing institutions in the fields of tourism, information, and sports. The changes were especially fast in the 1990s. In 1993, what now was the Secretary of Culture and Tourism (the Information section had been removed) became the Secretary of Culture. In 1994 it was changed to the Secretary in the Dispatch of Culture and Arts, and in 1997, sports were added to the institution, renaming it as the Secretary of State in the Dispatch of Culture, Arts and Sports (*Secretaría de Cultura, Artes y Deportes* or *SCAD*, figure 27).[27] During this time, the *SCAD* carried out decentralization projects, such as the creation of regional

Secretaría de Cultura, Artes y Deportes
Figure 27: SCAD logo, source: SIC website, http://si-chonduras.hn/res_contenido.php?ID=354

offices, regional culture councils, and Houses of Culture, discussed below. These were especially pushed by Dr. Rodolfo Pastor Fasquelle, who assumed the administration in the periods 1994-1998 and 2006-2010.[28] Fasquelle, with the support of Darío Euraque as the head of the *IHAH*, was also active in broadening the concept of the Honduran identity, which was confined to mestizos of the Mayan culture, especially represented by the monumental site Copán. For decades, the Mayan roots of the Hondurans were highlighted, despite the fact that Lencas were more numerous and wide-spread at the time of the Spanish conquest. [29] The 'de-Mayanization' or 'de-Copanization' process meant drawing interest to other sites and ethnicities that were also part of Honduras.

When president Juan Orlando Hernández took office in 2014, he restructured the government

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27 Mario Hernán Mejía, *Las Políticas Culturales en Honduras: Análisis y Perspectivas para su desarrollo*, (Tegucigalpa: UNESCO, 2004), 16.

28 Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras* (Centro Editorial, 2010), 19, 76.

29 Gloria Lara Pinto, "La investigación arqueológica en Honduras: lecciones aprendidas para una futura proyección," *Pueblos y fronteras* 1, no. 2 (2006), 2.

by closing, fusing, and re-ordering units to optimize the use of State resources and increase efficiency. The Secretary of Culture, Arts, and Sports was dissolved, and instead of it two separate executive sections were created, one for sports and one for culture and arts. Thus, the *SCAD* was replaced by the *DECAD*. It is rumored that a similar strategy had been considered by president Maduro in the mid-2000s, through pressures of the World Bank, but he did not go through with it at that time.[30]

The current Executive Section for Culture and Arts, which belongs to the Presidency Secretary, has undergone severe criticism. There were reports of harassment issues in 2014,[31] and according to a Tribuna article, the Executive Section for Culture and Arts did not know its budget for projects and was deep in crisis.[32] The article reports that it was forced to close some institutions because it could not pay its employees and that many issues, including structural problems of the archives and the library buildings, could not be addressed. There was also the aforementioned case of corruption, where money that was transferred to repair the printing press went missing, while the work was never done.

The Presidency Secretary issued the regulations for *DECAD* in 2015, and re-appointed it with the responsibility of formulating and coordinating historic and cultural heritage-related policies that are to be followed by the National Institute of Anthropology and History. For June 2017, 73 staff members were under formal contract and 241 under "agreements," for a total of 314.[33] In relation to cultural heritage, besides general policy-making, the Section for Culture and Arts also handles the following two units within the Popular Culture Sub-direction (in orange, figure 28), while the resting sectors handle what is known as the "arts" and documentation:[34]

30   Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras* (Centro Editorial, 2010), 45.

31   "Denuncian acoso y abuso de poder de directora de Artes," *El Heraldo*, August 3rd, 2014, http://www.elheraldo.hn/pais/735003-214/denuncian-acoso-y-abuso-de-poder-de-directora-de-artes
"Denuncian más acoso en Cultura," El Heraldo, August 4, 2014, http://www.elheraldo.hn/pais/735320-214/denuncian-más-acoso-en-cultura

32   "Precariedad e irregularidades mantienen relegada la cultura," *La Tribuna*, April 13, 2015, http://www.latribuna.hn/2015/04/08/precariedad-e-irregularidades-mantienen-relegada-la-cultura/

33   "Dirección Cultura Artes y Deportes, Remuneración de Empleados," IAIP, uploaded June 7, 2017, accessed July 3, 2017, http://portalunico.iaip.gob.hn/portal/index.php?portal=417

34   See executive decree 002-SP-2015, February 11, 2015.
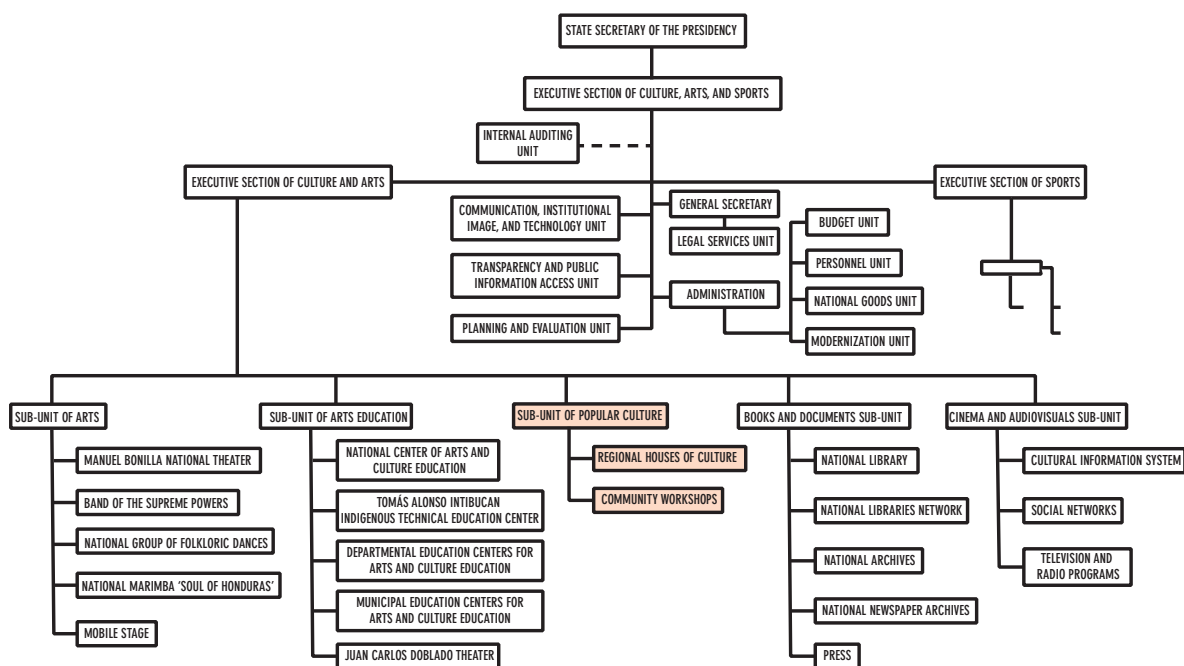
Figure 28: Organizational chart of the DECAD, updated April 2017, source: IAIP website of the DECAD, http://portalunico.iaip.gob.hn/portal/index.php?portal=417

-Regional Houses of Culture

The houses of culture had been mentioned in legislation since the 1950s and 1960s, but could only materialize until decades later. [35] Houses of Culture began in 1970 with two houses.[36] Their objective is to support culture in various localities, aiding in the decentralization of cultural activities. As of 2004 there were twenty-two reported houses of culture,[37] and during the Zelaya administration of 2006-2009, as many as 17 houses of culture had been inaugurated.[38] However, a 2017 updated organizational chart of *DECAD* includes only fourteen houses of culture with institutional presence.[39] Houses of Culture were reported to be closing due to the lack of budget, security, and legal issues, although it was disputed by government officials. Furthermore, they had been subject to robbery and theft.[40]

35   Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras* (Centro Editorial, 2010), 98.

36   Alba Alonso de Quesada, *Hacia una política cultural de Honduras*, UNESCO, 1977, 48.

37   Hernán Mejía, Mario, *Las Políticas Culturales en Honduras: Análisis y Perspectivas para su desarrollo*, (Tegucigalpa: UNESCO, 2004), 16.

38   Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras* (Centro Editorial, 2010), 66-67, 98.

39   "Dirección Cultura Artes y Deportes," IAIP, organizational charts, "Organigrama DECAD y Adjunto las casa de la Cultura que pertenecen a dicha Institución Actualizado," uploaded January 30, 2017, accessed February 2, 2017, http://portalunico.iaip. gob.hn/portal/index.php?portal=417

40   "Denuncian abandono del patrimonio cultural de Honduras," *La Prensa*, August 15, 2013, http://www.laprensa.hn/ honduras/tegucigalpa/333425-98/denuncian-abandono-del-patrimonio-cultural-de-honduras

-Community Workshops

As of 2017, no personnel has been assigned to this unit since 2015,[41] and no information on its activities has been made available.

Although the Popular Culture Sub-direction within the organizational chart has only units for regional houses of culture and community workshops, internal regulations of the *DECAD* appoints the Sub-direction with handling international treaties, living culture, and gender equality as well.

The relatively new executive section does not have an official website, only an active Facebook account with information on events and projects. While the *IAIP* (*Instituto de Acceso a la Información Pública*, Institute of Public information Access) website has core data on legislation and budget execution, it does not elaborate on current policies and long-term programs. Its form has not yet consolidated, and its internal regulations are vague, rendering little oversight on what direction it is aiming to take.

The Honduran Institute of Anthropology and History (Instituto Hondureño de Antropología e Historia, IHAH)

While the cultural sector, which is officially in charge of heritage policy-making, has undergone several structural changes in the past decades, the management of heritage has remained under the *IHAH* (figure 29). The *IHAH* was created in 1952 (initially as the National Institute of Anthropology and History), and continues to be the manager and supervisor of most Honduran heritage sites and museums. Such continuity was granted because in 1968 the *IHAH* became an autonomous,

Figure 29: The old and new logos of the IHAH, source: IHAH website, http://www.ihah.hn/index

decentralized institution within the administration. Because of its autonomy, the *IHAH* has to fend for itself economically: sixty years after its inception, it reported that only fifteen percent of its income is from the general State budget, having it rely mostly on revenues from the Copán site park

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41   Ibid.

and museums.[42]

The *IHAH*, like Guatemala's *IDAEH*, was modeled after the Mexican National Institute of Anthropology and History. It is run by a steering committee presided by the Secretary of Culture. The committee appoints its director. Its first actions since its inception focused mainly on archaeological research, namely research of the Copán site as well as work on its nomination as a World Heritage Site.[43] For the following decades, a Mayan, mestizo, "Copanized" image of Honduran heritage was cultivated as described by Euraque, while giving little priority to the Lencas, Garífuna, and other groups of people.[44] However, during its 2006-2009 administration and with the support of Dr. Rodolfo Pastor Fasquelle at the *SCAD*, efforts were made to diversify the Honduran concept of heritage by working with decentralization projects and by addressing a more varied array of heritage. The 2009 coup, however, caused the dismissal of several staff members, and deep changes in internal policies and projects.[45] Post-coup administrative changes hindered the development of these projects, and the *IHAH* still struggles to establish a direction.

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42   Fanny Paz Lagos, "El IHAH es la cenicienta del Estado de Honduras," *El Heraldo*, July 21, 2012, http://www.elheraldo.hn/otrassecciones/nuestrasrevistas/627114-373/el-ihah-es-la-cenicienta-del-estado-de-honduras .
State budget for IHAH was around 73-73 percent in 2006-2007, Darío A. Euraque, El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras (Centro Editorial, 2010), 29, 80.

43   Gloria Lara Pinto, "La investigación arqueológica en Honduras: lecciones aprendidas para una futura proyección," *Pueblos y Fronteras* 1, no. 2 (2006), 16.

44   Darío A. Euraque, "Antropólogos, arqueólogos, imperialismo y la mayanización de Honduras: 1890-1940," *Revista de Historia* 45 (2002): 73-106.

45   Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el patrimonio cultural y la identidad nacional de Honduras* (Centro Editorial, 2010).

IHAH's offices are divided into units that either manage a specific site or a whole region of the country (highlighted in orange, figure 30). 121 staff are reported to work in this institute, according to payroll data of February 2017. [46]
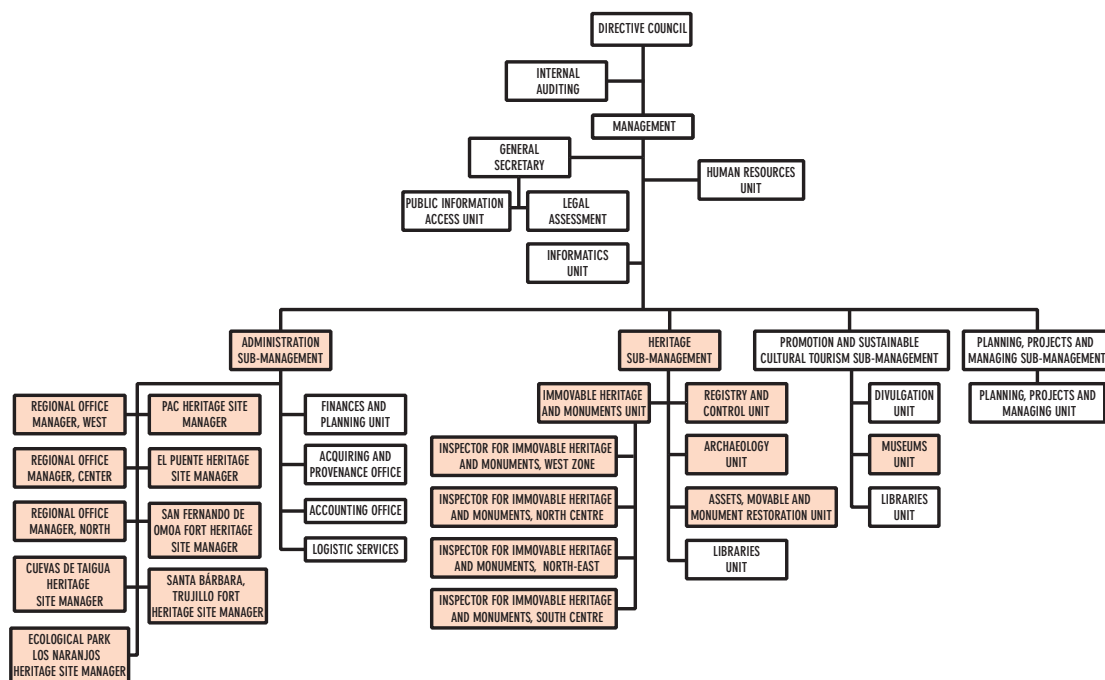
Figure 30: Organizational chart of the IHAH, updated April 21 2017, source: IAIP site for the IHAH, http://portalunico.iaip.gob.hn/portal/index.php?portal=410

The *IHAH* manages the following units:

-Regional Offices

The West, Central, and North regional offices and their six sub-regional offices represent the *IHAH* at the national level.

-Cuevas de Talgua

-Los Naranjos Ecological Park

-PAC (Copán Archaeological Park) Heritage Site

-El Puente Heritage Site

-San Fernando de Omoa Heritage Site

46   "Instituto Hondureño de Antropología e Historia (IHAH)," IAIP, accessed March 15, 2017, http://portalunico.iaip.gob.hn/portal/index.php?portal=410

-Santa Bárbara, Trujillo Fort Heritage Site

-Immovable Heritage and Monuments Unit

-Registry and Control

-Archaeology Unit

-Assets, Movable and Restoration Unit

-Museums Unit

Today, the *IHAH* continues to be involved mainly in archaeology, managing sites and combating illicit traffic. Park entrance fees and collaborative research facilitate projects related to archaeology. This is not the case with historic buildings, for which the *IHAH* is also responsible: several monuments and historic buildings have not been properly taken care of due to lack of budget.[47] The same goes for the Villa Roy Museum, even though its restoration has been set as a high priority. The discovery of Ciudad Blanca (The White City), a site in the Mosquitia zone, is a new challenge that will demand further human and economic resources, as will the Legislative Cultural District Project. The Project aims at restoring the Legislative Palace and its surrounding buildings for the 200-year commemoration of the Central American independence, to revitalize the historic center of the city.

A 2012 interview with the director of the *IHAH* revealed that the main challenges he faced when taking office were financial difficulties, little knowledge of the heritage law even at higher posts (figure 31), insecurity, a decrease in international cooperation, and theft of archaeological and religious heritage.

Figure 31: Cleaning the Los Dolores church led to damage to one of its inscriptions (pictures show before and after cleaning). Interventions are regulated by law, but little knowledge of the Heritage Law, which applies to all government workers, allows such damage to happen. Source of the image: http://www.latribuna.hn/2015/07/13/danos-irreversibles-a-iglesia-los-dolores/

47   Patricia Cálix, "Honduras: En el olvido monumentos y edificaciones históricas de la capital," *El Heraldo*, February 1, 2017, http://www.elheraldo.hn/tegucigalpa/1040302-466/honduras-en-el-olvido-monumentos-y-edificaciones-históricas-de-la-capital

Other institutions that handle cultural heritage

-The Garinagu Cultural Center was an independent institution created in 2001. It focused on the conservation of native culture and folklore, especially engaging in the preservation of Garifuna expressions. Its website and Facebook accounts are inactive, but its budget is still allocated to this independent Center every year.

-The Special Prosecutor's Office for Ethnic Affairs and Cultural Heritage (Fiscalía de Etnias y Patrimonio Cultural), although mainly engaged in the protection of indigenous rights, has also participated in the confiscation of illegally traded materials and the prosecution of criminals that acted against cultural heritage. It was created in 1994 as a specialized organism of the Public Ministry, with the task of overseeing the implementation of indigenous rights protection policies.

5.3.2 Budget

Since the Honduran management of culture and cultural heritage is broadly divided into three institutions (the *SCAD* which became *DECAD* in 2015, the *IHAH*, and the Garinagu Cultural Center), their budgets have to be included when calculating Honduran expenditures in heritage. Table 23 shows the approved budget for the years 2005-2017 for these institutions in Honduran Lempira (HNL). Columns 2 and 5 indicate that the budget for Culture, Arts, and Sports (column 2 for the *SCAD* from 2010 to 2014 and column 5 for *DECAD* from 2005 to 2017) had more than tripled between 2005 and 2009. After that year, it has been decreasing yearly more or less regularly, reaching a low peak in 2015. Meanwhile, the budget for the Garinagu Cultural Center (column 3)

Table 23:   Budgets of the cultural sector

1.YEAR	2.BUDGET ALLOCATED TO THE SCAD (HNL)	3.TOTAL APPROVED BUDGET GARINAGU CULTURAL CENTER (HNL)	4.TOTAL APPROVED BUDGET IHAH (HNL)	5.BUDGET ALLOCATED TO THE DECAD (HNL)	6.TOTAL 2+3+4 OR 3+4+5 (HNL)	7. NATIONAL GENERAL BUDGET	8. PERCENTEAGE OF TOTAL CULTURE AND SPORTS (2+3+4 or 3+4+5) RELATIVE TO THE GENERAL BUDGET	9. PERCENTEAGE OF THE IHAH RELATIVE TO THE GENERAL BUDGET
2005	83,452,774	3,662,785	38194300	-	125,309,859	39,288,937,892	0.319	0.097
2006	107,981,595	3,807,389	37,630,291	-	149,419,275	42,996,377,031	0.348	0.088
2007	131,824,700	4,525,900	61,937,794	-	198,288,394	49,383,680,036	0.402	0.125
2008	213,738,311	6,905,275	63,121,812	-	283,765,398	61,066,063,326	0.465	0.103
2009	268,614,698	7,721,536	60,477,629	-	336,813,863	64,029,546,141	0.526	0.094
2010	244,354,800	9,721,500	54,952,831	-	309,029,131	68,230,559,992	0.453	0.081
2011	204,517,181	8,221,500	54,952,851	-	267,691,532	75,675,265,712	0.354	0.073
2012	247,922,978	9,302,690	65,077,542	-	322,303,210	79,558,746,961	0.405	0.082
2013	238,618,556	7,719,030	65,461,421	-	311,799,007	89,544,421,629	0.348	0.073
2014	189,833,528	7,719,030	61,545,982	-	259,098,540	104,624,681,833	0.248	0.059
2015	-	7,788,692	50,693,525	156,201,426	214,683,643	105,011,369,978	0.204	0.048
2016	-	8,855,517	52,357,701	158,866,805	220,080,023	123,275,615,139	0.179	0.042
2017	-	8,695,786	52,357,701	163,428,977	224,482,464	130,499,451,205	0.172	0.040
Original Data Source: Finances Secretary, http://www.sefin.gob.hn/?page_id=349								

and the *IHAH* (column 4) also increased until 2009-2012 and then remained more or less stable, with a slight decrease following the Orlando Hernández administration of 2014. The 2017 annual report of the *IHAH* notes that, even if most of its income (67.87%) is generated from sales and services in parks, the decrease of government funds in 2015-16 was especially noticed.[48]

Column 6 of table 23 shows that the sum of the budget for the *SCAD/DECAD*, the Garinagu Cultural Center and the *IHAH* increased strongly until 2009 and then saw an irregular decline, especially pronounced after 2014. This tendency is even stronger when considering the proportion to the national general budget (column 8), which fell to one-third from 2009 to 2017. These numbers are meant only as a reference, as some of the budget of the *IHAH* comes from the *SCAD/DECAD* and the rest from park revenues, not the state. Also, inflation rates have been irregular, reaching as high as 5.8 in 2014[49] and as low as 2.36 in 2015,[50] but have had a tendency to decrease in recent years, somewhat alleviating the cuts to the sector.

Because funds for heritage are not clearly delimited, is not easy to calculate how much Honduras spends in this area. As a reference, column nine shows the percentage of *IHAH* funds relative to the general expense budget of Honduras. Taking into account that around three-quarters of that budget comes from entrance fees, one can assume that less than 0.1 percent of state funds is allocated to this institution.

Table 24 (next page) shows the approved budget allocation in the three institutions for general programs in 2014, as no detailed data could be found for the *DECAD* after that year. Most of the resources of the *SCAD* (over one hundred million Honduran Lempira) is used for transfers to the public, private and external sectors. Of these transfers, which resemble El Salvador's *PTR* program (see 4.3.3), around forty million HNL were allocated to cultural institutions such as the Honduran Man Museum, foundations, a house of culture, and the *IHAH*. The resting 64 million Lempira were allocated to sports institutions. For the *SCAD*, the ability to transfer resources is a considerable improvement compared with the first thirty years of the institution, when around ninety percent of the budget was allocated for rent, salaries, and services.[51] As for the *IHAH*, it allocated over three-quarters of its resources to heritage research, restoration, protection, and promotion in 2014. The *IHAH*'s yearly reports state that because funds are insufficient to carry out new projects, most of the

48   IHAH, *Informe de actividades, ejecución presupuestaria y estados financieros IV trimestre 2016*, (Tegucigalpa: 2017), 4.

49   "Honduras con las segunda inflación más alta de Centroamérica," *El Heraldo*, January 8, 2015, http://www.laprensa.hn/economia/783694-410/honduras-con-la-segunda-inflación-más-alta-de-centroamérica

50   "Honduras termina 2015 con inflación de 2.36%," *El Heraldo*, January 5, 2016, http://www.latribuna.hn/2016/01/05/honduras-termina-2015-inflacion-2-36/

51   Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el patrimonio cultural y la identidad nacional de Honduras* (Centro Editorial, 2010), 79.

resources are used to give continuity to older projects. Foreign development assistance helps develop

Table 24: Budget allocation in detail for 2014, source: Budget Unit of the Finances Secretary, http://www.sefin. gob.hn/wp-content/uploads/2014/presupuesto2014/ principal.html

BUDGET OF THE SECRETARY OF CULTURE, ARTS AND SPORTS OF 2014 (HNL)	
PROGRAM	BUDGET
CENTRAL ACTIVITIES	39,317,803
PROMOTION AND DISSEMINATION OF ARTISTIC EXPRESSIONS	18,212,433
TRANSMISSION AND RADIAL DISSEMINATION AND TELEVISION PRODUCTION	738,552
PROMOTION OF POPULAR CULTURE	4,744,961
LIBRARIES, ARCHIVES AND PUBLICATIONS	12,695,901
ARTISTIC EDUCATION AND TRAINING	7,230,661
PROMOTING THE CULTURE OF PEACE, EQUALITY AND CULTURAL INITIATIVES	236,255
PROMOTION AND DEVELOPMENT OF SPORT	1,712,803
TRANSFERS TO THE PUBLIC, PRIVATE AND EXTERNAL SECTOR	104,944,159
TOTAL	189,833,528
BUDGET OF THE SECRETARY OF IHAH 2014 (HNL)	
CENTRAL ACTIVITIES	13,673,457
CULTURAL HERITAGE RESEARCH AND RESTORATION	15,369,782
PROTECTION AND PROMOTION OF CULTURE	32,502,743
TOTAL	61,545,982
BUDGET OF THE SECRETARY OF THE GARINAGU CULTURAL CENTER 2014 (HNL)	
CENTRAL ACTIVITIES	3,058,805
INTEGRATION OF THE GARIFUNA CULTURE	4,660,225
TOTAL	7,719,030

specific activities.

In general, it can be observed that two years marked a decrease in the Honduran cultural budget: the first is 2009, the year of the coup. During the coup, the *SCAD*'s funds were mismanaged, as reported by the Superior Accounts Tribunal.[52] Furthermore, international cooperation projects in the field defaulted or were frozen due to the coup (especially from the US And Spain).[53]

The second year that marked a decrease in available funds was 2014, when president Orlando Hernández took several economic austerity measures that affected the newly-established *DECAD*. These measures extended to the cut of available economic resources for cultural development.

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[52] Superior Accounts Tribunal (Tribunal Superior de cuentas), *SCAD: Auditoría Financiera y de Cumplimiento Legal, December 2010*, accessed February 20 2017, http://www.tsc.gob.hn/Auditorias/Informes_de_Auditoria/Sector_Social/2010/03-2010-DASS-A.pdf

[53] Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras* (Centro Editorial, 2010), 429-431.

5.3.3 Programs

Cultural programs in Honduras are carried out by the aforementioned three organizations. Related to cultural heritage, they carry out the following:

The Executive Section for Culture and Arts

The Executive Section is mostly involved in arts and identity, organizing drawing contests, supporting the orchestra and educational programs on culture and cultural groups. In relation to heritage, the 'Regional Houses of Culture' and 'Community Workshops' units within the Popular Culture Sub-direction hold events and workshops linked to popular culture and intangible heritage. The 2015 annual report, for example, lists support to the traditional custom of making sawdust carpets in Comayagua and an exposition of the event in a House of Culture. The Section also supported the Moros y Cristianos garífuna dance and held a workshop on traditional mask-making that year.

The Honduran Institute of Anthropology and History

As stated above, the *IHAH* has insufficient funds to start new projects, and mostly engages in the continuation of previous activities. In its 2015 annual report, the *IHAH* includes two programs, both focusing on the archaeological site of Copán.[54] As pointed out by Euraque, after the coup, the state reverted to focusing on Copán, strengthening the "mayanized" version of Honduran identity. Such actions can only be explained by the economic income that the site brings to the *IHAH* through tourism, which represents a great majority of the institute's budget.

The Garinagu Cultural Center

The center works under one main program: the integration of the Garífuna culture. Its budget documents report workshops, book publications, and artistic presentations as main activities, but provide no concrete information on these activities.

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54   IHAH, *Informe de actividades, ejecución presupuestaria y estados financieros IV trimestre 2016*, (Tegucigalpa: 2017), annex.

5.4 Legislation

In Honduras, the legislative body of heritage policies is relatively extensive and old, dating back to the nineteenth century. Cultural heritage is addressed in the Honduran constitution, in the "Law for the Protection of the Cultural Heritage of the Nation," as well as in other instruments. In this section, I provide an overview of the development of cultural heritage legislation in Honduras. I then address the present constitutional considerations and the Special Protection Law, as well as the status of international cultural heritage instruments in relation with Honduras. A detailed list of the consulted legislation is provided in appendix C.

5.4.1 Brief History of the Concept and Development of Cultural Heritage Policies in Honduras

Cultural heritage policies in republican Honduras began remarkably early, as a reaction to the great amount of explorers that were visiting Copán. This made the process of heritage policy shaping a very different experience than that of other Central American countries.

Foreigners were expressing their interest in the monumental site Copán in the second third of the 19th century already, possibly due to John L. Stephens's Incidents of Travel in Central America, Chiapas, and Yucatán, the first book to tell about this site, published in 1841.[55] Also, a 1934 initiative in Guatemala aimed to create plans and reports on certain archaeological places that included Copán, which may have helped draw attention to this site.[56]

After Stephens bought the Copán site for fifty dollars,[57] the government overturned the purchase passing a decree that aimed at the conservation of the antique monuments of the Copán Valley in 1845 (Agreement 4, January 28, 1845). This was possibly the first immovable heritage-related policy in the country and one of the first, if not the first, in Central America. The decree places the monuments of the valley under the protection of the state, appoints a chief intendant as a regulator and protector, and mandates to treat individuals that take or disable the monuments as usurpers. However, the decree did not specify where the site began and where it ended, creating conflict with the people who were growing crops there. For this reason, a delimitation and further conservation measures were taken explicitly for the site in 1874 (Agreement 28, 1874), acknowledging that

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55   Daniel Rubín de la Borbolla and Pedro Rivas, *Honduras: Monumentos Históricos y Arqueológicos*, No. 146. Mexico D.F: Instituto Panamericano de Geografía e Historia, 1953, 16.

56   ibid.

57   Christina Luke, "Diplomats, Banana Cowboys, and Archaeologists in Western Honduras: a history of the trade in Pre-Columbian materials," *International Journal of Cultural Property* 13, no. 1 (2006): 29.

the ancient ruins are "well known, and notorious historic monuments".[58] These two laws already encompass a general heritage preservation law, considering size and location, stakeholders, protective measures, justifications, as well as punitive actions. However, much of these laws changed in the following years due to the influence of researchers who came from overseas.

Towards the end of the 19th century, the foreign influence can be explicitly seen in documents related to cultural policies. For example, an agreement to create a national museum in Copán was signed in 1889. The museum would be managed by a Honduran Antiquities Society, led by the US American E.W. Perry. Perry did not create the Society as planned, so that two years later the state granted exclusive exploration and excavation rights to the Peabody Museum of Archaeology and Ethnology for ten years, keeping half of the excavated material and allowing the Peabody Museum to take the other half. The government even facilitated land for the ongoing excavations, but the museum had to build a facility to store the objects in exchange. Rubín de la Borbolla and Rivas explain how splitting archaeological finds between a country and a museum half and half had not been practiced before.[59] The government appointed a representative that had to carefully inspect the activities at the site, with specific instructions on making sure it was not harmed in the process.

After a coup d'etat in 1894, the agreement was revoked, but a few months later it was revalidated when the liberal revolution government rose to power. The Peabody Museum, however, stopped expeditions there, and the site, unprotected, fell victim to looters.

In 1900, the Peabody Museum and the government renewed the contract, with more or less the same conditions. One month later, the contract was canceled, after a lengthy discussion in the parliament. In the discussion, some believed that Hondurans did not have the capacity to conduct excavations, so that permission should be given to the foreign experts. Others thought that, as the representative Valentín Durón stated, "the Peabody already took one half of the ruins, now they have come to take the other and will not stop until not a single stone of our monuments is left."[60] The defenders of keeping the heritage in the country won, and two weeks after canceling the contract, a law prohibiting the export of archaeological objects was issued in 1900, marking a new era in Honduran heritage legislation.

The Copán museum that was planned in 1889 was not created, and the state again attempted to establish a national museum in 1898, recognizing the importance of the cultural assets and manifesting concern over its continuing export. This museum project also fell, but it helps make

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58   Translation by the author. Daniel Rubín de la Borbolla and Pedro Rivas, Honduras: *Monumentos Históricos y Arqueológicos*, No. 146. Mexico D.F: Instituto Panamericano de Geografía e Historia, 1953, 27.

59   Ibid., 18

60   Marvin Barahona, *Honduras en el siglo XX: Una Síntesis Histórica*, (Editorial Guaymuras, 2005), 39-41.

clear that by the beginning of the 20th century Honduras acknowledged the importance of its heritage and protected it with zeal. The following laws concentrated in the prevetion of looting. In 1917, regulations for the exploration, excavation, and study of the existing ruins were issued, and in 1924 the Agrarian Law declared that the ruins of former settlements could not be alienated.

It would take some decades until an actual direction with cultural heritage was taken. In the 1920s and 1930s, the process called "mayanization" was implemented, reinforcing the idea that Hondurans were descendants of the Mayans.[61] This process, greatly pushed by Italian anthropologist Federico Lunardi,[62] is criticized today, as it did not include other peoples such as the Lencas[63] and the Afro-descendants, and it created an artificial, mystic air around the indigenous peoples, linking them to the past but not to the present.

In any case, the mayanization process did create and support initiatives for the government to take action in a clear direction. For example, Honduras prohibited the transfer of archaeological objects and created its own national Archaeological Commission in 1934. Considerations for heritage were included in the 1936 constitution. One significant achievement is the convention between the Archaeological Commission and the Carnegie Institution for the prospection and restoration of Copán from 1935 to 1943.[64] For the first time since 1900, cleaning, restoration, conservation, and studies of the monuments were carried out.[65] A real dialogue between both parties allowed for concise conservation measures, as well as the Copán Museum, inaugurated in 1940.[66]

It is important, however, to also bear the popular opinion on these sites in mind. While the elite was engaged in an introspective process, finding or creating its identity from the Mayan cultural heritage, things were different at the popular level. Ávalos signals that in 1934 Adán Cueva testified that the Copán ruins were being used to plant maize and burn garbage, taking no heed of the conservation of the monuments.[67]

In the elite circles, the concept of heritage started to widen, including other areas of the country besides Copán. Rubín de la Borbolla and Rivas note explorations carried out in Tenampúa, the

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61   Kevin Rubén Ávalos, "Hacia la definición de una política estatal de protección del patrimonio cultural en Honduras: el caso de la arqueología," Paper presented at the VII Congreso Centroamericano de Historia, Tegucigalpa, July 2004.

62   Darío A. Euraque, "Antropólogos, arqueólogos, imperialismo y la mayanización de Honduras: 1890-1940," *Revista de Historia* 45 (2002): 73-106.

63   Gloria Lara Pinto, "La investigación arqueológica en Honduras: lecciones aprendidas para una futura proyección," *Pueblos y fronteras* 1, no. 2 (2006), 2.

64   Kevin Rubén Ávalos, "Hacia la definición de una política estatal de protección del patrimonio cultural en Honduras: el caso de la arqueología," Paper presented at the VII Congreso Centroamericano de Historia, Tegucigalpa, July 2004.

65   Daniel Rubín de la Borbolla and Pedro Rivas, *Honduras: Monumentos Históricos y Arqueológicos*, No. 146. Mexico D.F: Instituto Panamericano de Geografía e Historia, 1953, 22.

66   Ibid., 23.

67   Kevin Rubén Ávalos, "Hacia la definición de una política estatal de protección del patrimonio cultural en Honduras: el caso de la arqueología," Paper presented at the VII Congreso Centroamericano de Historia, Tegucigalpa, July 2004.

Bay Isles, the Comayagua Valley, the Los Muertos Beach, Jaral, the Chamalecón Valley, the Ulúa Valley, the Guaimoreto Lake, and other places.[68] A Colonial and Religious Art Museum was to be established in Comayagua in 1946, which would store and exhibit colonial heritage. A specific conservation association was even created for the city a few years later.

In 1952, the National Institute of Anthropology and History was created, as the product of resolutions taken in an international archaeology congress.[69] For the first time, heritage was organized and managed by one main body. Under it was the Archaeology Section, the Ethnography Section, the Museography Section, the Colonial Art and History Section, and the Tourism Section.

The institute was appointed with the management of all national museums, monuments, and traditional places, and became an autonomous institution in 1968. Despite overseeing all of the Honduran heritage, it concentrated mostly in the conservation of Copán since its creation until the 1980s.[70]

Major progress in heritage administration had been made and legislation fiercely defended Honduran cultural assets: in 1966, a decree was passed (Decree 8) that responded to several destruction complaints, placing heritage under the custody of the state and prohibiting its destruction, excavations, and commerce. Despite these advancements, it seems things looked different in the field. In 1968, a law emphasized the ongoing destruction and again provided conservation regulations.

In 1975, the State Secretary of the Culture, Tourism and Information Office was created (which later became the *SCAD*, see 5.3.1). The Secretary had, amongst its objectives, to promote values that contribute to the Honduran and Central American identity, to preserve the artistic and cultural assets of the country, and to promote activities and policies related to culture, tourism, and sports. It was the institution that was going to champion a cultural policy that aimed at economic development, supporting popular culture, and integrating marginalized groups, although Copán continued to be the focus of attention.[71]

Euraque notes the importance that the tourism sector gained in the 1970s and the development of Copán as a tourist destination, which again concentrated the concept of Honduran culture to a "mayanized," Copán-centric version.[72]

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68   Ibid., 24-25

69   Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras*, Centro Editorial, 2010, 57.

70   Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras*, Centro Editorial, 2010, 49.

71   Ibid., 63-64.

72   Ibid., 61, 300.

Towards the 1980s, Honduras took several measures to get closer to the international heritage community. It ratified the World Heritage Convention in 1979, included two sites in the list (Copán in 1980 and the Río Plátano Biosphere Reserve in 1982), and created the first law designed to address heritage in Honduras integrally.

The 1984 Law on the Protection of the Cultural Heritage of the Nation (Decree 81-84) responded to UNESCO recommendations. It defined national heritage, appointed most responsibilities related to heritage to the Honduran Institute of Anthropology and History, and included protection measures and sanctions.

In the 1990s, the cultural sector was restructured several times, as discussed in 5.3.1. Due to the lack of dialogue between the government and the Honduran population, in 1994 a National Council of Culture was proposed,[73] whose role would be to allow citizen and government discussion of the cultural policies. This proposal has not had sufficient support from the government to become a more concrete project, even though citizenship had manifested its desire for it several times. However, the importance of including the people in the cultural agenda was not overseen by the state. In 1999, a First Great Discussion on Culture was held, facilitating the communication between the government and the people on cultural issues. A result, several needs were pointed out, such as again, the need for the National Council of Culture, the need to support cultural education, as well as the need to decentralize culture and support specialized arts education and scholarship projects.

Decentralization was mainly addressed by the state with the "Houses of Culture" program that had begun in 1970 (see 5.3.1), whose goal was to decentralize culture and to facilitate its accessibility in regional communities. The project was pushed during the 1990s to address centralization, and again in 2006-2008.[74]

Meanwhile, financial support from organizations such as the Organization of American States also allowed for research and development projects in culture in the 1990s, especially regarding popular culture.[75]

Concerning heritage legislation, a reformed Law for the Protection of the Cultural Heritage of the Nation in was issued in 1997, and is the main heritage law today.

As time continued, the types of heritage protected by the state widened and the limits blurred, so that projects were set in motion to address music, audiovisual materials, and others. A National

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73   Mario Hernán Mejía, *Las Políticas Culturales en Honduras: Análisis y Perspectivas para su desarrollo*, (Tegucigalpa: UNESCO 2004), 24.

74   Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras* (Centro Editorial, 2010), 66-67, 98.

75   Alba Alonso de Quesada, *Hacia una política cultural de Honduras*, UNESCO, 1977, 25.

Plan of Culture was launched in 2002, which proposed strategies and actions such as supporting cultural policy-making, inter-institutional articulation, international cultural relations, and supporting popular and ethnic cultures. However, this plan was not ratified by the government and did not receive any financing to be carried out. [76]

Meanwhile, the Tourism Secretary (Secretaría de Turismo, *SECTUR*) and the Honduran Institute of Tourism (*Instituo Hondureño de Turismo*, *IHT*) gained importance, and culture for development focused in tourism support through these institutions. As a consequence, heritage-related tasks such as the Copán valley Regional Development Project were run by the *IHT*, and the limited *IHAH* staff worked on *IHT* projects.[77]

Throughout his memoirs as head of the *IHAH* during 2006-2009, Euraque describes his and Dr. Rodolfo Pastor Fasquelle's attempt at "de-mayanizing" and "de-copanizing" Honduras. During that period, decentralization projects such as regional offices, regional culture councils, and Houses of Culture were implemented. The Convention for the Safeguarding of the Intangible Cultural Heritage was ratified in 2006. Historic research was fostered, as well as projects on sites besides Copán. The *SCAD* also aimed at the re-valorization of Ethnic groups through projects such as the proposal for a "Special Law for the Integral Development of Indigenous and Black Peoples of Honduras." [78]

The coup of 2009 that deposed Euraque radically changed the organization and budget of the cultural sector, as reviewed in 5.2. As noted in 2.3, Honduras briefly joined the *ALBA*, and the government investigated possible benefits to the *SCAD* by sending its Secretary to Venezuela.[79] After the coup, the *SCAD*'s goals were de-centralization, arts education, production of bibliographic material, and fostering creativity, but the achievement of these goals was perceived as low by the Superior Accounts Tribunal.[80] It is during this period that numerous scandals arose, as well as several issues caused by lack of budget. Interestingly, Honduras ratified the Convention on the Protection of the Underwater Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions during these years.

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76   Mario Hernán Mejía, *Las Políticas Culturales en Honduras: Análisis y Perspectivas para su desarrollo*, (Tegucigalpa: UNESCO 2004), 49.

77   Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras*, Centro Editorial, 2010, 73-74, 91, 118, 334.

78   Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras*, Centro Editorial, 2010.

79   Ibid., 343-344.

80   Superior Accounts Tribunal (Tribunal Superior de cuentas), "Secretaría de Cultura, Artes y Deportes: Evaluación Plan de gobierno 2010-2014", September 2014, accessed February 25, 2017, http://www.tsc.gob.hn/Auditorias/Direccion_fiscalizacion/DFEP/093-2014-DFEP-SCAD.pdf

After the replacement of the *SCAD* with the *DECAD* (see 5.3.1), the cultural sector was deep in crisis. The budget was cut (see 5.3.2), salaries remained unpaid for months, harassment issues arose, and corruption was detected, as presented in the previous section. Most legislation regarding culture focused on the restructuring of the *DECAD* and on its regulations. Whether things in the executive section change remains to be seen, but the cultural sector has not been able to consolidate itself under one solid structure since the 1990s, and has weakened politically and economically.

In general, three phases determine the development of Honduran cultural heritage policies: from 1845 to 1900, foreigners were encouraged to get involved in the handling of archaeological heritage, and specific cultural heritage regulations were drafted. As of 1900, Honduras noticed the value of its own cultural assets, forbid its expropriation and took matters into its own hands, using heritage to discover and fabricate its own identity. Towards the end of the 20th century, a deteriorating phase began, with continuous structural changes and a lack of direction that remains today. The lack of direction in Honduran cultural policies had been pointed out by de Quesada in 1977[81] and Hernán Mejía in 2004,[82] and it does not seem that this situation will change anytime soon. It affects cultural heritage policies as well. With no solid administrative body, it will take time for a course to solidify as it did in the 1920s and 1930s. In general, the Honduran development of cultural heritage policies has been characterized by the monumental presence of Copán. Throughout the last decades, decision-makers have struggled between two opposing perspectives: on the one hand, concentrating efforts on Copán generates considerable income and grants sustainability for the *IHAH* through tourism. On the other hand, "de-mayanization" and decentralization helps build a richer, more diverse and representative image of Honduran identity, but such a perspective would mean a considerable economic effort.

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81   Alba Alonso de Quesada, *Hacia una política cultural de Honduras*, UNESCO, 1977.

82   Mario Hernán Mejía, *Las Políticas Culturales en Honduras: Análisis y Perspectivas para su desarrollo*, (Tegucigalpa: UNESCO 2004).

Table 25 shows the relationship between important events and cultural heritage policies in Honduras. Cultural heritage policies appear remarkably early, and are then scattered throughout Honduran history more or less regularly. Notably, important steps (the first mention of heritage in the constitution, the first regulations and the creation of the *SCAD*) were taken during dictatorships.

Table 25:   Historic events and heritage-related events in Honduras

Era	Historic Events		Heritage-related Events
Republican eras (mid-19th century)	Country was reigned by non-ideological caudillos installed by force1		1845: Law protecting Copán 1900: Export of archaeological objects prohibited
Early 20th century	Dispute between conservatives and liberals, banana exports make up most of the Honduran economy		1917: Regulations for the exploration, excavation and study of the existing ruins of the Republic 1924: ruins of former settlements cannot be alienated
1930s -1940s	1932-1948: Tiburcio Carías Andino		"Mayanization" process begins 1936: Constitution protects cultural heritage
1940s-1960s	1948: Juan Manuel Gálvez allowed freedoms and instilled social reforms		1952: IHAH
1960s	1969: football war between El Salvador and Honduras	1963-1971, 1972-1975: coroner Oswaldo López	1966: Regulations for the protection of the artistic, historic and archaeological heritage
1970s		1978-1982: Policarpo Paz García (provisionalmilitary)	1975: SCAD 1979: World Heritage Convention 1980: Maya Site of Copan inscribed in the World Heritage List
1980s			1982: Río Plátano Biosphere Reserve inscribed in the World Heritage List 1984: Law for the Protection of the Cultural Heritage of the Nation
1990s	1998: Hurricane Mitch		1997: Reformed Law for the Protection of the Cultural Heritage of the Nation
2000s	June 2009: coup d'état November 2009: general election		2006: Convention for the Safeguarding of Intangible Cultural Heritage and the Convention
Today	Democracy, conservative elected president		2014: DECAD replaces the SCAD
Legend	Yellow: dictatorship or military government		Red: civil war

5.4.2 The Honduran Constitution

Cultural heritage was addressed in the 1936 Honduran Constitution, which was drafted during the Tiburcio Carías dictatorship. Article 157 claimed that:

" The following constitute the cultural treasure of the nation:

1. All artistic and historic riches that exist in the country, which are under safeguarding of the State, who can prohibit their export and alienation; in which cases it will have to acquire them;

2. The ruins of old populations and archaeological objects, which are inalienable and imprescriptible;

3. Places known for their natural beauty or their artistic or historic value.

The State will organize a register of the cultural treasure, will secure its custody and establish the necessary penal responsibilities."[83]

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83   Translation by the author, Article 157 of the 1936 Honduran Constitution, available in the Cervantes virtual library, accessed February 27th, 2017, http://www.cervantesvirtual.com/obra-visor/constitucion-de-honduras-de-1936/html/

Although similar to early Central American constitutional articles on heritage, Article 157 is relatively specific, as it refers to ruins and archaeological objects. The automatically inalienable and imprescriptible qualities for archaeological heritage are distinctively early. In Guatemala, such qualities were added until 1985, and the constitutions of El Salvador, Nicaragua, Costa Rica, and Panama do not proclaim that heritage is inalienable and imprescriptible. The article is also unique in mentioning the creation of a register, a task that is omitted in the following constitutions. The early appropriation of Honduran heritage discussed in 5.4.1 tightened the legislative grip on cultural assets more than in neighboring countries and thus the corresponding legislation is stricter and more specific.

The constitutional article on cultural heritage, however, has not remained the same. Article 152 of the 1957 constitution replaced it and states:

"The archaeologic, artistic, and historic treasures are under supervision and protection of the State. Their export is prohibited, and alienation or transformations can be impeded when the national interest demands."[84]

This article is vaguer and less strict in its tone than the previous one. The "ruins of old populations and archaeological objects" were replaced by the vague term "archaeologic treasures." Also, "safeguarding" became "supervision and protection," and archaeological assets were no more intrinsically inalienable and imprescriptible.

The constitution also added Article 153, which states:

"The arts and popular industries are elements of the national culture and are specially protected, with the goals of conserving their artistic authenticity and of improving their production and distribution."[85]

This Article addressed an early version of intangible heritage, and would remain the same as Article 164 of the 1965 constitution. The 1965 constitution was created during the military government of General Oswaldo López Arellano, and served the new dictatorship. Regarding tangible cultural

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84   Translation by the author, Article 152 of the 1957 Honduran Constitution, available in the Cervantes virtual library, accessed February 27th, 2017, http://www.cervantesvirtual.com/obra-visor/constitucion-de-honduras-de-1957/html/

85   Translation by the author, Article 153 of the 1957 Honduran Constitution, available in the Cervantes virtual library, accessed February 27th, 2017, http://www.cervantesvirtual.com/obra-visor/constitucion-de-honduras-de-1957/html/

heritage, Article 13 acquires a tone similar to that of the constitutions of neighboring countries (such as Article 86 of the 1956 Guatemalan constitution and the Salvadoran article on heritage that remained the same since 1939):

"All archaeologic, historic, and artistic riches of the country constitute the cultural treasure of the Nation and are under safeguarding and protection of the State, and the law will establish what is thought to be adequate for its defense and conservation." [86]

This article does not mention export, alienation, or transformation of cultural goods, which had been mentioned in previous constitutions. The currently valid Political Constitution of the Republic of Honduras is the constitution of 1982, which has undergone several reforms. Article 172 states that:

"All anthropologic, archaeologic, historic and artistic riches of the country form part of the cultural heritage of the nation."[87]

The article also calls for legislation to deal with heritage and places safeguarding in the hands of the Honduran people. It includes natural beauty sites, monuments, and reserve zones. Furthermore, Article 173 of the 1982 constitution refers now specifically to 'new' forms of heritage:

"The State will preserve and stimulate native cultures, as well as genuine expressions of national folklore, popular art, and crafts." [88]

The Honduran constitutions were particularly strict and specific regarding the preservation of archaeological assets. However, as the concept of heritage widened, (by including folklore, native cultures, and other forms of heritage), constitutional articles on heritage loosened and delegated tasks such as prohibitions (on export, transfer, etc) to national laws.

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86   Translation by the author, Article 86 of the 1965 Honduran Constitution, available in the Cervantes virtual library, accessed February 28th, 2017, http://www.cervantesvirtual.com/obra-visor/constitucion-de-honduras-de-1936-0/html/

87   Translation by the author, Article 172 of the 1982 Honduran Constitution with reforms until 2005, available in the OAS website, accessed February 28th, 2017, https://www.oas.org/dil/esp/Constitucion_de_Honduras.pdf

88   Translation by the author, Article 173 of the 1982 Honduran Constitution with reforms until 2005, available in the OAS website, accessed February 28th, 2017, https://www.oas.org/dil/esp/Constitucion_de_Honduras.pdf

5.4.3 The Law for the Protection of the Cultural Heritage of the Nation

The Law for the Protection of the Cultural Heritage of the Nation was created in 1984, four years after Copán was inscribed on the World Heritage List with UNESCO recommendations. The reformed Law was drafted in 1997 and published in the national gazette in 1998. The reform widened the concept of heritage and gave less power to the cultural sector, as is addressed below. The reforms also added articles 54-56 and increased the amount of the fines.

After twenty years, the 1997 Protection Law continues to be the current main legal reference for heritage in Honduras. It defines heritage, the scope of application of the law, provides basic regulations on the inventory and registry of cultural assets, and includes individual rights and duties. It also provides administrative, protective, and punitive measures related to heritage.

In this section, I go over the law as a whole, which is summarized in Table 26 (next page).

Table 26: Overview of the The Law for the Protection of the Cultural Heritage of the Nation

CHAPTER I **PURPOSE**	-The purpose of the law is the defense, conservation, claim, rescue, restoration, protection, research, communication, enhancement and transfer to future generations of cultural heritage (Article 1)
CHAPTER II **ON CULTURAL HERITAGE**	-Definition of cultural heritage (Article 2) -Classification of cultural heritage (Article 3) -Permanent, inalienable ownership of the State is declared for tangible heritage, and export is prohibited (Article 4) -Conditions for the transfer of ecclesiastic- and individually owned properties (Articles 5 and 6) -The work of a living artist needs his or her authorization to be declared heritage (Article 7)
CHAPTER III **FIELD OF APPLICATION**	-The Law applies to all heritage, whatever the ownership and declaration status, whether endangered or not. Necessary measures can be taken by the government to ensure protection, authorization of the IHAH is required for projects that may put them at risk (Articles 8 and 9) -Cultural heritage protection is of public, social, and national interest (Article 10)
CHAPTER IV **CULTURAL GOODS NATIONAL** **REGISTRY AND INVENTORY**	-The IHAH will keep an inventory of cultural goods and will safeguard them when they are damaged (Article 11) -The IHAH will keep a national registry where cultural heritage goods kept by individuals must be inscribed, otherwise they will be regarded as illegally acquired (Articles 12 and 13)
CHAPTER V **ON INDIVIDUALS**	-Any person that owns a national cultural good is considered a temporary depository, and is responsible for its conservation and custody (Article 14) -Demolitions and modifications of heritage sites and excavations, ground-laying, demolitions or constructions of properties next to heritage sites can only be made with authorization of the IHAH (Articles 15 and 16) -When considered necessary, the executive power may recover cultural goods in private possession, and may prohibit their alienation and transformation (Article 17) -Excavations, explorations, etc. need authorization from the IHAH, and any extracted object is property of the State (Article 18) -When heritage is accidentally discovered, works must be stopped and the discovery must be notified (Article 19) -Landowners of property where cultural goods exist may not oppose authorized exploration, excavation, etc. but may receive compensation for the impairment of their property rights. For owners who want to do work in their property that may harm cultural goods there, the IHAH will provide information on the costs for damage mitigation or rescue (Article 20) -Public cultural goods may not be acquired unless legally authorized (Article 21)
CHAPTER VI **FACULTIES OF THE THE** **NATIONAL INSTITUTE OF** **ANTHROPOLOGY AND HISTORY**	-Only the IHAH can carry out or authorize excavation works, earth rupture, monument modification and demolition, research, etc., and authorize replicas and copies (Articles 22, 23 and 26) -Individuals may suggest sites to be designated as heritage(Article 24) -The Institute will promote the creation of private cultural and scientific entities for the protection, safeguarding, and communication of cultural goods (Article 25) -In declared heritage places, the institute can regulate signboards, parking lots, electricity and telephone posts, etc. (Article 27)
CHAPTER VII **ON THE RESPONSIBILITIES OF** **THE EXECUTION OF THIS LAW**	-The State Secretary in the Culture, Arts, and Sports dispatch and the IHAH are in charge of the responsible execution of this law and will solicit cooperation to the national or decentralized institutions as necessary (Article 28)
CHAPTER VIII **ON MEASURES OF PROTECTION** **AND PROMOTION**	-Investments destined to the conservation of national monuments approved by the IHAH are deductible from the income tax (Article 29) -Documental funds that belong to religious entities cannot be alienated or taken out of the country without permission (Article 30) -Literary, historic, geographic, etc. productions of authors that passed away may be published with consent of its inheritors (Article 31) -The State Secretary and the IHAH will make and coordinate cultural heritage defense programs (Article 32) -When the confiscation of cultural goods is requested, judicial institutions will order that they are placed in a location assigned by the IHAH, which will establish following procedures (Article 33) -The Institute, when necessary, will take temporary preventive or conservation actions, and will make heritage declarations when necessary (Articles 34, 35, and 36)
CHAPTER IX **SANCTIONS**	-Dispositions on what responsibilities belong to what institution (Article 37) -Sanctions for document extraction, the alteration of original names, traditional culture undermining, illicit acquisition and export, illicit excavations and works, illicit replica or copy making (Articles 38, 39, 40, 41, 42, 43, 44)
CHAPTER X **GENERAL DISPOSITIONS**	-The General Procedure of the Country will exercise the civil, criminal, and administrative actions that follow the implementation of the Law (Article 45) -Authorized imported cultural goods are exempt of taxes, customs fees or consulter fees and will be included in the national inventory (Article 46) -The government will adhere to the treaties it considers convenient (Article 47) -Museums and cultural centers on heritage can only be established with authorization from the IHAH, contemporary or modern art museums need authorization from the Secretary (Article 48) -When non-heritage private property is damaged by measures taken, the IHAH will have to pay a compensation (Article 49) -For temporary exhibits, the Institute will elaborate the necessary agreement for the executive power. The executive power will take the necessary legal actions for the recuperation of goods addressed in this law.(Articles 50 and 51) -Immovable cultural goods have to be annotated in the Public Registry of Real Estate and Commercial Registry (Article 52) -Fines will be transferred to the accounts of the Institute (Article 53) -The Institute will cooperate with the responsible state entities to raise awareness on the necessity of preserving the cultural heritage of the nation and will supervise related educational material (Article 54) -In coordination with National Geographic Institute, the institute will take measures to conserve the toponymic assets in the indigenous languages and rescue traditional indigenous and colonial names that have fallen out of use (Article 55) -Expropriation is allowed when, through negligence, a good is deteriorated (Article 56)
Translation by the author, source: Law for the Protection of the Cultural Heritage of the Nation, IAIP http://portalunico.iaip.gob.hn/Archivos/InstitutoHondurenodeAntropologiaeHistoria/Regulaciones(normativa)/Leyes/2015/hn017es.pdf	

Definitions and Concept of Cultural Heritage

Articles 2 and 3 provide the definitions and classifications of cultural heritage in Honduras, shown in table 27. The definitions, addressed in Article 2, included more types of heritage than its

Table 27:   Definitions and classification of heritage in the Law for the Protection of the Cultural Heritage of the Nation

DEFINITIONS OF THE CULTURAL HERITAGE OF HONDURAS
Cultural Heritage has been classified in the Law for the Protection of the Cultural Heritage of the Nation (Decree 220-97) as follows:
"Article 2.- The following are considered part of the cultural heritage:
1) Monuments: immovable goods of the pre-Columbian, colonial and republican era that are of anthropologic and historic interest because of their architecture or engineering
2) Movable Goods: etchings, paintings, sculptures, furniture, jewelry, coins, weapons, clothes, machines, tools or other objects of anthropologic and historic interest
3) Groups: groups of buildings and their natural environments that form a continuous or disperse settling pattern, that are clearly limited, conditioned by a physical structure that represents the the evolution of a community by being testimony to its culture
4) Archaeologic Site: abandoned area or place that presents evidence of human activity in the form of tools, features and/or alterations produced by such activities, be they pre-Columbian, colonial, or republican, of anthropologic and historic interest, including the evidence found in jurisdictional waters and underground
5) Archaeologic Zone: a place where a set or group of archaeologic sites is found
6) Archaeologic Collections: material rests that are the product of archaeological research, rescue or preservation activities of archaeologic resources, or that were removed by pillagers, as well as the corresponding documentation
7) Documental Funds: manuscript documents, prints, seals, diplomas, maps, charts, judicial and administrative files, civil and ecclesiastic registries, stamps, magneto-phonic tapes and recordings, microfilms, negative and positives photographies or any kind of judicial, ecclesiastic, or administrative fund
8) Bibliographic Funds: specialized libraries, national books, newspaper libraries and incunabulum, and all goods of historic interest
9) Cultural manifestations of living indigenous towns, their languages, historic traditions, knowledge, techniques, organization forms, value systems, religious practices, and the places associated to them and,
10) Living cultural manifestations of vernacular origin that are of anthropologic and historic interest, organizations and religious celebrations, music and dance, artisan and culinary production prototypes, oral tradition. "
CLASSIFICATION IN THE PROTECTION LAW
"Article 3 -For the purposes of this Law, protected cultural goods that integrate the cultural heritage of the nation are classified as follows:

1) Cultural National Goods of public use, understood as follows:
   a) All pre-Columbian heritage;
   b) Submerged cultural heritage; and,
   c) Documental and bibliographic funds of public use;

2) Cultural property owned by ecclesiastic institutions;
3) Individually owned cultural property that is part of personal or family heritage or that has been acquired legally; and,
4) Popular culture goods, property of the communities that produced them."
Translation by the author, source: Law for the Protection of the Cultural Heritage of the Nation, IAIP http://portalunico.iaip.gob.hn/Archivos/InstitutoHondurenodeAntropologiaeHistoria/Regulaciones(normativa)/Leyes/2015/hn017es.pdf

1984 predecessor, such as archaeological zones and sites (which previously were designated as 'places') and specific vernacular manifestations of living cultures (such as dances). The reformed law also deepened the concept of intangible heritage by adding languages, traditions, knowledge, techniques, and other forms. Furthermore, immovable heritage now included underwater and republican sites. However, modern heritage is not included in Article 2. Chapter 3 states that the Law applies to tangible heritage, including that which has not been declared. Thus, aside from sanctions for altering native place names or disrespecting indigenous cultures, no provisions are given for intangible cultural heritage.

As for the classification of cultural heritage, addressed in Article 3, it is defined by who the owner is.

Identification of Cultural Heritage

The *IHAH* is in charge of creating the registry of cultural goods that includes national and privately-owned heritage. Inscribing heritage in the registry is compulsory for individual owners. Any possession of unregistered cultural goods is considered illegal. The Law does not provide details on the registration process.

Although the Superior Accounts Tribunal verified the existence of a national cultural goods registry in 2008,[89] as of 2017 it is not available online. In 2014, a Heraldo article reports that a full inventory, especially that of modern immovable heritage, has not been completed due to lack of budget and that so far 233 places have been included in the register.[90] In a report about Heritage Law for a Rural Infrastructure Project, the existence of 4465 archaeologic sites in the inventory is mentioned, which reportedly represents only fifteen percent of all existing sites.[91]

However, further information of the amount and qualities of registered cultural heritage could not be found.

In 2012, Honduras launched a prototype for an online Cultural Information System (Sistema de Información Cultural, SIC) similar to that of other countries in this study. However, the website has not been updated since 2013 and does not list any cultural expression.

Ownership of Cultural Heritage

Heritage may be owned, according to Article 3 (table 27), by the nation, by ecclesiastic institutions, individuals, or communities. Chapter 5 of the Law addresses heritage ownership by individuals. Individual owners are regarded as temporary depositories of the cultural heritage, which ultimately belongs to the nation. Under this premise, owners must inform before inflicting any damage to a site, and no exploration or excavation may begin without informing the *IHAH*. The *IHAH* has a relatively tight grip on cultural assets, which have priority in this Law even over property rights. Luke relates that Honduras became the first country in Central America that restricted the possession of cultural heritage from private citizens and that forbid selling antiquities within national borders.[92] Thus, the Honduran protection Law is notably strict regarding cultural

89   Superior Accounts Tribunal (Tribunal Superior de cuentas), *Audiroría de Gestión Ambiental Practicada al Instituto Hondureño de Andtropología e Historia, 2008*, accessed March 4 2017, http://www.environmental-auditing.org/Portals/0/AuditFiles/Honduras_f_spanish_Management-of-Anthropology-and-History.pdf

90   "IHAH establece que edificio del BCH es bien patrimonial," April 7, 2014, *El Heraldo*, http://www.elheraldo.hn/metro/587885-213/ihah-establece-que-edificio-del-bch-es-bien-patrimonial

91   LAVIAL, *Marco de Políticas sobre Patrimonio Cultural Físico Proyecto de Infraestructura Rural*, Honduras, 2004, available in http://documents.worldbank.org/curated/en/418421468752083392/pdf/E12500v20Marco10Cultural0Fisico0GEF.pdf

92   Christina Luke, "Diplomats, Banana Cowboys, and Archaeologists in Western Honduras: a history of the trade in Pre-Columbian materials," *International Journal of Cultural Property* 13, no. 1 (2006): 48.

heritage ownership.

The Honduran Institute of Anthropology and History (IHAH)

The Law dedicates Chapter 6 to the faculties of the *IHAH*. The Institute is the go-to organization on permits for excavations, research, and making replicas. Its authority is strong and centralized: no mention is given of municipalities, and even the creation of any museum or cultural center (private or not) must by authorized by the *IHAH* (Article 48).

The cultural sector had even more authority in the Heritage Law of 1984, which compelled all state organizations to collaborate with it (Article 26 of the 1984 Law in Decree 81-84). The revised article (Article 28 of the 1997 Protection Law), instead, merely allows the *IHAH* and the *SCAD* to ask for the cooperation of other institutions.

Promotion and Protection Measures

Chapter 8 provides guidelines on heritage promotion and protection. Restoration, conservation, and rehabilitation measures for immovable heritage are deductible from the income tax. On promotion, the Law makes mention of publishing and educational material, as well as heritage defense programs.

Export or alienation of goods is prohibited, and the *IHAH* may take the necessary measures to prevent their damage.

Sanctions

Chapter 9 addresses the sanctions given for crimes against cultural heritage. The Law also refers to the penal code for the periods of jail time in case of infringement while pecuniary claims are to be made by the *IHAH*. Fines range between ten and twenty thousand Lempira for crimes such as extracting historic documents from funds, changing indigenous place names, and disrespecting indigenous cultures. Fines amount up to one to two million Lempira for cultural heritage export and extraction.

5.4.4 Cultural Policies in Honduras and International Instruments

As related in 5.3 and 5.4, much of the development of Honduran national heritage laws is owed to foreign influences. At the international level, Honduras has participated in the heritage community through conventions and bilateral agreements. The country has also been the recipient of financial aid: Euraque highlights the support of Spain, the US, Germany, and Japan before the coup and lists the projects that were affected by the event.[93] The World Heritage website cites 22 approved requests with a total of 497,141 USD approved.

Honduras ratified the World Heritage Convention in 1979 and inscribed the following properties in the World Heritage List:

1980: Maya Site of Copan (cultural)

1982: Río Plátano Biosphere Reserve (natural)

The Convention for the Safeguarding of the Intangible Cultural Heritage was ratified in 2006, and Honduras inscribed the following element:

2008: Language, dance and music of the Garifuna (with Belize, Guatemala, and Nicaragua)

5.5 Conclusions

Heritage legislation and management started remarkably early in Honduras as a response to looting, excavations, and trade carried out by foreign explorers in the nineteenth century. Despite the dynamic start, cultural heritage policies have lost their momentum, especially during the last decade. The cultural sector was affected politically and economically by the 2009 coup d'etat, after which administrative heads were ousted. After the coup, budget allocations for culture rapidly decreased by about a third. Although insufficient funds for such areas are a common issue in developing countries, the case of Honduras is especially severe. Regarding cultural heritage, Honduran cultural institutions such as the Villa Roy Museum remain closed because restoration works cannot start due to insufficient funds.

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93   Darío A. Euraque, *El golpe de Estado del 28 de Junio de 2009: el Patrimonio Cultural y la Identidad Nacional de Honduras*, Centro Editorial, 2010, 344, 429-431.

In 2014, the Orlando Hernández administration replaced the Secretary of Culture, Arts and Sports (*SCAD*) with the lower-ranking Executive Section for Culture, Arts, and Sports (*DECAD*). Such administrative changes produced a loss of stability for the cultural sector: as of 2017, the *DECAD* has not consolidated as an institution, as it has no website, no publicized programs, and even unoccupied posts, such as in the Community Workshops Unit. It has undergone severe criticism on harassment, corruption, and other issues.

Under these circumstances, the institutions responsible for heritage are struggling to fulfill their roles. Building on the information provided in this chapter, I have observed the following characteristics regarding Honduran cultural heritage policies:

-An Ongoing Discussion on the "de-Mayanization" and "de-Copanization" of Honduran heritage

The monumental Mayan site Copán has been drawing the attention of researchers since the mid 19th century and is the reason for the first laws on Honduran heritage protection. It has been an object of pride for Hondurans, but it has also contributed to the idea that Honduran heritage is restricted to this site, and that Hondurans are descendants of the Mayans. This idea is narrow and incorrect, since Mayans did not represent the majority of indigenous people, and Copán had long been abandoned at the time of the conquest. In the past decades, attempts have been made to soften the "Mayanized", "Copanized" image of Honduran heritage, while highlighting the diversity of the Honduran ethnicities and heritage sites. However, the presence of Copán is so strong that this task has proven to be difficult. Copán has enjoyed historical fame and is the main resource generator for the Honduran Institute of Anthropology and History (*IHAH*) , which collects the revenues from park entrance fees. Allowing the *IHAH* to benefit directly from the site has guaranteed the stability and independence of the institute, which dates back to 1952. However, it has also led to an internal struggle between two perspectives on managing Honduran heritage: concentrating on Copán to secure financial income on the one hand and widening the Honduran image of heritage on the other.

-A Need to go beyond pre-Columbian heritage

While the thought of broadening the concept of indigenous culture is important, the concept of Honduran heritage remains relatively narrow, as it focuses mostly on pre-Columbian assets. As is the case with El Salvador, this concept can be explained by the significant influence on cultural heritage policies foreign explorers had when discovering and exploring Honduran sites. However, it is also important to consider other forms of cultural heritage. Colonial and republican historic buildings,

for example, have already suffered damage and remain unattended. Furthermore, although the Convention for the Safeguarding of the Intangible Cultural Heritage was ratified and one element was inscribed, there is little movement in this direction.

-A Strict and Centralized Heritage Protection Law

Most early Honduran cultural heritage policies have been drafted to prevent looting, illegal excavations, and illicit trade. With the internationalization of cultural heritage legislation, the constitutional articles and the heritage laws have come to resemble those of the neighboring countries. However, the 1997 Protection Law continues to be strict on these issues and centralizes all heritage-related actions towards the *IHAH*. Even private museums and cultural centers need confirmation from the Institute to be established. Although laws have prohibited illicit export for over a century, illegal export continues to be a problem for Honduran heritage. This may be because the Law focuses on punitive actions and does not provide guidelines for prevention and active implementation. Furthermore, concentrating heritage tasks on the *IHAH* overwhelms the institution, which already lacks human and economic resources. It also hinders cooperative management with municipalities or regional centers, whose viewpoints should be taken into consideration.

Because Honduras is a poverty-ridden country, constantly burdened by natural disasters, violence, and staggering inequality rates, investing in heritage is not a priority. However, if managed correctly, heritage can bring returns and help the development of the nation. Tourism is expected to grow in the following years, and broadening the cultural tourism offer beyond Copán may contribute to the preservation of the site while revitalizing rural areas. The recent discovery of the Ciudad Blanca site and the Legislative Cultural District Project, which aims at restoring the historic center of the city, are steps in this direction. Still, the yet unstable conditions of the *DECAD* have rendered little progress in culture in the past few years, and consolidation as well a direction will need to be established before long-term plans can be designed.

CHAPTER 6:
NICARAGUA AND ITS CULTURAL HERITAGE POLICIES

6.1 Introduction

Nicaragua is located between Honduras and Costa Rica (figure 32) and is the largest country of Central America. It borders both the Atlantic and Pacific oceans, and its Nicaragua Lake is one of the largest in the world.

Figure 32: Map of Nicaragua, source: CIA world factobook, https://www.cia.gov/library/publications/the-world-factbook/geos/nu.html

Nicaragua experienced a period called the "Nicaraguan Revolution," which lasted from the 1960s to 1990. In it, the leftist guerrilla group *FSLN*, also called the Sandinistas, led a campaign to overthrow the Somoza dictatorship, a family dynasty that had ruled the country for over forty years. The conflict extended for decades, but unlike Guatemala and El Salvador, the left wing succeeded in taking the office in 1979 by force, changing virtually all spheres of the Nicaraguan society. In 1990, elections were organized, and opposing right-wing parties won consecutively until 2006, when the *FSLN* again took office with Daniel Ortega as president. As of 2017 he still is at office.

The triumph of the *FSLN* in 1979 and 2006 has rendered a unique development of cultural heritage policies in Nicaragua. Cultural heritage is an instrumental tool for the party, and as such highlights the revolution. Furthermore, the tendency of the Nicaraguan government to foster regional and municipal governments has allowed for a remarkable decentralization of cultural heritage. However, as tourism gains importance, this paradigm began to shift.

In this chapter, I discuss Nicaraguan cultural heritage policies by going over general Nicaraguan issues, Nicaraguan heritage legislation, and organization.

The following are the main resources used in this chapter:

- *The Enrique Bolaños Library section on laws, official gazettes, and treaties*

http://sajurin.enriquebolanos.org/

Website of the Enrique Bolaños Foundation, an NGO that collects information and makes it available to the public. In it, official gazettes and other legislation can be accessed.

-*The official Nicaraguan Institute of Culture website*

http://www.inc.gob.ni

Contains information on the Nicaraguan Institute of Culture, organizational charts, the cultural policy, activities, etc.

- *Patrimonio Cultural para Jóvenes by Clemente Guido Martínez*

Guide on cultural heritage in Nicaragua and its main legislation.

-*National Assembly of Nicaragua, Commission on Education, Culture, Sports, and Social Communication Media*

http://www.asamblea.gob.ni/patrimoniocn/index.html

Site with information on heritage classification, ratified conventions, heritage declarations, a list on declared sites, international norms on cultural heritage, and information on Nicaragua's World Heritage Sites.

6.2 National Issues in Nicaragua and their Relation to Cultural Heritage

In this subchapter I discuss main issues in Nicaragua and their relation to cultural heritage as a context for the following subchapters.

Soft Authoritarianism and Loss of Democracy

Democracy in Nicaragua has been an issue of concern for international observers over the past decade. After winning the 2006 presidential elections, Daniel Ortega ran for reelection in 2011. The EU[1] and OAS[2] reported irregularities during the electoral process, but refrained from referring to fraud. Furthermore, in 2014, the mostly *FSLN* National Assembly approved constitutional amendments that allow unlimited office terms and that grant force of law to presidential decrees.[3] Having won the 2016 elections in a landslide with his wife as a vice-president, Daniel Ortega faced criticism on human rights abuses,[4] authoritarianism, and loss of democracy.[5] Currently the Economist Intelligence Unit's Index of Democracy places Nicaragua as a "hybrid regime" with a score of 4.81 out of 10, the lowest in Central America.[6]

Regarding cultural heritage, a long-lasting government may bring stability for its administrative units and for long-term planning. However, high dependency on the regime may also provide a political, instrumental role for heritage. The 1982 Law for the Protection of the Cultural Heritage of the Nation, for example, states in Article 7 that priority is given to cultural goods of recognized historic value for the "process of liberation of the Nicaraguan people". During its first regime of 1979, the *FSLN* concentrated on heritage related to the Nicaraguan revolution in order to glorify its achievements, and refrained from working with religious forms of heritage (such as churches) due to its ideology. The political role for Nicaraguan heritage is not only seen in emphasizing certain types of monuments over others, but also in the deliberate destruction of those that contradict the regime's ideology. For example, in 2014 the "Beacon of

1   EU, European Union, *Final Report, General Elections and Parlacen Elections 2011*, http://www.eods.eu/library/FR%20NICARAGUA%2022.02.2012_en.pdf

2   OAS, Organization of American States, *Informe Final de la Misión de Acompañamiento Electoral de la OEA sobre las elecciones Generales Celebradas en la República de Nicaragua*, November 6 2011, https://www.oas.org/es/sap/docs/deco/2012/inf_nic_s.pdf

3   "Nicaragua's new constitution becomes law," *BBC News*, February 11, 2014, http://www.bbc.com/news/world-latin-america-26146038

4   The European Parliament criticized acts of reprisal against the activist Francesca Ramirez. European Parliament, Resolution P8_TA-PROV(2017)0043, "resolution of 16 February 2017 on the situation of human rights and democracy in Nicaragua – the case of Francisca Ramirez," February 16, 2017, http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2017-0043&language=EN&ring=B8-2017-0156

5   Nina Lakhani, "Nicaragua suppresses opposition to ensure one-party election, critics say," *The Guardian*, June 26 2016, https://www.theguardian.com/world/2016/jun/26/nicaragua-opposition-daniel-ortega-presidential-election

6   "The Economist Intelligence Unit's Democracy Index " *The Economist*, accessed May 4, 2017, https://infographics.economist.com/2017/DemocracyIndex/

Peace" was demolished, allegedly due to structural problems that could be dangerous for the population. However, El País noted that no damage assessment reports had been drafted, and that the monument, built by Ortega's rival, was regarded as a symbol of Ortega's defeat in the 1990 elections (figure 33).[7] Such a political perspective renders a concept of Nicaraguan cultural heritage that is narrow and not representative.
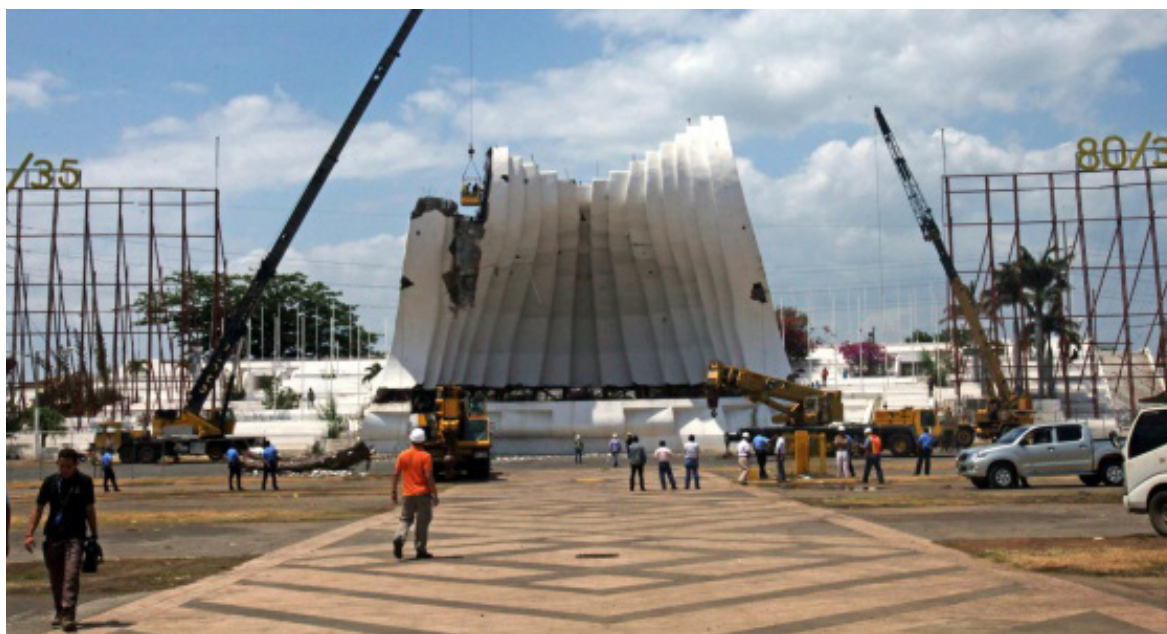
Figure 33: The destroyed "Beacon of Peace," source: http://internacional.elpais.com/internacional/2014/05/16/ actualidad/1400194475_117745.html

A Developing Economy

The OECD classified Nicaragua as a lower middle-income country. Nicaragua was once the second poorest country in Latin America, but Macroeconomic strategies together with programs such as the HIPC initiative[8] and the Millennium Challenge Account helped its economic growth. According to the World Bank, Nicaragua has maintained economic growth levels, but despite this, it continues to be one of Latin America's least developed countries, with little access to basic services

Table 28: Economy of Nicaragua

GDP at market prices (current US$) for 2014*	11,805,641,287
GDP growth (annual %)*	4.7 in 2014
Poverty headcount ratio at national poverty lines (% of population)*	30
Personal remittances, received (current US$) for 2014*	1,140,200,000
GDP composition, by sector of origin (2015 est.)**	agriculture: 18.1% industry: 22.9% services: 58.9%
***Data from database:** World Development Indicators, last Updated 06/14/2016	
****Source:** CIA World Factbook	

7   Carlos Salinas, "Nicaragua demuele su pasado," *El País*, May 16, 2014, http://internacional.elpais.com/ internacional/2014/05/16/actualidad/1400194475_117745.html

8   The HIPC aimed at relieving heavily indebted countries. it was estimated in 2000 that Nicaragua was relieved of 72 percent of its total external debt, amounting to $6.5 billion (Rios-Morales 2006). Ruth Rios-Morales, "Structural Weakness in Nicaragua: Hindrances to Economic Growth and Poverty Reduction," IIIS Discussion Paper No. 169.

and high poverty rates.[9] Since poverty dropped as much as 13 percent between 2009 and 2014 (from 42.5 to 29.6) and peace was more or less established, ODA to the country started to decrease (table 29).

Table 29:   ODA for Nicaragua

Net ODA Receipts for Nicaragua (USD million)						
1986*	1996*	2010*	2011*	2012*	2013*	2014*
157	931	662	692	532	497	430
Data from database: World Development Indicators, last Updated 06/14/2016						

Budget for culture in Nicaragua has increased in the past years, and decentralization efforts have alleviated the cultural sector, but resources are still insufficient. For instance, in 2004, La Prensa reported a strike at the Nicaraguan Culture institute or *INC* because salaries were not paid for a month.[10] El Nuevo Diario denounced the non-payment of extra working hours for the same institution in 2011.[11] Also, Nicaragua relies heavily on ODA to develop its cultural projects, most notably from the *AECID* (*Agencia Española de Cooperación Internacional para el Desarrollo*, Spanish Agency for International Development Cooperation). As ODA decreases, however, the Nicaraguan government will have to establish strategies for its own economic balance.

Tourism Growth

Although historically focused on the agricultural sector, Nicaragua is opening up to tourism as a source of foreign income. With a 9.2% of visitor increase for 2014,[12] Tourism is now the largest export of Nicaragua.[13] The industry is supported by the government because it is expected to be a possible solution to poverty. However, fostering tourism development might also exacerbate inequality by "allowing greater accumulation of capital among both wealthy Nicaraguan elites and a growing number of foreign/ex-patriot investors, while furthering impoverishment of rural residents," as Hunt points out.[14]

In any case, tourism is a growing industry that has a direct impact on cultural issues: the recent

9   " Nicaragua Overview," World Bank, last updated April 10, 2017, http://www.worldbank.org/en/country/nicaragua/overview

10   "INC vuelve a la normalidad," *La Prensa*, January 24 2004, http://www.laprensa.com.ni/2004/01/24/nacionales/931402-inc-vuelve-a-la-normalidad

11   "Instituto Nicaragüense de Cultura 'No Pago', " *El Nuevo Diario*, May 27 2011, http://www.elnuevodiario.com.ni/nacionales/103357-instituto-nicaraguense-cultura-no-pago/

12   BCN (Banco Central de Nicaragua), *Cuenta Satélite de Turismo de Nicaragua 2014*, June 2015, http://www.bcn.gob.ni/publicaciones/periodicidad/anual/satelite_turismo/2015/CSTN.pdf

13   Manuel Bejarano, "Turismo aporta 28.8% de las divisas," *El Nuevo Diario*, May 9 2017, http://www.elnuevodiario.com.ni/economia/427169-turismo-aporta-28-8-divisas/

14   Carter Hunt, "Passport to development? Local perceptions of the outcomes of post-socialist tourism policy and growth in Nicaragua," *Tourism Planning & Development* 8, no. 3 (2011): 265-279.

growth of incoming visitors has led to an unequal development of cultural heritage in Nicaragua. Granada, Nicaragua's most famous tourist destination and its former capital city, is target to various cultural heritage-related projects. In a 2011 article, the minister of tourism explains that Granada is recipient to almost 50% of incoming tourists.[15] Accordingly, development plans target at improving infrastructure and access to its main natural and cultural attractions. Cultural heritage, rich in this colonial city, benefits from the growth of the sector, but the concentration of scarce resources lowers development opportunities of cultural heritage in less visited places.

Vulnerability to Natural Disasters

Nicaragua is ranks 14th in the World Risk Index, since it is especially prone to natural disaster damage due to the low level of infrastructure development (table 30). Threats such as earthquakes, tropical storms, floods, and volcanic eruptions are common, and the IDB reports: "Nicaragua is the second most vulnerable country in the world to hurricanes and tropical storms, and ranks thirtieth in the world in its vulnerability to earthquakes. Historically, natural disasters

Table 30:   General information of Nicaragua

Surface Area in square km*	130370
Population*	6.08 million in 2014
World Risk Index 2015**	Placed 14th out of 171 countries
Ethnic Groups***	mestizo 69% white 17% black 9% amerindian 5%
Stock of emigrants as percentage of population****	12.5% for 2010
*Data from database: World Development Indicators, last Updated 06/14/2016	
**Source: Table of World Risk Index 2015 available at http://www.worldriskreport.org	
***Source: CIA World Factbook	
****Source: World Bank Migration and Remittances Factbook 2011	

have occurred with great frequency in Nicaragua and, in recent decades, their occurrence has been trending upwards. In the last 40 years alone, the country has experienced 53 natural disasters of different types, and has posted economic losses of approximately $2.728 billion, affecting more than 3.9 million people."[16]

Cultural heritage has been affected by natural disasters in Nicaragua. For example, on April 10 2014, earthquakes produced great damage to at least five structures of the Ruins of León Viejo

15   Augusto Cermeño, "Ministro de Turismo habló de múltiples proyectos para Granada en el área turística," *La Verdad Nica*, September 20th, 2011, http://www.laverdadnica.com/2011/09/20/ministro-de-turismo-hablo-de-multiples-proyectos-para-granada-en-el-area-turistica/

16   IDB, "Nicaragua improves ability to respond to natural disasters with IDB support," press release, November 27, 2013, http://www.iadb.org/en/news/news-releases/2013-11-27/nicaragua-improves-respond-to-natural-disasters,10676.html

World Heritage Site (figure 34).[17] They also damaged the Old Cathedral of Santiago.[18] Another example is the millennial Ancient footprints of Acahualinca Site, which was damaged by heavy rains that tumbled a wall over them in 2015. [19]

Figure 34: Ruins of León Viejo after the 2014 earthquake, source: El19 digital newspaper, https://www.el19digital.com/articulos/ver/titulo:17912-ruinas-de-leon-viejo-afectadas-por-terremoto-del-10-de-abril

The country has been recipient to Disaster Risk Reduction programs and loans from the IDB, the World Bank, and the OECD, amongst others. Progress has been made in disaster risk management: Nicaragua released the National System for Disaster Management and Prevention (SINAPRED) in 2000, a multi-sectorial approach at a national disaster risk reduction plan. With Spanish aid, an urban zoning plan for the protection and conservation of the cultural heritage of Nandasmo was created (figure 35, next page), which features a deep analysis on the risks for cultural heritage and a series of proposals. Such disaster response plans are the first steps to what hopefully will expand to the national level.

17   Pedro Ortega Ramírez, "Ruinas de León Viejo afectadas por terremoto del 10 de abril," *El 19 digital*, April 18 2014, http://www.el19digital.com/articulos/ver/titulo:17912-ruinas-de-leon-viejo-afectadas-por-terremoto-del-10-de-abril

18   Rafael Lara, "Vieja Catedral sufrió daños," *El Nuevo Diario*, April 23, 2014, http://www.elnuevodiario.com.ni/nacionales/317719-vieja-catedral-sufrio-danos/

19   Carlos Espinoza Flores, "Huellas de Acahualinca, víctima de las lluvias," *El 9 digital*, June 3 2015, https://www.el19digital.com/articulos/ver/titulo:29988-huellas-de-acahualinca-victima-de-las-lluvias
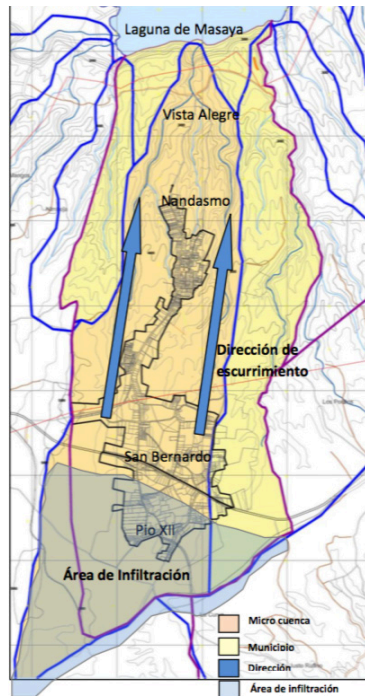
Figure 35: Water infiltration and direction in the Nandasmo urban zoning plan, source: AMUDEMAS Group and Municipality of Nandasmo, "Zonificación urbana para protección y conservación del patrimonio de Nandasmo," 2010.

6.3 Organization, Budget, and Programs

In the past decade, the stable Nicaraguan government and growing budget have allowed the development of a variety of programs regarding culture and cultural heritage. In this section, I review the organization, budget, and programs related to cultural heritage in Nicaragua.

6.3.1 The Nicaraguan Institute of Culture and the Regional Authorities

According to the budgetary framework reports for the Nicaraguan Institute of Culture, the Nicaraguan cultural sector is composed of five main actors:

-The state (the *INC*, the Nicaraguan Tourism Board, and other institutions)

-The private sector (artist associations, artists, companies, museums, and others)

-International cooperation (with exceptional support from the Spanish Agency for International Development Cooperation, the Andalusian International Cooperation Agency, the Norwegian Agency for Development Cooperation, and the governments of Germany and Japan)

-Artistic and cultural guilds (movie, theatre, dance associations, and others)

-The family, community and life cabinets (represented by the organized citizenship, including

culture councils, municipal culture commissions, and others)[20]

Of these actors, the Nicaraguan Institute of Culture (Instituto Nicaragüense de Cultura, or *INC*) is the main national institution that handles heritage (figure 36). It is an autonomous organization positioned directly under the presidency. The president appoints the secretary of culture (also called co-director), who works as the director of the institution.
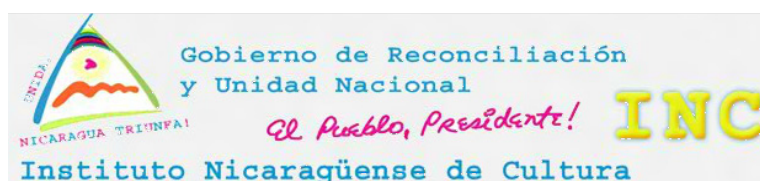
Figure 36: Logo of the INC, source: INC website, http://www.inc.gob.ni

Before the *INC*, culture had been managed by the Ministry of Culture, created in 1979 by the Sandinistas. However, as the government and the economy weakened with the civil war, state funds became insufficient to support the cultural sector. As a consequence, the Ministry of Education absorbed the Ministry of Culture in 1988. A year later, the cultural sector was again separated, and the *INC* was formed as an entity that had a lower hierarchy than a ministry but that was autonomous. In 1994, the Ministry of Education changed its name to the Ministry of Education, Culture and Sports, and four years later, the *INC* was placed under it.

The *INC* returned to being autonomous in 2006, when Daniel Ortega was reelected president.

In the past years, the structure of the *INC* has gradually simplified. In 2010, there were fifteen sections directly dependent on the superior direction. They were reduced to thirteen in 2013 and to 10 by 2016 (figure 37, next page). In 2017, the *INC* added the Archaeology Section, totaling eleven sections.

20   Finances Ministry of Nicaragua, Instituto Nicaragüense de Cultura, *Marco Presupuestario de Mediano Plazo 2014-2017*, http://www.hacienda.gob.ni/hacienda/ppresupuesto2014/F_7_32_MGMP_INC.pdf
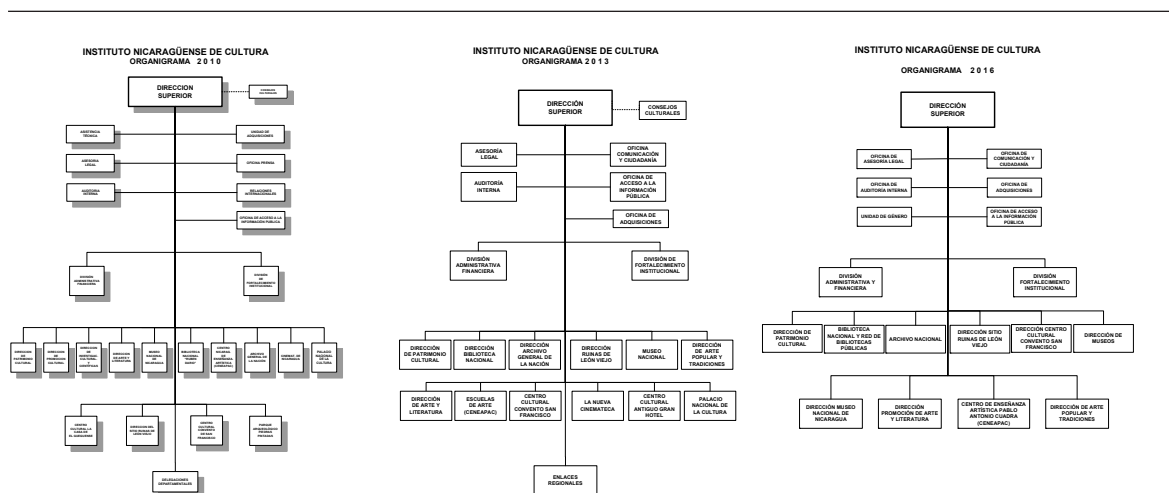
Figure 37: Organizational charts of the INC for the years 2010, 2013, and 2016, source: general expense budgets, Ministry of Finance, http://www.hacienda.gob.ni/documentos/presupuesto/presupuesto-gral.-de-la-republica

The Nicaraguan Institute of Culture had a total staff of 363 workers in 2015,[21] which is very limited considering the size of the country and the eleven sections it is in charge of. Of these, only 88 work under the Department of Conservation and Promotion of the Cultural Heritage. However, it is important to mention that the 1988 Law of Municipalities and its 1997 regulations establish that municipalities are the base administrative unity of the country.[22] The law grants autonomy to the municipalities, allowing them to regulate and manage themselves. Article 6 of this law states amongst the faculties of the municipal governments the promotion of culture and the protection of the archaeologic, historic, linguistic, and artistic heritage in its administrative area. Thus, the family, community and life cabinets (the fifth actor of the Nicaraguan cultural sector) also play an important role in the management of Nicaraguan heritage. Besides the municipalities, two autonomous regions (the Atlantic North and Atlantic South regions) in Nicaragua function with certain independence from the central government, even in the cultural field (see 6.4.1): in 2011, the autonomous regions passed their own cultural policies. Thus, the central government works with the municipalities and autonomous regions respecting their autonomy, which helps explain the reduced number of staff at the Nicaraguan Institute of Culture.

The 2007 cultural policy, which was drafted by the National Reconciliation and Unity Government (*Gobierno de Reconciliación y Unidad Nacional*, *GRUN*), deepened the decentralization

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21   "Estructura de plazas fijas presupuesto - 2015, Instituto Nicaragüense de Cultura," National Assembly, accessed May 4 2017, http://legislacion.asamblea.gob.ni/Iniciativas/20148391/CD1PF/INC_PEPUA.pdf

22   Legislative Assembly of Nicaragua, *Leyes 40 y 261, Ley de Munincipios y sus reformas* http://www.unesco.org/culture/natlaws/media/pdf/nicaragua/nicaragua_leyes40y261_spaorof

efforts regarding culture in Nicaragua. It aimed at strengthening the multi-ethnic and diverse national identity, and promoted the management and promotion of the cultural resources in the hands of communities and municipal authorities.[23] To support local initiatives, the *INC* has issued "community notebooks" (cuadernos comunitarios) that provide guidelines for conserving historic buildings, creating registries, conserving archaeological material, and so on. The Institute also holds workshops to train community members in areas related to heritage use and conservation. As is explained in the next subchapter, decentralization efforts have been undermined by the increasing importance of tourism.

Although municipalities have considerable authority regarding cultural heritage, in this chapter I focus on the national level. Within the *INC*, tangible cultural heritage is mainly administered by the Archaeology Section, the Cultural Heritage Section, the León Viejo Ruins Section, the Cultural Center of the Old San Francisco Monastery Section, the Nicaraguan National Museum Section, the Popular Art and Traditions Section, and the Museums Section
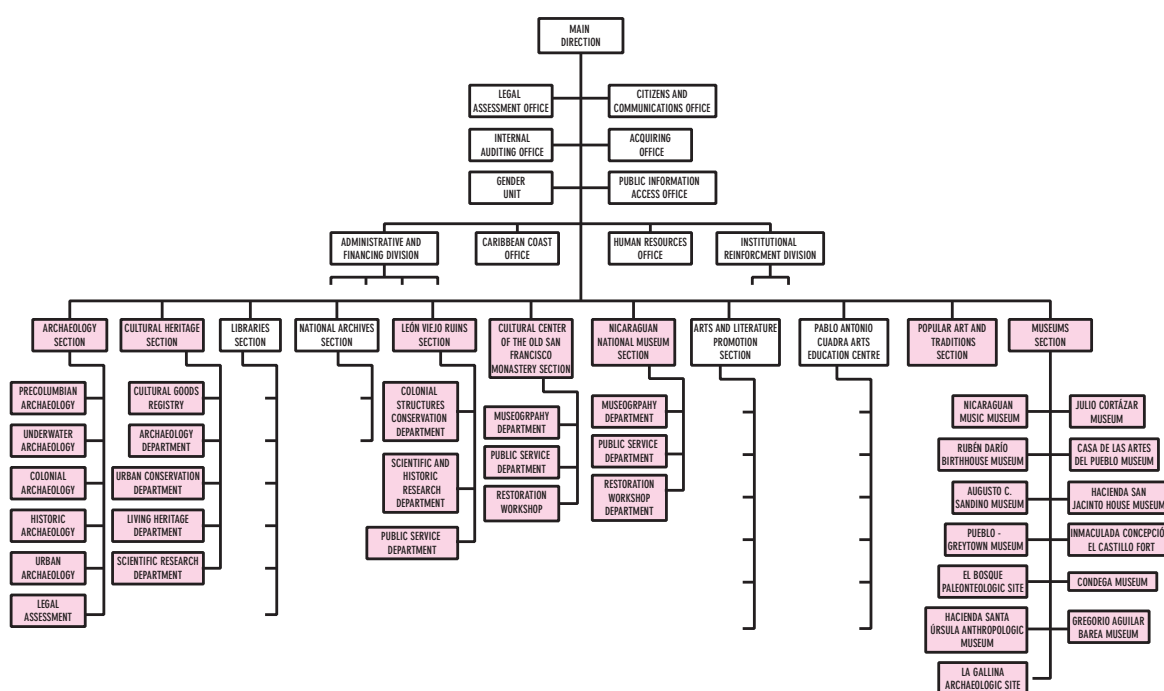
Figure 38: Current organizational chart of the INC, source: general expense budgets, Ministry of Finance, http://www.hacienda.gob.ni/ documentos/presupuesto/presupuesto-gral.-de-la-republica

(shown in pink in figure 38). From this structure, it is clear that the León Viejo Ruins (a World Heritage Site) and the Cultural Center of the Old San Francisco Monastery (a museum located in Granada) are under special consideration by the state, as they have independent administrative

23   INC, "Política Cultural del GRUN," available in http://www.lacult.unesco.org/docc/Pol_Cult_Nic.pdf

units. Also, interestingly, the Nicaraguan National Museum Section and the Museums Section are on the same level. The National "Dioclesiano Cháves" Museum, located in the historic center of Managua works as a reference to the smaller museums, holding workshops and providing technical assistance to the institutions that request it.

As the Archaeology Section is new, there is little information on it, but the organizational chart suggests that units handle archaeological goods spanning from pre-Columbian to contemporary times, covering urban areas and underwater sites.

Within the Cultural Heritage Section, the following are its main units:

-Cultural Goods Registry: establishes and regulates the implementation of methodologies for the registry and control of activities related to cultural heritage inventories and registries.

-Archaeology Department

-Urban Conservation Department: coordinates and follows interventions in immovable heritage, historic centers, and World Heritage Sites.

-Living Heritage Department

-Scientific Research Department

-The Archaeology Section

Intangible cultural heritage is managed by the Popular Art and Traditions Section. The *INC* has followed a clear line of decentralization of culture and has supported UNESCO initiatives to broaden the concept of cultural heritage beyond material expressions. Decentralization is addressed by fostering municipal intervention, and by involving the living population in the cultural panorama through administrative units that handle inclusive concepts such as living heritage, intangible heritage, and urban heritage.

The *INC* has also gained a political role. As an institution that depends directly on the authoritative presidency, it is bound to communicate a message that is in line with the long-standing government, by glorifying the Nicaraguan Revolution (addressed in 6.4) and adopting the *GRUN* cultural policy, which aims at transforming the national identity and culture into "a symbol of pride, sovereignty, dignity, and legitimate resistance to all forms of imperialism and

neo-colonialism in the contemporary world."[24]

Having an overly political cultural sector is detrimental for cultural heritage. For one, if there is a change of government, the *INC*'s programs will most likely be scrapped. If there is no political change, the perspective on heritage will continue to narrow, ending in the destruction of that which is part of Nicaragua but which is not in accordance with the *FSLN*, as discussed in on 6.2 under "Soft Authoritarianism and Loss of Democracy."

6.3.2 Budget

The *INC*'s budget is approved yearly by the National Assembly, and is shown in table 31 for the years 2005-2017. During this period, funds in Nicaraguan Córdoba (NIO) for culture, shown in column 2, have more than tripled. However, the overall economy must not be forgotten when

Table 31:   Budgets of the INC

1.YEAR	2. TOTAL BUDGET INC (NIO)	3. PROMOTION AND CONSERVATION OF CULTURAL HERITAGE (NIO)	4. PROMOTION OF POPULAR ART AND TRADITIONS (NIO)	5. % of INC BUDGET ALLOCATED TO CULTURAL HERITAGE (3+4)	6. APPROVED GENERAL EXPENSE BUDGET OF NICARAGUA (NIO)	7. % OF THE NATIONAL BUDGET ALLOCATED TO THE INC
2005	29,489,093	/	/	-	15,785,536,819	0.1868108
2006	33,596,520	9,000,000	/	-	21,382,208,828	0.1571237
2007	42,121,370	8,998,825	/	-	24,931,205,405	0.1689504
2008	42,076,511	/	9,145,000	-	28,618,106,227	0.1470276
2009	45,443,322	12,400,000	/	-	32,522,686,350	0.1397281
2010	40,561,931	3,400,000	-	8.38	31,093,535,498	0.1304513
2011	43,130,000	3,235,000	335	7.50	35,784,840,012	0.1205259
2012	48,982,000	3,400,000	-	6.94	42,256,764,412	0.1159152
2013	56,678,635	4,100,000	-	7.23	47,754,856,247	0.1186866
2014	69,507,000	4,500,000	1,248	6.48	55,781,040,355	0.1246069
2015	76,017,000	4,600,000	605	6.05	61,034,965,177	0.1245466
2016	81,119,000	6,800,000	517	8.38	71,946,874,100	0.1127485
2017	96,309,729	15,000,000	598	15.58	80,008,091,596	0.1203750
Legend: / = information was not obtained, - = no budget allocated						
Original Data Source: Programmed budgets for the INC and general expense budgets, Ministry of Finance, http://www.hacienda.gob.ni/documentos/presupuesto/presupuesto-gral.-de-la-republica						

analyzing these numbers. For one, the exchange rate for NIO to US dollars has almost doubled during this period.[25] Also, inflation rates had risen considerably until 2008, although they have

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24   Translation by the author, INC, "Política Cultural del GRUN," available in http://www.lacult.unesco.org/docc/Pol_Cult_Nic.pdf

25   The exchange rate increased from 16.7 in 2005 to 28.6 in 2017. Banco Central de Nicaragua, Tipo de Cambio Oficial Anual, accessed April 12, 2017, http://www.bcn.gob.ni/estadisticas/mercados_cambiarios/tipo_cambio/cordoba_dolar/cambio_historico/index.php?&val=0

dropped in the past years.[26] These factors lowered the buying power of the cultural sector.

Furthermore, the proportion of the *INC*'s budget (column 7) to the general expense budget (shown in column 6) is stable. It is not in the scope of this thesis to determine how much is necessary for the *INC* to function properly. Nonetheless, interviewees have mentioned lack of funds as one of the major obstacles for developing heritage programs in Nicaragua, and, as discussed in 6.2 on the developing Nicaraguan economy, lack of funds has led to the non-payment of salaries. The *INC* depends heavily on foreign development assistance for many of its programs, such as the Nicaragua Cultural Assets Inventory Project, supported by Spain.

As for the budget directly allocated to cultural heritage, column 3 shows how much was assigned, while column 4 shows how much was spent in intangible cultural heritage, through popular art and traditions. Nicaragua started allocating budget for intangible heritage five years after ratifying the Convention for the Safeguarding of Intangible Cultural heritage. Column 5 of table 31 shows that in the past seven years, around one-fifth to one-third of the *INC*'S budget was allocated towards cultural heritage. This proportion dropped in 2012 but has risen steadily since.

In 2017, the budget for the *INC* was around 96 million Córdoba, which translates roughly into 3,2 million dollars. The detailed budget allocates only 15 million Córdoba to "capital expenses," while the rest is for "common expenses," such as salaries, maintenance, supplies, etc. The capital expenses in which the *INC* invested in 2017 were the following:
-Program 13: Conservation and Promotion of the Cultural Heritage
    Restoration and equipment for the Dambach Colony Cultural Center
    Improvements in the infrastructure for the historic salon of the National Theater in Managua
    Improvement in the infrastructure of the National Palace of Culture of Managua

770 thousand Córdoba were also allocated towards some equipment for the decentralized units and autonomous communities.[27]

Most of the capital expenses since 2005 comprehend restoration projects for immovable heritage. However, other projects are developed with foreign assistance and through the municipalities.

The *INC* runs a central budget, so that income from museums, sites, and other activities is

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26   Inflation of consumer prices for Nicaragua was 9.6% in 2005, rose to as much as 19.9% in 2008 and has since dropped more or less regularly, amounting to 3.5% in 2006.
World Bank, *Inflation, consumer prices (annual %)*, accessed April 12, 2017, http://data.worldbank.org/indicator/FP.CPI.TOTL.ZG?locations=NI

27   Presupuesto General de la República 2017, "Instituto Nicaragüense de Cultura," http://www.hacienda.gob.ni/hacienda/presupuesto2017/G_19_02_INC.pdf

collected in a common fund which is then distributed to the sections as deemed necessary. Such a management is designed to allow a balanced distribution of resources in all regions of Nicaragua.

6.3.3 Programs

The *INC* has basic and extra programs, as discussed below.

Basic Programs of the INC

The *INC* establishes its Institutional Programs, and yearly allocates budget to them as necessary. The following are the fixed programs included in the budgetary mid-term frameworks from 2010-2013 to 2015-2018:[28]

-PROGRAM 001: CENTRAL ACTIVITIES

-PROGRAM 013: HERITAGE AND MUSEUMS

-PROGRAM 014: LIBRARIES AND ARCHIVES

-PROGRAM 015: CINEMATHEQUE

-PROGRAM 016: ART SCHOOLS AND WORKSHOPS

-PROGRAM 017: ART AND CULTURE PROMOTION

-PROGRAM 018: POPULAR ART AND TRADITIONS PROMOTION

National projects are developed within these programs. The following are programs developed in the past 5 years through the *INC* that are related to cultural heritage:

Cultural Heritage Protectors Network (Red de Protectores del Patrimonio Cultural)

A program that raises consciousness and provides training in matters of protection, conservation, and use of cultural resources. It is integrated through a municipal network of heritage protection. This network also includes natural heritage protection initiatives.[29]

Culture Brigades (Brigadas de Cultura)

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28   Ministry of Finance, *General Expense Budgets*, accessed May 5, 2017, http://www.hacienda.gob.ni/documentos/presupuesto/presupuesto-gral.-de-la-republica

29   INC, *Marco Presupuestario de Mediano Plazo 2012-2015*, http://www.hacienda.gob.ni/hacienda/presupuesto2012/F_7_31_MGMP_INC.pdf

A culture decentralization program that brings various expressions such as dance, theatre, movies, etc. to rural municipalities.[30]

Caribbean Coast Culture Revitalization and Productive Development Program (Programa de Revitalización cultural y desarrollo productivo creativo en la Costa Caribe nicaragüense)

A program directed at Indigenous and Afro-descendant communities, in which the autonomous regions are supported. In it, workshops on cultural matters are held and a cultural information system is being developed, as well as diagnosis and a cultural mapping of resources.[31]

Nicaragua Cultural Assets Inventory Project (Proyecto Inventario de Bienes Culturales de Nicaragua)[32]

The *INC* in cooperation with the Spanish Agency for International Development Cooperation started this project in 2006. Through a series of inventories that were published into catalogues, the Nicaraguan cultural assets were listed up. The catalogues list up cultural heritage expressions of Carazo and Rivas(figure 39), Granada and Masaya, León as well as certain municipalities
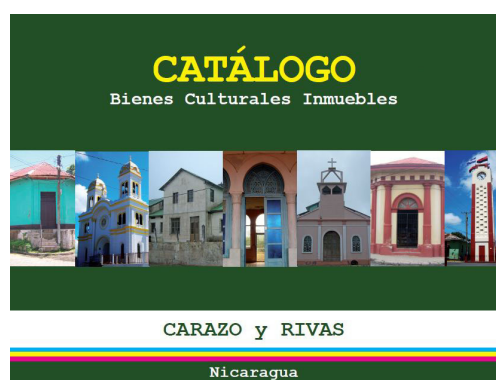
Figure 39: Carazo and Rivas catalogue, source: INC, Catálogo de Bienes Culturales Tradicionales de Carazo y Rivas, Managua: Fondo Editorial INC, 2012.

(figure 40, next page). The catalogues include immovable, movable and intangible heritage.

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30   INC, *Marco Presupuestario de Mediano Plazo 2011-2014*, http://www.hacienda.gob.ni/hacienda/presupuesto2011/F_6_31_MGMP_INC.pdf

31   Documents on this program are available at http://www.mdgfund.org/es/node/838

32   "Proyecto Inventario de Bienes Culturales de Nicaragua," INC, accessed May 6 2017, http://www.inc.gob.ni/cooperacin-cultural/
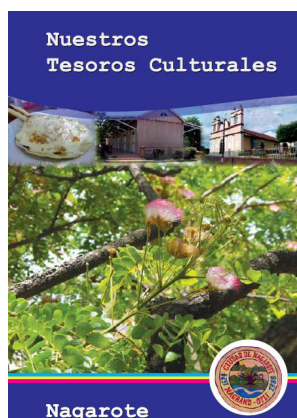
Figure 40: Catalogue for the municipality of Nagarote, source: INC,
Nuestros Tesoros Culturales: Nagarote, Fondo Editorial INC, 2012.

Program for the Rescue and Promotion of Representative Traditions of the Country (Programa Para el Rescate y Promoción de las Tradiciones más Representativas del País)

A program that supports intangible heritage, in various localities and a variety of topics. [33]

Community Museums

A program created in 2011 that aims at creating museums in all municipalities of the country. By 2015, 14 museums had been installed in different regions.

Besides these specific projects, the *INC* regularly implements restoration projects and workshops for the municipal organizations on topics such as conservation, museology, restoration, etc. through the National Museum.

6.4 Legislation

In Nicaragua there are various laws spread throughout many levels (national, municipal, and of the autonomous regions) addressing cultural heritage. The main instruments on this topic, however, are the Nicaraguan Constitution and the "Law for the Protection of the Cultural Heritage of the Nation". In this section, I give an overview of the development and current conditions of cultural heritage policies in Nicaragua. Appendix D provides a list of Nicaraguan cultural heritage legislation.

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33   INC, *Marco Presupuestario de Mediano Plazo 2017-2020*, http://www.hacienda.gob.ni/hacienda/
presupuesto2017/F_7_33_MGMP_INC.pdf

6.4.1 Brief History of the Concept and Development of Cultural Heritage Policies in Nicaragua

Much as in other Central American countries, Nicaraguan cultural heritage regulations began as loose declarations that had no clear purpose and were under no organizational body. After constant conflicts and civil wars (see 2.2.3 and 2.2.4), in the second half of the 19th century, the conservative elites were facing the challenge of transforming the society and consolidating a nationality, a feat they managed through institutions and education.[34] Heritage was vaguely referred to in legislation during this time, and projects did not develop quickly. An interesting mention is a 1868 agreement which states that one of the attributions of the 'academies' is to:

"organize an archaeological and historic junta that gives notice of antique monuments and ruins that may be in the Republic, as well as notable events of our ancestors to collect data for the history of Nicaragua."[35]

The agreement implies that the archaeological assets of Nicaragua are part of the national identity and history, an idea that was modern considering that most Central American elites distanced themselves from the pre-Columbian cultures at that time.

Besides this decree, other legislation loosely mandated the creation of museums in the last third of the 19th century, but it was until 1896 that the president followed this instruction, appointing Diocleciano Cháves, a renown scientist, with the task of making the necessary preparations for a national museum.[36] The museum was inaugurated in 1900.

National cultural institutions saw a decline with the Somoza years that began in the 1930s: the National Museum, which had functioned as the main cultural institution of Nicaragua, and the Rubén Darío Museum had practically no government support.[37] Somoza rather favored supporting intellectuals and fine arts. Legislation, however, made progress: the 1939 constitution placed artistic and historic riches under the protection of the state, and a year later, the birthplace of the national poet Rubén Darío was declared a national monument. With no organizational body, loose declarations followed throughout the 1940s up to the 1970s, mostly declaring churches

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34   "La Política Cultural en Nicaragua: Una Mirada Retrospectiva," Organización de Estados Iberoamericanos, accessed March 20, 2017, http://www.oei.es/historico/cultura2/Nicaragua/03a.htm

35   Translated by the author. Agreement of December 26th, 1868.

36   Ignacio Astorqui, "Don Diocleciano Cháves: Científico Olvidado," *Boletín Núm. 1*, Julio-Diciembre 1994, Museo Nacional de Nicaragua (1968), 8.

37   Charles Lee Stansifer, Cultural Policy in the Old and the New Nicaragua, *American Universities Field Staff Reports*. No.41, 1981, 3.

and Catholic temples as national monuments while allocating resources for their restoration. Meanwhile, institutions such as the Central Bank of Nicaragua or the Banco de América assumed active cultural roles, by collecting art, publishing material, and sponsoring research on heritage: "By the 1970s, under the enlightened dictatorship of Roberto Incer Barquero, the Banco Central had become an informal ministry of culture."[38]

In 1972, the great Managua earthquake struck the Nicaraguan capital and destroyed numerous buildings, including the National Museum.[39]

The triumph of the Sandinista Revolution of 1979 brought about the nationalization of the banks and the end of the cultural programs that had been developed so far. Culture now was in the hands of the Ministry of Culture, which was created in July 1979. The revolution also prioritized literacy campaigns and incentivized literary development by holding poetry workshops and a new national editorial brand.[40]

Only a few months after the Sandinistas took office, the Protection Law for the Artistic, Cultural and Historic Heritage of the Nation was passed. This law defined heritage, appointed the Ministry of Culture with heritage-related responsibilities, prohibited heritage export, created a registry and provided regulatory sanctions. Thus, heritage acquired an organizing institution and a protection law in less than a year.

With the revolution, monument declarations also changed. From churches and parishes, heritage now shifted towards the glorification of the Sandinista revolution. Already in 1980, the government Junta declared the immovable places that had a special relation with the life and battles of general Augusto C. Sandino national historic monuments. Places related to other revolutionaries such as Carlos Fonseca were now being declared as historic national heritage.[41] Their birthplaces, their battlefields, and their houses were protected by the state as well as the murals evoking revolutionary themes.

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38   Ibid., 7.

39   Revels explores how the Managuan landscape changes after the earthquake while maintaining symbolism.
Revels, Craig S. "Placing Managua: a landscape narrative in post-earthquake Nicaragua." *Journal of Cultural Geography* 31, no. 1 (2014): 81-105.

40   Gema D. Palazón, *Memoria y escrituras de Nicaragua, Cultura y discurso testimonial en la Revolución Sandinista*, (Publibook, 2010), 157-164.

41   The shift of heritage declarations can be seen when going over the individual laws and the years they were created. Two lists created by the National Assembly of Nicaragua are particularly useful:

National Assembly of Nicaragua, P*atrimonio Cultural y Natural Declarados y Reconocidos por la República de Nicaragua*, 2013, Accessed January 20th, 2016,
http://www.asamblea.gob.ni/patrimoniocn/DECLARA-PATRIMONIO-CULTURAL.NAT-CECDYMCS-SEP-2013.pdf

National Assembly of Nicaragua, Commission of Education, Culture, Sports and Social Communication Media, *Digesto Decretos Declaración Patrimonio, elaborado por la secretaría legislativa de la comisión*, accessed January 20th, 2016, http://www.asamblea.gob.ni/patrimoniocn/DIGESTO-DECRETOS-DECLARACIONPATRIMONIO.pdf

The 1982 Cultural Heritage Protection Law of the Nation included details on conservation, prohibitions and sanctions. In the same year, the Ministry of Culture released a book called "Towards a Sandinista Cultural Policy". This book redefined culture under revolutionary standards, defining its policies as "revolutionary, democratic, popular, national and anti-imperialism". However, there was still an ongoing discussion on what direction cultural policies would take under this ideology.[42] The government by definition had to be popular, addressing all Nicaraguans and accepting their cultural expressions. At the same time, the new government strived to go for a certain quality and a specific direction. Regarding this dichotomy, Palazón writes: "not even in the discourses of the main Sandinista leaders of the moment, a proposal on popular art that was not put in hierarchies could be concreted, because, as a constant preoccupation, the will not to lose artistic quality in the cultural development would rise again and again."[43]

Together with fostering culture, the Sandinista government established a decentralization strategy. The Ministry of Culture created the Popular Culture Centers (Centros Populares de Cultura, CPC) program, a network of twenty-four units similar to the Houses of Culture, whose function was to channel cultural activities according to regional demands. It also introduced new museums in almost every department and supported Nicaraguan artists.[44]

Also, towards the end of the 1980s, the country was organized into autonomous municipalities within the state.[45] The recognition of the autonomous communities in the Atlantic Coast in 1987 was a result of the Miskito Indians sympathizing with the Contras because many of them had been poorly relocated and had been abused. The granted autonomy was intended to lower tensions and avoid a separatist, US-funded anti-Sandinista movement. Thus, municipalities were in charge of their own regulations and could manage their own heritage, an administrative system that is maintained today that may account for the great amount of ministerial museums and sites that exist in Nicaragua.

By the end of the 1980s, the government had been greatly debilitated by the war against the Contras. In 1988, the Ministry of Culture was dissolved because of insufficient funds, and delegated its responsibilities to the Ministry of Education (see 5.3.1).

One year later, president Daniel Ortega created the Nicaraguan Culture Institute (*Instituto Nicaragüense de Cultura, INC*), which continues to be the main body in charge of culture today. At

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42   Gema D. Palazón, *Memoria y escrituras de Nicaragua, Cultura y discurso testimonial en la Revolución Sandinista*, (Publibook, 2010), 157-164.

43   Ibid.

44   Charles Lee Stansifer, Cultural Policy in the Old and the New Nicaragua, *American Universities Field Staff Reports*. No.41, 1981, 11.

45   Clemente Guido Martínez, *Patrimonio Cultural para Jóvenes*, Nicarao, 2008, 11.

the time, art schools and companies, the Popular Theatre, the National Library and two museums were put under its administration, and one of its functions was to "look over the conservation of the cultural heritage of the nation, in coordination with the corresponding institutions."[46]

At the same time, a National Culture Council was created,[47] a consulting body that acted as a bridge between the presidency and cultural policy recommendations and plans. With it, Regional Culture Councils were created, in line with the general decentralization policy of the country.

The Sandinista government lost elections in 1990. In 1994, the Ministry of Education changed its name to the Ministry of Education, Culture and Sports, and the *INC* was placed under it four years later.

Rather than in its organizational structure, the changes of the government were reflected in the kind of sites that were now declared as cultural heritage of the nation. Instead of places or works related to the Sandinista revolution, parks, churches, the cinema, and other, non-ideological places were being listed as heritage.

Heritage in general, now under a less political agenda, reached a maturity phase, expanding to areas that had not been considered for decades, and responding to international heritage trends.

In 1997, the National Museum "Dioclesiano Chaves" was re-funded as the central museological depository of the nation, directly under the *INC* and in charge of most museological activities of the nation.[48] This sparked a museum boom in the 2000s, with the creation of several regional and private museums that revolve under a great variety of themes.

By the 2000s, the Colonial sites of León Viejo and Granada were declared World Heritage Sites. Schools, parks, movable heritage, film, literary work, and intangible heritage would be included in the national heritage protection system as well.

In 2006, Daniel Ortega rose to power again and the *INC* returned to its original autonomous state, while the Ministry of Education, Culture and Sports again became the Ministry of Education. Projects such as cultural decentralization, popularization, and democratization were resumed. However, certain strategies changed in the new regime: instead of taking distance from the church, the government, under the motto "christian, socialist, with solidarity," now worked with it. This approach had an echo in heritage as well: the government financed restoration

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46   Translation by the author, "Ley Creadora del Instituto de Cultura," Decree 427 published April 3, 1989 in the Official Gazette

47   "Ley Creadora del Consejo Nacional de Cultura," published April 3, 1989 in the Official Gazette

48   "Decreto de Creación del Museo Nacional de Nicaragua," published August 29, 1997 in the Official Gazette

works in churches, an unprecedented action in the Sandinista regimes.

The *GRUN* (The Government of Reconciliation and National Unity) drafted cultural policies in 2007 that emphasize the importance of identity and cultural diversity, and have an almost spiritual tone. Although they do not define concrete actions, they do call for decentralization, "conscience, dignity and identity" programs, and other actions aimed at culture democratization.[49] In 2011, independent cultural policies were approved by the North Atlantic Autonomous Regional Council.

Throughout the development of cultural heritage policies in Nicaragua, a few constant particularities can be observed. First, there is a special consideration given to Rubén Darío and the Ruins of León Viejo. Rubén Darío was a Nicaraguan poet renown for revolutionizing poetry in Spanish. Declared the 'universal Nicaraguan of the centuries,' he is of special importance to the Nicaraguan people. Accordingly, legislation has been issued to protect his work and related heritage. Article 6 of Decree-Law 333 of 2000 declares his published and unpublished literary work "cultural and artistic heritage of the nation." Movable and immovable heritage related to the author is included, and the same decree creates a Commission to promote the research, study and diffusion of the work of Rubén Darío.

The Ruins of León Viejo were founded in 1524 but abandoned in 1610. Buried under nature, the specific location of the abandoned houses became unknown. In 1967, Decree 1348 created a special archaeology commission that was appointed with finding the site.

In the same year the Autonomous National University of Nicaragua discovered the ruins. They were declared heritage in 1993 through law 167 (the declaration was published in 1994), as well as the movable heritage that could be found in them. In 2001, reforms were made to this law that included a special allocation of budget for its protection, maintenance, and preservation (in 2002 León Viejo received 500 thousand Córdobas, but since has not received its own budget). Other modifications such as zoning were made to allow for its inscription in the World Heritage List. Thus, León Viejo has legislative regulations that are not present in most immovable heritage sites: a clear delimitation of the site with a buffer zone, a master administration plan, and budget allocation.

Another particularity is the growing importance of the City of Granada. As mentioned in 6.2, tourism has been growing in Nicaragua, and almost half of the visitors visit this colonial

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49   INC, "Políticas Culturales del GRUN," available in http://www.lacult.unesco.org/docc/Pol_Cult_Nic.pdf

city. In interviews with heritage professionals, there was mention of opening several museums in the district, and numerous buildings underwent restoration there. Granada is already in the Tentative List, and there have been claims to include it as a World Heritage Sites.

Recently, the *INC* started addressing intangible cultural heritage: the Cultural Assets Inventory Project mentioned in 6.3.3 includes foods and dances, and the *INC* website features traditional music, photographs of dances and other popular expressions.

Table 32 shows important historical events in the history of Nicaragua and cultural heritage policies. Notably, during the Sandinista government, the Ministry of Culture, the *INC*, and the Protection Law were created. Nicaragua also accepted the World Heritage Convention during this period.

Table 32:   Historic events and cultural heritage policies in Nicaragua

Era	Historic Events		Heritage-related Events
Republican eras (mid-19th century)	1893: liberal José Santos Zelaya takes office		1900: National Museum inaugurated
Early 20th century			
1930s -1940s	1936-1979: Somoza regimes		1939: first mention of heritage protection in the constitution
1940s			1941: decree claims archaeological, historic, or artistic monuments as property of the State and prohibits export
1950s			
1960s		1960s-1990: Nicaraguan revolution, civil war between the left wing and the conservatives	
1970s			
1980s	1979: the Sandinistas take the office		1979: Ministry of Culture 1979: Law for the Protection of the Artistic, Cultural, and Historic Heritage of the Nation 1979: World Heritage Convention 1982: Law for the Protection of the Cultural Heritage of the Nation 1989: Nicaraguan Institute of Culture
1990s	1990: free elections organised		2000: Ruins of León Viejo inscribed in the World Heritage List
2000s	Left-winged Daniel Ortega president from 2006-2022		2006: Convention for the Safeguarding of Intangible Cultural Heritage and the Convention
Today			2011: León Cathedral inscribed in the World Heritage List
Legend	Yellow: dictatorship or military government		Red: civil war

6.4.2 The Nicaraguan Constitution

Nicaraguan cultural constitutionalism dates back to the Somoza regime. Article 61 of the 1939 constitution stated:

"All artistic or historic riches belong to the nation and are under special protection of the

State. The State may prohibit its export and decree legislation for its defense and conservation"[50]

Following the ability of creating heritage legislation, a decree established archaeological, historic, or artistic monuments as property of the state in 1941. Cultural heritage was also addressed in the constitution of 1948, where article 75 states:

"All archaeologic, artistic, or historic riches, no matter who the owner may be, constitute the cultural treasure of the nation and are under safeguarding and protection of the State."[51]

The Article remained basically unaltered in the 1950 Constitution (as Article 83), but the new article added the ability of the state of regulating the alienation and prohibiting the export of cultural goods.[52] The updated Article 64 of the 1974 constitution prohibited the export of cultural goods.[53]

Today, cultural heritage is addressed in articles 126 and 128 under Title VII (Education and Culture) of the Nicaraguan Constitution of 1983 (the latest reforms added in 2014), which is the currently valid constitution.

Article 126 of the 1986 Constitution states:

" It is the duty of the State to promote the rescue, development, and strengthening of the national culture, supported by the creative participation of the people.

The State will support the national culture in all its expressions, be they of collective character or individual creations."[54]

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50   Translation by the author, Article 61 of the 1939 Nicaraguan Constitution, available in the National Assembly website, http://legislacion.asamblea.gob.ni/normaweb.nsf/($All)/554FC9EB8CBA463D06257307006F438D?OpenDocument

51   Translation by the author, Article 75 of the 1948 Nicaraguan Constitution, available in the National Assembly website, http://legislacion.asamblea.gob.ni/Normaweb. nsf/3133c0d121ea3897062568a1005e0f89/06c0db3b7bcfc75706257307006f6c6d?OpenDocument

52   Article 83 of the 1950 Nicaraguan Constitution, available in the National Assembly website, http://legislacion.asamblea. gob.ni/normaweb.nsf/9e314815a08d4a6206257265005d21f9/74e111dad8b739200625730700701ba2?OpenDocument

53   Article 64 of the 1974 Nicaraguan Constitution, available in the National Assembly website, http://legislacion.asamblea. gob.ni/normaweb.nsf/b92aaea87dac762406257265005d21f7/1d6eddb20a766bcd062573080055146a?OpenDocument

54   Translation by the author, article 126 of the 1986 Nicaraguan Constitution, Official Gazette, available in the Nicaraguan Institute of Territorial Studies website, http://www.ineter.gob.ni/constitucion%20politica%20de%20nicaragua%20y%20 sus%20reformas.pdf

More specifically on heritage, Article 128 states:

"The State protects the archaeological, historic, linguistic, cultural and artistic heritage of the nation."[55]

The inclusion of linguistic heritage in the same article that addresses tangible heritage is unique in this study.

Article 11 also refers to language in Nicaragua:

"Spanish is the official language of the State. The languages of the communities of the Atlantic Coast will also have official use in the cases that the law establishes. "[56]

This Article is not the only one referring to the autonomous regions on cultural matters. Decentralization is already addressed in the constitution, which grants freedom to the communities of the Atlantic Coast. On culture, Article 90 states:

"The communities of the Atlantic Coast have the right of free expression and preservation of their languages, art and culture. The development of their culture and their values enriches the national culture. The State will create special programs so these rights can be exercised."[57]

This Article reflects the position of the government towards culture in the autonomous regions: it is free to develop independently, but nonetheless part of the national Nicaraguan culture. This stance is also taken in the programs and legislation of the autonomous regions.

A few observations can be made on the Nicaraguan constitution regarding cultural heritage:

-Linguistic heritage is placed together with other forms of heritage

-Despite being the newest constitution in this study, intangible or folklore heritage is not mentioned

-A certain degree of autonomy is given to the Atlantic Coast region.

55   Ibid.

56   Ibid.

57   Ibid.

6.4.3 The Law for the Protection of the Cultural Heritage of the Nation

The integral approach for Nicaraguan cultural heritage in legislation dates back to 1941: Decree 142 provided basic regulations for heritage such as the state ownership of declared archaeological, historic, and artistic monuments, while prohibiting their export.[58]

This decree was replaced in 1979 by the Protection Law for the Artistic, Cultural and Historic Heritage of the Nation, passed a few months after the triumph of the Sandinistas. It appointed the newly created Ministry of Culture with the task of safeguarding the cultural assets of Nicaragua.[59]

In 1982, the Protection Law was updated with a more detailed version, the "Law for the Protection of the Cultural Heritage of the Nation" (the 'Protection Law' in this chapter), which added definitions, a chapter on conservation, another chapter on exports, and one on monitoring. This is still the main instrument for cultural heritage preservation in Nicaragua today.

Table 33 provides an overview of the currently valid Protection Law. The Law underwent some amendments in 1983 that mostly created graver sanctions for crime against heritage. To this date, no regulations on this law have been issued. In this section, I discuss the main points of the Protection Law.

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58   Available in the National Assembly website, http://legislacion.asamblea.gob.ni/Normaweb. nsf/4c9d05860ddef1c50625725e0051e506/4cc215476393210d062572c9005aa3da?OpenDocument

59   Available in the Enrique Bolaños Library website, http://sajurin.enriquebolanos.org/vega/docs/JGRN_0101.pdf

Table 33: Overview of the Law for the Protection of the Cultural Heritage of the Nation

CHAPTER I **GENERAL DISPOSITIONS**	-Definition of goods that form cultural heritage (Article 1) -Conditions for cultural goods to be part of the national cultural heritage (Article 2) -Delegates the responsibility of heritage maintenance and conservation to the Ministry of Culture*, provides it with the faculty of establishing legislation (Articles 3, 4, 5, 6)
CHAPTER II **ON THE CONSERVATION OF** **CULTURAL HERITAGE**	-Priority is given to cultural goods of recognized historic value for the "process of liberation of the Nicaraguan people" (Article 7) -Owners or leaseholders of houses or groups of buildings of historic or architectonic significance must have permission from the Heritage Section for any construction or remodeling (Article 8) -If a person or organization is carrying out a project in heritage sites, a percentage of the cost of the works will be given to the Heritage Section for rescue, conservation or restoration (Article 9) -Modifications on cultural heritage will be controlled by the regulations of this decree (Article 10) -If paleontological or archaeological heritage is found or known of, it must be notified to the closest municipality, which will inform the heritage section (Article 11) -Owners of cultural goods have the obligation of handing them to the Heritage Section when required for the purposes of exhibition inside and outside of the country. The Heritage Section will pay for the insurance of these objects and compensate in case of loss or damage (Articles 12 and 13) -If the Heritage Section has knowledge of cultural goods outside of the country, it may contact the Ministry of the Exterior to process their recovery (Article 14) -Cultural goods may be expropriated, temporarily occupied or safeguarded under certain circumstances. When the action is temporary, the goods will be returned to the owner (Articles 15 and 17) -If an owner wants to sell a cultural good, the State has the option of preferential acquisition (Article 18) -Owners of cultural goods are responsible for their conservation (Article 19)
CHAPTER III **REGISTRY**	-Establishes the Cultural Heritage Registry (Article 20) -Natural or legal personas and diplomatic missions that own cultural goods have to inscribe them in the registry and notify their transfer, re-possession or relocation within a year of the proclamation of this law and its regulations (Articles 21, 22, 23)
CHAPTER IV **EXPORTS**	-Cultural goods export is prohibited, unless it is in form of exchange between governments scientific institutions or foreign institutions. It is also allowed when there are various samples that are identical or similar. Authorization is given by the Heritage Section (Articles 24, 25, and 26) -Cultural goods that are illegally imported to Nicaragua will be returned to the origin country (Article 27)
CHAPTER V **MONITORING**	-The Heritage Section will nominate professional inspectors and volunteers that make sure that the Law and its regulations are enforced. The coordinators of the municipal juntas will also look over the correct enforcement of the law. (Articles 28 and 29) -The workers at customs in charge of exports will suspend shipment requests when in knowledge or presumption of illicit traffic. They will withhold the good and consult the Heritage Section. If the process finishes and illicit traffic is proven, the good will be confiscated and will belong to the Nicaraguan people (Article 30)
CHAPTER VI **PROHIBITIONS**	-The cultural heritage of the nation may not be destroyed or altered partially or totally (Article 31) -Export works of excavated or removed materials in archaeological or paleontological zones is prohibited, even if carried out in private property. They will only be carried out by the Heritage Section or with their permission. (Article 32) -Removal of movable goods that are part of immovable heritage of the nation without authorization of the Heritage Section is prohibited. If removed, the infractor will have to return them to the original place. Otherwise the Heritage Section will confiscate the good and return it (Articles 33 and 34) -Ownership transfer processes without permission of the Heritage Section are prohibited. These will be annulled (Article 35) -If the Heritage Section has knowledge of a movable or immovable cultural good being in threatened of destruction, damage, or transformation, it will order the immediate suspension of the act (Article 36) -Works that go against the permission of the Heritage Section will be suspended and the perpetrator will proceed to restore as the Section dictates (Article 37)
CHAPTER VII **SANCTIONS**	-The actions or omissions that destroy or damage cultural heritage in irreversible form are considered a crime against the cultural heritage of the nation (Article 38) -Crime against the cultural heritage of the nation is punished with prison from 1 to 4 years and a fine that ranges from one to fifty thousand Córdobas. An administrative fee will be charged according to the circumstances if the infraction is not considered a crime. The goods and instruments may be confiscated by the State. The sanctions are graver for workers of the Ministry of Culture or the Municipal juntas. In the case that the crime is committed by a member of a legal person, the legal person will respond in solidarity with the member. Workers of the Heritage Section that know of a crime in advance and do not inform it will be sanctioned as perpetrators (Articles 39, 40, 41, 42, 43, 46, and 47) -Common courts will be in charge of dealing with crimes against the cultural heritage of the nation (Article 44) -Dispositions on export and import of goods will be included in the customs regulation (Article 45) -Re-perpetrators will be fined with an equivalent fee to the first one, increased by two thirds (Article 48) -The resolutions of the Heritage Section may be subject to revision by the Ministry of Culture (Article 49)
* This Law was drafted when the Ministry of Culture still existed. The INC has adopted its responsibilities. **Translation by the author, source:** Law for the Protection of the Cultural Heritage of the Nation, National Assembly: http://legislacion.asamblea.gob.ni/normaweb.nsf/3133c0d121ea3897062568a1005e0f89/219c2cb0ba8db6b0062570a10057cf32?OpenDocument	

Definitions of Cultural Heritage

Prior to the Protection Law its predecessor, Decree 142 of 1941 had defined archaeological, historic, and artistic national monuments as follows:

-Archaeological Monuments: buildings, pillars, idols, statues and inscriptions, so-called ruins, footprints, and any other artistic, scientific, or historic manifestation of the indigenous races prior to the discovery of America

-National Historic Monuments: buildings, statues, inscriptions, written material and any thing in general that has recognized antiquity and historic importance

-National Artistic Monuments: things or objects priorly enumerated that for their merit deserve to be conserved as outstanding manifestations of art and of the civilization of the country, as well as works of nature that because of their rarity or beauty have to be conserved

Martínez comments on these definitions that although the term "ruins" is used, the ruins of Old León were presumably unknown at the time, since they were discovered until 1967.[60] However, the Footprints of Acahualinca were already known, which may explain why footprints are included in these definitions.

The current Protection Law defined and classified into 5 categories in Article 1 (see table 34). Unlike the constitution, linguistic heritage is not included, but paleontological heritage and urban or rural groups of buildings are added. The newer definitions resemble those of the protection laws of neighboring countries, and have become less specific (they do not refer to

Table 34:   Categorization of Nicaraguan cultural heritage in the Protection Law

Cultural Heritage has been defined in the Cultural Heritage Protection Law of the Nation under the following categories:
"Article 1- For this Law, cultural goods are considered as:
a) Paleontological: all fossilized organisms
b) Archaeological: all the pieces, instruments, structures, rests or vestiges coming from extinguished cultures
c) Historic: immovable assets or parts of them as well as movable assets that are directly linked to the political, economic and social history of Nicaragua.
d) Artistic: the assets or objects that, because of their origin as a product of human activity, constitute true values of the Arts or the National Art, be they plastic, literary, architectonic, etc.
e) Urban or rural groups of buildings: considered of cultural interest, localized in cities or fields of the Republic."
Translation by the author, source: Law for the Protection of the Cultural Heritage of the Nation, National Assembly: http://legislacion.asamblea.gob.ni/normaweb.nsf/3133c0d121ea3897062568a1005e0f89/219c2cb0ba8db6b0062570a10057cf32?OpenDocument

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60   Clemente Guido Martínez, *Patrimonio Cultural para Jóvenes*, Nicarao, 2008, 13.

footprints or inscriptions, for example).

The law addresses tangible heritage only. It is worth noting that in the 1941 decree 'works of nature' were included as artistic heritage, but they are not mentioned in the Protection Law.

According to Article 2 the paleontological and archaeological goods are automatically subject to the Protection Law and are under safeguarding and protection of the state. Historic and artistic heritage, as well as urban or rural groups of buildings, must have a written declaration from the Heritage Section in order to be subject to the Protection Law. Coverage of the law is secured by making registry of these declared cultural goods compulsory.

There is, however, no criteria that point out exactly what values an asset must have so that it is declared and thus considered cultural heritage. The only hint to this is Article 7, which gives priority to cultural goods of recognized historic value "for the process of liberation of the Nicaraguan people."

Protective Measures and Ownership of Cultural Heritage

Chapter 2 of the Protection Law addresses general protection measures for cultural heritage.

The state has the right to authorize construction or remodeling works that may affect housing as well as rural and urban groups of buildings that have historic or architectonic value. When works that affect heritage are carried out, 1 to 10 % of the project budget has to be transferred to the state. The funds are used for rescuing, conserving or restoring the heritage property that is affected.

Paleontological or archaeological assets found by chance must be reported to the closest municipal junta.

Possession of cultural goods is allowed by the state. Owners can be natural or legal persons, and they are responsible for safeguarding and conserving their cultural assets. However, cultural goods can be expropriated if deemed necessary for their conservation. Two purposes allow expropriation: 'public utility' (excavations, material removal, preservation, protection, rescue, etc.) and 'temporary occupation or safeguarding' (provisional safety, the goods are returned thereafter). Cultural objects may also be taken from the owners by the state for exhibitions within and outside of the country, and compensation is paid if the objects suffer any damage

during these exhibitions.

Owners can sell their cultural assets, but when they choose to do so the state has a priority as a buyer. When an asset is sold, the owners have to notify the registry of this transaction.

Registry and Declaration of Cultural Heritage

Chapter 3 of the Protection Law addresses the registry in four articles. Article 20 creates the Cultural Heritage Registry as a public institution, which belonged to the Ministry of Culture that existed at the time. Today it is under the *INC*.

There is little information on the Registry. Regarding immovable heritage, the National Assembly has released a list of declared heritage together with the declaration laws. In this list there are 85 declarations of immovable heritage (excluding murals, monumental art and 'immovable heritage related to Rubén Darío' because their number is unknown), shown in table 35. Of these, little more than half are churches and 6 are directly related to the Sandinista Revolution.[61] The small amount of declared pre-Columbian sites does not mean there is a small number of them. Balladares and Lechado, through a participative program of architectural site mapping called the "National Inventory of Archaeological Sites" have identified in 2006-2009 a total of 187 archaeological sites in the Matagalpa and Jinotega departments.[62] Although not national, this study gives an idea of the immense number of sites that might be present in Nicaragua but undeclared. Declaration of pre-Columbian sites is not necessary, because Article 2 places archaeological sites cultural goods (where structures, rests and vestiges are included) automatically under safeguarding of the state. Although not necessarily declared, it is expected that archaeological sites would enter the registry as cultural heritage. However, their number is small in the lists provided so far.

Table 35: Types of declared heritage in Nicaragua

DECLARED IMMOVABLE HERITAGE ACCORDING TO THE NATIONAL ASSEMBLY LIST*	
TYPE	AMOUNT
Churches	42
Revolution-related	6
Parks and plazas	5
Houses	3
Cemeteries	3
Mountains	3
Theatres	2
Ruins	2
Memorials	2
Walls	1
Monastery	1
Cross	1
Mines	1
Schools	2
Train station	1
Tree	1
Colonial	1
Pre-Colonial	1
Urban compound	1
Cities	6
TOTAL*	85

*Murals, monumental art and immovable heritage related to Rubén Darío not included Source: National Assembly of Nicaragua, "Patrimonio Cultural y Natural Declarados y Reconocidos por la República de Nicaragua, 2013," accessed January 20th, 2016, http://www.asamblea.gob.ni/patrimoniocn/DECLARA-PATRIMONIO-CULTURAL.NAT-CECDYMCS-SEP-2013.pdf

The Nicaragua Cultural Assets Inventory Project mentioned in 6.3.3 functions as a parallel registry, although mostly of immovable and intangible cultural heritage.

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61   "Patrimonio Cultural y Natural Declarados y Reconocidos por la República de Nicaragua, 2013," National Assembly of Nicaragua, accessed January 20th, 2016,
http://www.asamblea.gob.ni/patrimoniocn/DECLARA-PATRIMONIO-CULTURAL.NAT-CECDYMCS-SEP-2013.pdf

62   Sagrario N. Balladares and Leonardo Lechado, "El inventario de sitios arqueológicos en Nicaragua: Una metodología participativa," 2009.

As for movable heritage, the mid-term Budgetary Framework proposal of the *INC* for 2011-2014, reports that 130 archaeological, colonial, and ecclesiastic collections are registered.[63] However, it does not specify if that amount corresponds for one year or the total amount of registered collections in Nicaragua.

Cultural heritage owners have the obligation of registering their cultural goods (any paleontological or archaeological heritage as well as any declared historic, artistic good or group of buildings), as well as any transfer of ownership, possession, or location. This duty applies to natural and legal persons as well as to diplomatic missions, council missions, and international organization offices. The law gives one year time from its publication for registry, and if it is not followed, the unregistered cultural goods may be confiscated by the state.

Export and Monitoring

Export is addressed in Chapter 4 of the Law. The 'definite' export of cultural goods is prohibited in Nicaragua, but the Protection Law is not as strict as in other El Salvador or Honduras. For one, when there exist "various samples that are identical or similar,"[64] they might be exported with consent of the Heritage Section.

They may also be exported in the form of governmental exchange, scientific exchange or exchange between foreign institutions with consent of the Heritage Section. There is no mention of temporary exports on this Law, although Article 12 implicitly allows temporary exhibitions, as it allows the state to take privately-owned cultural objects for national and international exhibitions.

Monitoring is addressed in chapter 5 of the law. This chapter mainly established regulations for coordination with the municipalities and the customs offices regarding illegal trade.

Prohibitions

Chapter 6 establishes prohibitions related to cultural heritage. Partial or total destruction, illicit extraction, unauthorized trade, and illegal possession of cultural goods is prohibited.

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63   INC, *Marco Presupuestario de Mediano Plazo 2011-2014*,http://www.hacienda.gob.ni/hacienda/presupuesto2011/F_6_31_MGMP_INC.pdf

64   Translation by the author, Law for the Protection of the Cultural Heritage of the Nation, National Assembly: http://legislacion.asamblea.gob.ni/normawebnsf/3133c0d121ea3897062568a1005e0f89/219c2cb0ba8db6b0062570a10057cf32?OpenDocument

Sanctions

Chapter 7 of the Protection Law addresses the sanctions. Its was modified in 1983 with heavier sanctions.

Although the range of the fines paid (from one to fifty thousand Córdoba) was kept the same, prison time was lengthened from 6 months to 2 years arrest to 1 to 4 years of prison.

The sanctions vary according to who commits them. They are stronger for workers of the Ministry of Culture and of the Municipal Juntas, and Heritage Section workers that have previous knowledge of the crime are sanctioned as perpetrators. Furthermore, if the crime is repeated, the perpetrator will be fined with a similar fee to the original one, but increased by two-thirds. Although not mentioned in the sanctions, the good may be expropriated for its conservation.

Although sanctions are provided in this Law, Martínez points out that it is necessary to adjust them to the new penal code of the Republic of Nicaragua.[65]

Title VIII of the Code declares the sanctions for delicts against the cultural heritage of the nation, dividing them into crimes against movable and immovable heritage. When the crime is committed by an authority or public worker, the worker will lose his or her position for 6 to 12 years.

6.4.4 Cultural Heritage Policies in Nicaragua and International Instruments

At the international level, Nicaragua was the first country in this study to ratify one of the international conventions provided in table 2 of 2.4, by ratifying the 1954 Hague convention in 1959.

Nicaragua accepted the World Heritage Convention in 1979, just as the Sandinista government was rising to power. However, inscription of sites in the World Heritage List took decades. The following properties were inscribed in the World Heritage List:

2001: Ruins of León Viejo (cultural)

2011: León Cathedral (cultural)

For Nicaragua, the World Heritage website cites 10 approved requests with a total of 150,682 USD.

The Convention on the Protection and Promotion of the Diversity of Cultural Expressions

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65   Clemente Guido Martínez, *Patrimonio Cultural para Jóvenes*, Nicarao, 2008, 24.

was approved in 2005. In the same year, the Convention for the Safeguarding of Intangible Cultural Heritage was approved, and the following elements were inscribed:

2008: El Güegüense

2008: Language, dance and music of the Garifuna (with Belize, Guatemala, and Honduras)

Nicaragua has embraced the concept of intangible heritage and proceeded to declare other expressions, adhering to UNESCO's definition of intangible cultural heritage. As stated before, Nicaragua has also carried several projects out with international cooperation on this topic.

6.5 Conclusions

Not unlike its neighbors, Nicaragua experienced several civil conflicts in its recent history. One crucial difference, however, allowed for a unique development in this country: the triumph of the leftist Sandinista Revolution. This event led to transformations in the economic, political, and social spheres of Nicaragua, as well as in the handling of cultural heritage. The cultural sector saw a rise in its importance after the *FSLN* (or Sandinistas) took the office by force in 1979 and democratically in 2006. This was reflected in the increased programs for the cultural sector and the growing allocation of budget during these two periods. However, the close cooperation between culture and the Sandinistas also led to political instrumentalization, as discussed below.

Based on the information provided in this chapter, I have made the following observations on cultural heritage policies in Nicaragua:

-A Politicized but stable Cultural Sector

Under the left-wing *FSLN*, the cultural sector has assumed a political role in promoting the government and in highlighting the ideals of the party. This has had consequences in cultural heritage. For example, during the 1979 Sandinista regime, revolution-related places were declared cultural heritage while churches were ignored (although now the government cooperates with the church in several restoration projects). The constitution even grants priority to heritage that is "for the liberation of the people." Such a political role renders a biased concept of heritage, making it less representative of Nicaragua. Furthermore, there has been deliberate

destruction of sites such as the Beacon of Peace, which was erected by a political rival of president Ortega (discussed in 6.2).

An advantage for the cultural sector, however, is the importance it has gained with the *FSLN*. Since 2006, president Daniel Ortega has kept power under dubious circumstances, but this situation has favored the cultural sector, which has not suffered the constant political changes experienced in Honduras or El Salvador. Furthermore, budget for culture has more than tripled in the last twelve years.

-The Decentralization of Culture

Decentralization and granting certain autonomy to municipalities and regions is one of the characteristic policies carried out by the *FSLN* government. Decentralization is not only a strategy to more efficiently manage the largest country in Central America. It is also meant to return political power to the people.

The autonomy granted to municipalities and autonomous regions extends to their capacity of making their own cultural legislation. Although the Nicaraguan Institute of Culture or *INC* is the national authority on culture and cultural heritage, local governments can establish their own regulations. Accordingly, in 2011 the autonomous regions passed their own cultural policies, which include cultural heritage considerations.

Decentralization of culture is even mentioned in the Nicaraguan constitution, and is the most advanced in Central America. Such a strategy can save resources, which are limited in this country, and empower the local people.

However, as Granada becomes a popular spot for cultural tourism, much national attention is drawn to this place. Heritage restoration projects and museums in the area are rapidly increasing, although it remains to be seen whether they are sustainable in the long term and whether they will influence decentralization policies.

-A Concept of Heritage not reflected in the Protection Law

Although the Protection Law gives priority to paleontological and archaeological sites, their presence is not as strong as in Guatemala or Honduras: very few archaeological sites have been declared national heritage. Rather, focus is placed on colonial, political, or popular culture. Thus, Nicaraguan heritage declarations have a wide and unique range when compared to other Central American countries. Much importance is given to poetry, which has been a center of attention for the Nicaraguans, especially due to Rubén Darío and the *FSLN* poetry workshops. The Protection

Law, however, has the tone of a standardized, "UNESCO-ized" heritage law, so that it does not address the heritage types that have actually been declared and held as important in Nicaragua.

-First Steps on Disaster Risk Reduction for Heritage

Central America is constantly threatened by natural disasters, but most countries of the region have no risk reduction plan regarding heritage. In contrast to them, Nicaragua has made an important step with the urban zoning plan for the protection and conservation of the cultural heritage of Nandasmo. Although the initiative is restricted to this municipality, it is a plan that could be replicated in other areas and countries, and it is a particularity of the Nicaraguan approach to heritage.

It is clear that in Nicaragua, the political role of culture has become a force that may give strength to cultural heritage, but that might distort it as well. Highlighting popular culture, political themes, and decentralization are characteristic of Nicaraguan cultural heritage policies. Although the current situation grants stability and income, it also raises the question of what future cultural heritage will have if political conditions change or if they intensify. If conditions change, a total restructuring of the cultural sector will likely occur. If conditions intensify, the 'politization' of cultural heritage may become so strong that it loses connection to the people. Current conditions also raise the question of the necessity of democracy for true cultural heritage representation

CHAPTER 7:
COSTA RICA AND ITS CULTURAL HERITAGE POLICIES

7.1 Introduction

Costa Rica is located between Nicaragua and Panama (figure 41), and has access to the Atlantic and Pacific oceans. Because it experienced only a minor civil war in 1948 and a

Figure 41: Map of Costa Rica, source: CIA world factobook,   https://www.cia.gov/library/publications/the-world-factbook/geos/cs.html

dictatorship that lasted a mere two years at the beginning of the 20th century, Costa Rica has had considerably less turmoil than its neighbors. Adding to this, the abolishment of the army and protected democracy resulted in relatively high human development levels. Poverty remains 22% at national levels (table 36, next page), a figure that has not changed significantly in the past decades. By Latin American standards, the poverty level is not high, but inequality is an

issue that has been growing in past years.[1] Furthermore, the stubborn fiscal deficit has been creating unrest in the country.

Table 36:   The Costa Rican economy

GDP at market prices (current US$) for 2014*	49,552,580,683
GDP growth (annual %)*	3.5 in 2014
Poverty headcount ratio at national poverty lines (% of population)*	22
Personal remittances, received (current US$) for 2014*	593,925,384
GDP composition, by sector of origin (2015 est.)**	agriculture: 6% industry: 19.7% services: 74.3%
*Data from database: World Development Indicators, last Updated 06/14/2016	
**Source: CIA World Factbook	

Costa Rica has been known for its environmental policies, and has been a pioneer for ecotourism. The importance of natural heritage has overshadowed the presence of cultural heritage, aided by the lack of monumental sites that could draw foreign visitors (and bring revenues) as they do in Guatemala or Honduras. The lack of political interest such as the one experienced in neighboring Nicaragua also limits the state attention for cultural heritage.

In this chapter, I look over the organization, legislation, and current conditions of cultural heritage policies in Costa Rica.

 I consulted the following main resources:

-UNESCO Cultural Heritage Law Database

http://www.unesco.org/culture/natlaws/

UNESCO portal that collects national laws related to cultural heritage.

-Ministry of Culture and Youth website(Ministerio de Cultura y Juventud, MCJ)

http://www.mcj.go.cr/ministerio/

Information on the Ministry, its organization, laws, etc.

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1   On inequality, the OECD comments: "income inequality has been rising in recent years, in contrast with most Latin American countries where it has been falling. In 2015, the average disposable income of the 10% richest households was 32 times higher than that of the poorest 10% (up from 27 times in 2010), much higher than the OECD average of 9.6 times."
"Costa Rica Policy Brief," OECD, Accessed August 22 2016,https://www.oecd.org/countries/costarica/costa-rica-towards-a-more-inclusive-society.pdf

-Heritage Portal of the Ministry of Culture and Youth

http://www.patrimonio.go.cr

Information of the Cultural Heritage Research and Conservation Center

-Cultural Heritage Policies in Costa Rica: Development and Current Conditions

An article by the author on Costa Rican cultural heritage policies

-El punto sobre la i: políticas culturales en Costa Rica (1948-1990) by Rafael Cuevas Molina

Book on the development of cultural policies in Costa Rica

-Cultura y Educación by Rafael Cuevas Molina

Chapter in the book "Costa Rica contemporánea: raíces del estado de la nación," about the development of culture and education in Costa Rica

7.2 National Issues in Costa Rica and their Relation to Cultural Heritage

In this section, I address some issues that are of importance for Costa Rica and its cultural heritage.

Deteriorating Fiscal Situation

From 1948 to the 1980s, Costa Rican policies worked under a social-democratic development model, implementing a universal health care system, education institutions, nationalization of the bank, and state intervention in the economy. While this model elevated the quality of life of Costa Ricans, it pushed the country into a debt crisis, fueled by skyrocketing oil prices and dependency on international market prices despite implementing regional protectionist measures such as the import substitution model and participating in the Central American Common Market (CACM). External forces compelled Costa Rica to adopt a neoliberal development model, "emphasizing free-market capitalism, a smaller public sector, liberalization of markets, privatization of public-sector enterprises, and reorientation of production toward nontraditional

exports."[2] Although the public sector was reduced, neoliberal policies did not alleviate the fiscal deficit (government expenditures exceeding tax revenues).[3] According to the economic survey of the OECD, "[t]he public deficit and debt have risen since the start of the 2009 global crisis. Rating agencies have downgraded Costa Rica's debt to below-investment grade and its country risk spread has risen."[4] Public deficit is a challenge for the government, which sees itself in the need of making budget cuts. Furthermore, Costa Rica is recipient to relatively little ODA (table 37). After all, it has been classified as an upper middle-income country by the OECD. This situation affects the cultural sector. In 2015, it planned cuts of 3.78% in accordance with austerity measures taken by the central government,[5] which led to criticism and protests.[6] Furthermore, the budget for the Ministry of Culture and Youth for 2016 was reduced by 13,6 %, allowing for the restoration of only five out of 380 declared historic buildings, and making the allocation of budget for intangible heritage an impossible task.[7]

Table 37: ODA for Costa Rica

Net ODA Receipts for Costa Rica (USD million)						
1986*	**1996***	**2010***	**2011***	**2012***	**2013***	**2014***
194	-13	94	36	28	33	54
***Data from database:** World Development Indicators, last Updated 06/14/2016						

2   John A. Booth, Christine J. Wade, and Thomas W. Walker, *Understanding Central America: global forces, rebellion, and change* (Westview Press, 2014), 80.

3   Vargas Solís provides an overview of the evolution of the Costa Rican "Neoliberal Historic Project.
Luis Paulino Vargas Solís, "El Proyecto Histórico Neoliberal en Costa Rica (1984-2015): Devenir histórico y crisis," *Revista Rupturas* 6, no. 1(2016): 147-162.

4   OECD, *OECD Economic Surveys: Costa Rica* (2016), available in http://www.oecd.org/countries/costarica/Costa-Rica-2016-overview.pdf

5   Fernando Chávez Espinach, "Ministerio de Cultura reducirá presupuesto para infraestructura y horas extra," *La Nación*, article updated October 3 2015, http://www.nacion.com/ocio/artes/Cultura-reducira-presupuesto-infraestructura-extra_0_1515848447.html

6   "Protesta de Cultura termina en vandalismo," *Diario Extra*, November 19 2014, http://www.diarioextra.com/Noticia/detalle/246437/protesta-de-cultura-termina-en-vandalismo

7   Andrea Solano B., "Recorte de fondos sepultaría plan para salvar edificios históricos," *La Nación*, updated October 4 2015, http://www.nacion.com/vivir/patrimonio/Recorte-sepultaria-salvar-edificios-historicos_0_1516048420.html

Vulnerability to Natural Disasters

Compared to its neighbors, Costa Rica has suffered considerably less damage by natural disasters. Nevertheless, the threat of earthquakes, landslides, floods and tsunamis remains, and the luck that has spared the country of major damage so far might turn. Indeed, in 2016, hurricane Otto affected an estimated 10.831 people and killed ten persons.[8] The World at Risk Report placed Costa Rica as 7th out of 171 countries (table 38), the second highest of the six countries in this thesis.

Table 38: *General information of Costa Rica*

Surface Area in square km★	51100
Population★	4.81 million in 2015
World Risk Index 2015★★	Placed 7th out of 171 countries
Ethnic Groups★★★	White or mestizo 83.6% Mulato 6.7% Indigenous 2.4% Black of African descent 1.1% Other 1.1% None 2.9% Unspecified 2.2% (2011 est.)
Stock of emigrants as percentage of population★★★★	2.7% for 2010
★Data from database: World Development Indicators, last Updated 06/14/2016	
★★Source: Table of World Risk Index 2015 available at http://www.worldriskreport.org	
★★★Source: CIA World Factbook	
★★★★Source: World Bank Migration and Remittances Factbook 2011	

As discussed in previous chapters, the effect of natural disasters is direct and can be catastrophic for cultural heritage. Already in 1910, the great Cartago earthquakes destroyed the Basilica of Our Lady of the Angels (figure 42), arguably the most important church in Costa Rica. Herrera Gallegos comments: "Seismic records have been kept in Costa Rica for just over one hundred years, but reports by past governors date back to 1609 and tell tales of poor constructions suffering the effects of earthquakes. There have been historic earthquakes that have destroyed cities, for example, in 1910 a violent earthquake almost completely destroyed a city and killed more than 700."[9] Herrera Gallegos adds that although the National Commission for the Prevention of Risks and Mitigation of Disasters was created, which takes measures on cultural heritage protection, so far only two representatives of communities with monuments had been advised.[10] Thus, although the risk of disaster damage is high and some measures have

8   Gustavo Arias, Aarón Sequeira, Carlos Láscarez, Hugo Solano, Lysalex Hernández, Vanessa Loaiza, and Patricia Recio, "Huracán Otto afectó directamente a 10.831 personas en Costa Rica," *La Nación*, November 26 2016, http://www.nacion.com/sucesos/desastres/Numero-victimas-huracan-Otto-mantiene_0_1599840040.html

9   Miguel Herrera Gallegos, "Cultural Heritage in Costa Rica: Networking in Disaster Preparedness and Response," in *Cultural Heritage Disaster Preparedness and Response*, 129-132, ed. Cultural Heritage Disaster Preparedness and Response: Proceedings of the International Symposium, Hyderabad, India:ICOM, 2003.

10   Ibid.

been taken, few of these address cultural heritage.

William Monge, head of the National Architectonic-Historic Heritage Commission of the Ministry of Culture and Youth, mentioned in an interview by the author that thus far disaster risk measures that apply to historic buildings only address basic issues such as security and safety, and not the preservation of heritage attributes.

Figure 42: Basílica of Our Lady of the Angels destroyed by the Cartago earthquakes. Source: Sonia L. Gómez Vargas, La Basílica de Nuestra Señora de Los Ángeles: Testimonio Arquitectónico de la Fe Costarricense, (Ministerio de Cultura y Juventud, 2007), 24.

Strong Emphasis to Natural Heritage drawing Attention away from Cultural Heritage

Costa Rica has been known for its natural heritage and its ecologic initiatives. One of these initiatives is the pioneering development of nature tourism and eco-tourism. Tourism has been a major source of revenues, surpassing the income generated by traditional export products (coffee, bananas, meat, and sugar) in 1993. Already in 1999, the industry generated more revenues than the traditional export products combined,[11] and nature-based tourism has especially been fostered during the past decade, contributing to nature conservation.[12]

In contrast to this, modern development initiatives for cultural heritage have been relatively scarce. Castillo Vargas points out that "[t]he emphasis placed on the ecological resources of the country made the Costa Ricans give not much value to their architectural structures".[13]

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11   Shirley Benavides Vindas, "El sector turismo: Su aporte a la Economía," *Economía y Sociedad* 10, no.27 (2005): 111-121

12   Robert R. Hearne and Zenia M, "Salinas The use of choice experiments in the analysis of tourist preferences for ecotourism development in Costa Rica," Journal of environmental Management 65 no.2(2002): 153-163

13   Sara Castillo Vargas, Costa Rica's Legal Structures for Sponsorship and Protection of the Heritage, in: ICOMOS–Hefte des Deutschen Nationalkomitees 26 (2015): 33-35.

The Central American tendency to use cultural heritage either for tourism or to highlight national identity has been weaker in Costa Rica than in the surrounding countries. Regarding tourism, because Costa Rica has no "great" pre-Columbian sites such as the ones found in Guatemala or Honduras and no preserved colonial cities comparable to Granada in Nicaragua, Casco Antiguo in Panama, or Antigua in Guatemala, cultural tourism has not been as strongly promoted as nature tourism. Regarding national identity building, although cultural heritage was used by the coffee oligarchy to create a sense of nationalism,[14] cultural heritage "instrumentalization" has been weaker than in other Central American countries. This may be because unlike many neighboring countries, Costa Rica did not experience a long history of dictatorships or civil wars and has therefore not resorted to cultural heritage to help foster a national identity. Thus spared from the influence of tourism and politics, cultural heritage has not traditionally been regarded as a mechanism that can aid the country's development and is not much present in the minds of Costa Ricans.

Another issue important to the development of Costa Rica is the growing inequality addressed in the introduction. However, it has not come to affect the equal enjoyment of cultural heritage as it does in El Salvador or Guatemala, since sites and museums are spread throughout the country and street violence is moderate.

7.3 Organisation, Budget, and Programs

In this chapter, I review the organization, budget and programs regarding cultural heritage in Costa Rica.

7.3.1 The Ministry of Culture and Youth of Costa Rica

Parts of this section were taken from my article "Cultural Heritage Policies in Costa Rica: Development and Current Conditions."[15]

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14   The coffee oligarchy, addressed in 2.2.4, built a "Costa Rican" idealized identity based on European aesthetics and ideals, as is discussed in the following sections.

15   Imme Arce Hüttman, "Cultural Heritage Policies in Costa Rica: Development and Current Conditions," *Journal of World Heritage Studies* 3 (2017): 32-24.

Cultural matters in Costa Rica are mostly handled by the Ministry of Culture and Youth (*Ministerio de Cultura y Juventud*, *MCJ*), the first ministry of culture in Latin America that is separated from the Education Ministry.[16]

Already in the 1940s, there was a primitive institutionalization of culture in Costa Rica, through the Cultural Extension Section of the Education Department, which handled publications, the Theater, the National Museum, the libraries and others.[17] An attempt to create an integral cultural entity -an institute of the arts - was made in 1948, overshadowed by the inception of the new Constitution.[18] Thus, it was until 1963, while the welfare state was beginning to grow, that the expanding cultural institutions were placed under one organization: the General Section of Arts and Letters, which was attached to the Ministry of Public Education.[19]

Following the success and growth of the General Section of Arts and Letters, in 1971 the Ministry of Culture, Youth, and Sports (*Ministerio de Cultura, Juventud y Deportes MCJD*) was created, with the National Theatre, the National Museum, and other organizations under it. Intellectuals had been pushing for the Ministry for years, so that the project already had great support. The ministry even started to function half a year before its official creation, through budget allocations.[20] José Figueres Ferrer, the president at the time, popularized the motto "Why tractors without violins?" ("¿para qué tractores sin violines?"),[21] which indicated that society was to focus not only on material development but also on cultural development. The Ministry had three main objectives: investigation and communication, decentralization, and the encouragement of artists.[22] It comprised a Historic, Artistic, and Cultural Heritage Department, a Folklore Department, and the National Museum, along with other institutions that addressed cultural heritage.

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16   Edwin R. Harvey, *Políticas culturales en América Latina: evolución histórica, instituciones públicas, experiencias* (Fundación SGAE: Madrid, 2014), 287.

17   Rafael Cuevas Molina, *El punto sobre la i : políticas culturales en Costa Rica (1948-1990)* (San José: Ministerio de Cultura, Juventud y Deportes, 1996), 15.

18   Archivo Nacional de Costa Rica (National Archives of Costa Rica), *Entrada Descriptiva Con la Aplaciónde la Norma Internacional Isad (G): Ministerio de Cultura y Juventud*, http://www.archivonacional.go.cr/pdf/isadg_ministerio_cultura.doc

19   Ibid.

20   Archivo Nacional de Costa Rica (National Archives of Costa Rica), *Entrada Descriptiva Con la Aplaciónde la Norma Internacional Isad (G): Ministerio de Cultura y Juventud*, http://www.archivonacional.go.cr/pdf/isadg_ministerio_cultura.doc

21   The saying was coined at an event during which the president presented musical instruments to members of the National Symphonic Orchestra a few days after he had provided a large sum of money for the purchase of tractors. At the time, he proclaimed that "Were it not for tractors, we could not afford violins. Violins and tractors are very necessary." Translation by the author.
Rafael Cuevas Molina, *El punto sobre la i : políticas culturales en Costa Rica (1948-1990)* (San José: Ministerio de Cultura, Juventud y Deportes, 1996), 249.

22   Rafael Cuevas Molina, *El punto sobre la i : políticas culturales en Costa Rica (1948-1990)* (San José: Ministerio de Cultura, Juventud y Deportes, 1996), 100-101.

Throughout history, the internal structure of the Ministry has undergone changes, but it remains as the main authority that regulates cultural matters, including cultural heritage.

In 2007, the "Sports" section was tacitly abolished through the creation of the Institute of Sports and Recreation,[23] changing the name of the Ministry to the "Ministry of Culture and Youth" (figure 43).

Figure 43: Logos of the former "Ministry of Culture, Youth, and Sports"and the current "Ministry of Culture and Youth, also known as the MCJD and the MCD. Sources: (left) "Los Museos Costarricenses:Trayectoria y Situación Actual" by María del Pilar Herrero Uribe (logo taken from the back cover), (right) official site of the Ministry of culture and Youth, www.mcj.go.cr/

The Ministry has three vice-ministers who are at the same political level (figure 44). The Administrative vice-minister was integrated into the Ministry in 2009 (by Executive Decree 37389-C) and is in charge of managing the Ministry's resources. The Youth vice-minister is in
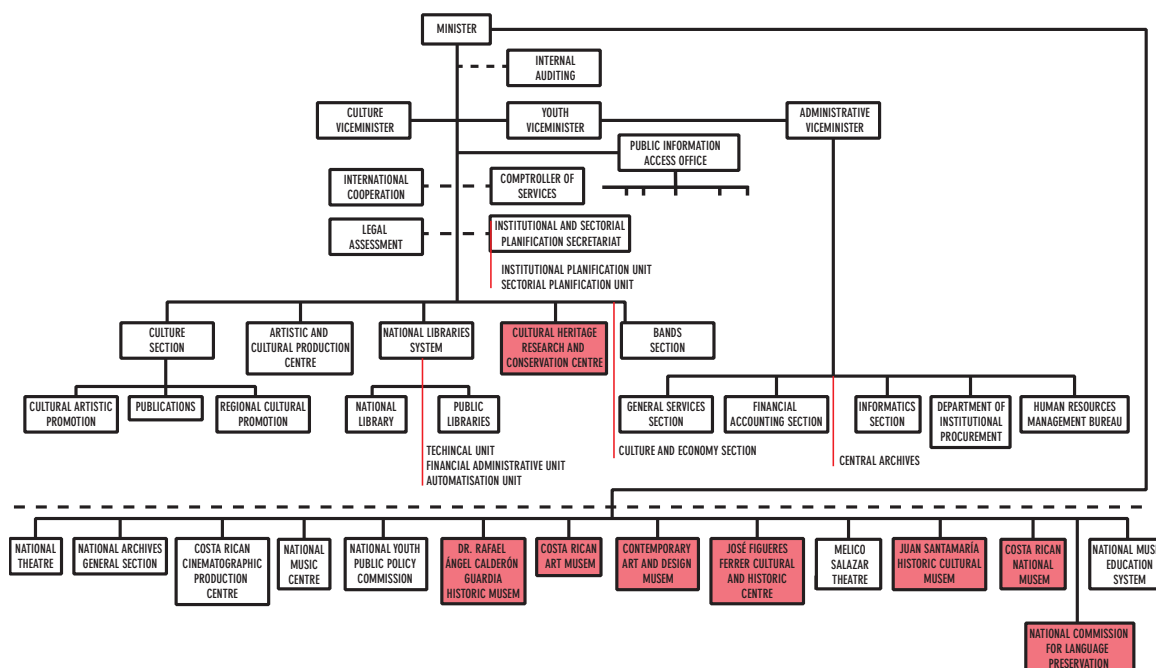
Figure 44: Organizational chart of the Ministry of Culture and Youth, translation by the author, original source: official website, updated June 2017, http://www.mcj.go.cr/ministerio/organigrama.aspx

23   Law 7800 of April 3, 1998 created the Institute of Sports and Recreation; thus, according to verdict C-023 of January 31, 2007, the "Sports" section was tacitly abolished.

charge of directing policies for the young while the Culture vice-minister is in charge of cultural matters. As can be seen from the figure, most departments and units at the operating level are related to culture; thus, the cultural Vice-ministry is the most involved with institutions such as museums, theaters, and specialized centers.

The Ministry had a total of 622 civil servants in 2015,[24] of which 55,32% is professional staff, 13, 31% is technical staff, 6,65% is management, and the rest are "qualified" or operative staff.

The following are the main organizations that handle Costa Rican cultural heritage, shown in red in figure 44:

-Specific Museums

Within the Ministry five specific museums are expressly given a place in the organizational chart: the Juan Santamaría Historic Cultural Museum, the Dr. Rafael Ángel Calderón Guardia Historic Museum, the Costa Rican Art Museum, the Contemporary Art and Design Museum, and the Costa Rican National Museum. These four museums are known as the "big" museums, and their directors are replaced with every change of administration, an issue criticized by interviewed personnel. In 2000, the General Museums Section was dissolved and its responsibilities are transferred to the National Museum. Thus, 39 smaller museums (private, public, and mixed) are placed under the "Program of Regional and Community Museums" of the National Museum.[25]

While museums depend directly on the Ministry, immovable heritage sites are not. Thus, sites are owned by various institutions. For example, the Guayabo National Monument, Costa Rica's largest archaeological site, administratively belongs to the National System of Conservation Areas. Heredia's "fortín," a small fort built in 1876, belongs to the Municipality of Heredia and serves as a symbol for the province. Meanwhile, churches such as "La Merced" belong to the Catholic Church. The World Heritage Site "Pre-Columbian Chiefdom Settlements with Stone Spheres of the Diquís" is owned by the National Museum.

-The José Figueres Ferrer Cultural and Historic Center

The Center, located in the province of Alajuela, promotes art and culture by holding arts

24   Drección General de Servicio Civi, *Reporte de Resultados del Proceso de Evaluación de Desempeño*, available in http://www.mcj.go.cr/ministerio/organizacion/administrativo/recursoshumanos/evaluacion_desempeno/Estadisticas%20 Evaluacion%20Desempeno%202015.pdf

25   Programa de Museos Regionales y Comunitarios, *Diagnóstico Nacional de Museos 2012-2013*, preliminary document, 2014.

exhibitions, workshops, and contests.[26] The Center was created in 1997, and remains an active institution today.

-The Cultural Heritage Research and Conservation Center

As its name implies, the Cultural Heritage Research and Conservation Center, added in 1979, conducts evaluations, research, and conservation projects for both publicly and privately owned heritage sites, since ownership of heritage sites is fragmented between private individuals and organizations, municipalities, and other conservation areas. The Center not only researches immovable heritage, but also on intangible heritage.[27] One of its main projects, for example, targeted research, diffusion, and promotion of the cultural manifestations of Limón. It is fairly strong within the country, having its own website and establishing its projects somewhat independently.

-National Commission for Language Preservation

Although included in the organizational chart, the National Commission for Language Preservation is not currently operating, according to updated information.[28]

-Other organizations that handle culture:

· *ICOMOS Costa Rica* is very active in the country, fiercely opposing urban growth constructions that affect cultural heritage. Recently, it opposed the construction plans of a monumental new building for the National Assembly on the grounds that it would harm the cultural landscape surrounding the neighboring historic-architectonic heritage. Although the building has been approved, the design was modified, reducing the construction area to decrease the damage.[29] ICOMOS Costa Rica also pressured the Ministry to reconsider permits given to the refurbishing of the Costa Rica Hotel (a historic building located in the center of an José) and the Variedades Cinematheque.[30]

26　"Centro Cultural e Histórico José Figueres Ferrer," Centro Cultural e Histórico José Figueres Ferrer, accessed June 1, 2017, https://centrojosefigueres.org/informacion/

27　Ministry of Culture and Youth, *Atlas de Infraestructura y Patrimonio Cultural de las Américas: Costa Rica*, Mexico: 2011.

28　Organizational Chart of the ministry of culture and Youth, accessed May 25 2017, http://www.mcj.go.cr/ministerio/Organigrama/Organigrama_julio_2016.png

29　Documentation on the procedures and legal documents can be found in the ICOMOS website, http://www.icomoscr.org/content/index.php?option=com_content&view=article&id=320:asamblea&catid=49:defensas&Itemid=84

30　Detailed information on these procedures is available in the ICOMOS website, http://www.icomoscr.org/content/

· *The Museums of the Central Bank of Costa Rica* were created in 1950 and are composed of a Pre-Columbian Gold Museum and a Numismatic Museum. They are run and owned by the Central Bank of Costa Rica.[31] They are located underground, in central San José, and also have gallery spaces where temporary art exhibits and events are carried out regularly.

· *The Jade Museum* is owned by the National Insurance Institute (*Instituto Nacional de Seguros, INS*), which started collecting archaeological materials that were excavated illegally in the 1970s. Its collection comprises over 7000 pre-Columbian objects and art objects.

· *The National Archaeology Commission* (*Comisión Arqueológica Nacional, CAN*) was created to see over the archaeological heritage of the nation. It is the entity on charge of authorizing archaeological excavations, the export of archaeological assets, and the transport of these assets within the country, amongst others.[32]

· *The University of Costa Rica*, which has introduced seminars of national reality on cultural heritage in its curriculum.[33]

· *The National Commission or Architectonic-Historic Heritage*

Overall, the Ministry of Culture and Youth (*MCJ*) has been a stable institution that remains robust after over forty years existence. The structure of the *MCJ* shows a division of heritage somewhat similar to the one of El Salvador. The Costa Rican National Museum, like the Salvadoran "Dr. David Guzmán" Anthropological Museum, centralizes heritage-related tasks, such as the management of the "Pre-Columbian Chiefdom Settlements with Stone Spheres of the Diquís" and other museums. Meanwhile, the Cultural Heritage Research and Conservation Center addresses mostly built and intangible heritage. The division poses the question of what unit (not institution) handles the heritage that falls outside of these two categories, such as

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31 "About the Museum," Museums of the Central Bank of Costa Rica, accessed June 1 2017, https://museosdelbancocentral.org/en/about-the-museums/

32 "Comisión Arqueológica Nacional," Costa Rican National Museum, accessed June 1, 2017, http://www.museocostarica.go.cr/es_cr/legislaci-n-para-protecci-n-del-patrimonio/comisi-n-arqueol-gica-nac.html?Itemid=64

33 Alicia Alfaro Valverde and Maynor Badilla Vargas, "La educación como medio para promover la conservación del patrimonio en Costa Rica El caso de los Seminarios de Realidad Nacional con énfasis en Patrimonio," in *La conservación del patrimonio cultural en Costa Rica*, eds. Mónica Aguilar Bonilla and Olimpia Niglio(Rome: Aracne, 2013), 53-83

republican, movable, or intangible heritage.

7.3.2 Budget[34]

The budget for the Ministry of Culture and Youth is allocated in programs that change slightly every year. The programs in which the budget was distributed for 2017 were:

CENTRAL ACTIVITIES
CULTURAL HERITAGE CONSERVATION
CULTURAL DEVELOPMENT AND MANAGEMENT
NATIONAL SYSTEM OF LIBRARIES
ARTISTIC DEVELOPMENT AND MUSICAL EXTENSION

Budget allocation for the ministry in the years 2003-2017 is shown in column 2 of table 39.

As noted before, the Youth Vice-ministry is a minor entity within the Ministry, having only the National Youth Public Policy Commission under it, which received little less than 3 billion colones in 2016.[35] To simplify calculations, a division of budget amounts (such as the one made for the Ministry of Culture and Sports of Guatemala, which provided details on the allocation

Table 39: *Budget allocations and proportion to the general expense budget, source: Ministry of Finance website, http://www.hacienda. go.cr/contenido/424-leyes-de-presupuestos*

1. YEAR	2. TOTAL BUDGET MINISTRY OF CULTURE AND YOUTH IN CRC	3. BUDGET ALLOCATION UNDER "CULTURAL HERITAGE CONSERVATION" IN CRC	4."CULTURAL HERITAGE CONSERVATION" PERCENTEAGE RELATIVE TO THE TOTAL MINISTRY BUDGET %	5. APPROVED GENERAL EXPENSE BUDGET OF COSTA RICA IN CRC	6. % OF GENERAL EXPENSE BUDGET ALLOCATED FOR THE MINISTRY OF CULTURE AND YOUTH	7. "CULTURAL HERITAGE CONSERVATION" PERCENTEAGE RELATIVE TO THE GENERAL EXPENSE BUDGET
2003	7,366,062,113	631,680,000	8.58	1,814,139,285,256	0.406	0.035
2004	10,369,830,000	662,765,708	6.39	2,150,673,447,451	0.482	0.031
2005	10,740,436,000	1,174,503,383	10.94	2,309,634,759,390	0.465	0.051
2006	11,228,250,000	453,445,000	4.04	2,770,329,268,620	0.405	0.016
2007	11,340,000,000	540,690,000	4.77	2,935,789,424,929	0.386	0.018
2008	16,543,200,000	4,080,627,000	24.67	3,472,441,196,000	0.476	0.118
2009	26,245,784,915	9,161,658,361	34.91	4,128,342,254,121	0.636	0.222
2010	28,734,000,000	8,853,006,295	30.81	4,567,484,000,000	0.629	0.194
2011	30,718,000,000	8,743,944,014	28.47	5,485,273,000,000	0.560	0.159
2012	33,483,000,000	8,796,192,000	26.27	5,971,236,251,637	0.561	0.147
2013	37,273,000,000	9,434,301,000	25.31	6,448,356,000,000	0.578	0.146
2014	45,320,500,000	11,792,003,000	26.02	6,651,446,000,000	0.681	0.177
2015	44,942,000,000	11,305,186,620	25.16	7,959,345,529,000	0.565	0.142
2016	42,917,400,000	10,406,318,000	24.25	8,000,120,311,732	0.536	0.130
2017	49,325,883,904	10,895,292,000	22.09	8,939,241,448,347	0.552	0.122

Sources: Ministry of Finance website, http://www.hacienda.go.cr/contenido/424-leyes-de-presupuestos

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34   Budget data was taken from the Ministry of Finance website, http://www.hacienda.go.cr/contenido/424-leyes-de-presupuestos

35   Ministry of Culture and Youth, *Informe anual de labores (2016), Consejo Nacional de la Política Pública de la Persona Joven*, http://www.mcj.go.cr/ministerio/transparencia/informe%20de%20labores/ley%209398/2015-2016/Informe%20 2016%20%20CPJ.pdf

of resources for both the sports and the culture sectors) will not be made, since the Youth Vice-ministry is economically small in relation to the ministry.

The total budget for the ministry has increased steadily and considerably, only hitting a setback for 2015 and 2016, but it rose again in 2017. In addition to the budget increase, inflation rates have been dropping steadily since 2008,[36] allowing for more buying power for the ministry.

In proportion to the general expense budget of Costa Rica (total amounts of the state budget are shown in column five), the Ministry received around 0.4% during 2003-2008, and then an increased 0.5-0.6% in the following years (column 6). The National Development Plan (Plan Nacional de Desarrollo) for the years 2006-2010 included the cultural sector as one of its priorities, and aimed at increasing the budget for culture to one percent. Although that goal has not yet been reached as of 2017, it is during the last years of that administration that the budget increases became palpable.[37] In 2014, the proportion reached a high with 0.681 percent, which matches the inclusion of the The Precolumbian Chiefdom Settlements with Stone Spheres of the Diquís in the World Heritage List. However, it has dropped since to 0.552 percent.

Column three of table 39 shows the allocated budget under the "cultural heritage conservation" program, and column four its relation to the total budget of the ministry. Both columns show an increase in budget allocation for heritage, reaching a proportional high in 2009, and a high in total budget amount in 2014. Column seven shows the proportion of budget allocated for heritage to the general expense budget of Costa Rica, which also reaches a peak in 2009.

Although the economic outlook for Costa Rican heritage seems positive, budget reductions rendered a very limited capability for cultural heritage conservation in 2016, as mentioned in 7.2. under "Deteriorating Fiscal Situation." Table 40 shows the activities under the cultural heritage conservation program for 2017. Around 85 percent of that budget is allocated for

Table 40:   Heritage budget for 2017

ACTIVITIES	COST
CULTURAL HERITAGE RESCUE AND CONSERVATION	599,241,060
HISTORIC HERITAGE CONSERVATION	1,056,843,324
TRANSFERS TO DECENTRALIZED ORGANIZATIONS, INTERNAITONAL ORGANIZATIONS, AND NGOS	9,239,207,616
TOTAL FOR CULTURAL HERITAGE CONSERVATION	**10,895,292,000**

36   World Bank, "Inflación, precios al consumidor (% anual)," accessed June 4, 2017, http://datos.bancomundial.org/indicador/FP.CPI.TOTL.ZG?locations=CR

37   Ministry of Planification and Economic Policies (MIDEPLAN), "Plan Nacional de Desarrollo 2006-2010," accessed June 2 2017, http://www.mideplan.go.cr/instrumentos/pnd-anteriores/319-el-plan-nacional-de-desarrollo-2006-2010

transfers, leaving the resting 15 solely for heritage rescue and conservation. The transfers under this program also aid heritage conservation indirectly, as they go to museums, academies, and UNESCO. The largest transfer that years amounts to 3,657,077,000 colones, and is for the Costa Rican National Museum. The National Archives follow with 2.4 billion colones and the Costa Rican Art Museum is next with 1.7 billion. Unlike countries (such as Guatemala and Honduras) where resources are mostly reserved for big monumental sites, in Costa Rica the museums (especially the National Museum) function as the main recipients of government funds for heritage. This is in accordance with the centralization and delegation of heritage-related tasks to museums observed in the previous section.

7.3.3 Programs

The main programs of the Ministry of Culture and Youth were discussed in the previous section. The programs that cultural heritage institutions reported for 2016 are as follows:[38]

The Ministerial Dispatch

Strengthening sociocultural organizations, holding activities in rural areas, promoting respect of indigenous and afro-descending cultures (through promoting reading on these issues), executing programs for the youth. More specifically, the Dispatch highlighted the following programs related to cultural heritage:

-Holding the "Celebrating our Ethnicities" Festival

-Program "Fall in love with your city," a program that targets developing the relation of communities to their cities

-Celebrating the Oxherding Festival

-Restoring thirteen immovable heritage assets

-Holding twenty assessment studies for immovable heritage nomination

-Making an architectural inventory and a cultural mapping for the Quepos canton -Holding the twentieth contest "Let's save our historic-architectonic heritage," in which engineers and architects propose restoration projects and one is chosen. In 2016, a school restoration project was chosen and awarded.

-Holding the fifth contest on Costa Rican traditions, this year in Quepos with the theme of

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38 The data on the reports can be found in the Ministry of Culture and Youth website, http://www.mcj.go.cr/ministerio/ transparencia/transparencia/informes_institucionales.aspx

local stories, legends, anecdotes, and others.

-Allocating resources from the Points of Culture Fund, this year 21 organizations were benefitted with transfers

-Strengthening fifty-four sociocultural organizations related to tangible and intangible heritage

The José Figueres Ferrer Cultural and Historic Center

Activities in rural areas, cultural and educational activities.

Specific Museums

-Juan Santamaría Historic Cultural Museum: decentralization programs by holding theater presentations, a traveling exhibition, and education workshops on the national campaign (the war fought against William Walker and the filibusters), as well as conservation on the building and the collection

-Dr. Rafael Ángel Calderón Guardia Historic Museum: activities related in 32 communities on Dr. Rafael Ángel Calderón Guardia and the social guarantees, as well as special exhibitions and activities.

-Costa Rican Art Museum: strengthening arts-related organizations, holding activities in rural areas, fostering arts appreciation (through workshops, guided visits, and exhibitions), conservation of the wooden structures of the building, arts education through recreational courses and workshops on sculpture, ceramics, painting, and others.

-Contemporary Art and Design Museum: activities in rural areas, artistic and educational activities.

-Costa Rican National Museum: strengthening four sociocultural organizations (through workshops, assessment and backing for local initiatives), activities in rural areas, 800 activities on cultural and natural heritage, research, protection, and conservation of archaeological, historic, and natural history assets.

The Cultural Heritage Research and Conservation Center

A report for 2016 is not currently available in the website, but the center regularly holds projects on heritage conservation, research and restoration. It publishes materials on the topic,

concentrating greatly on historic-architectonic and intangible heritage. The news section of the Center's website reports holding contests and exhibitions in 2016, as well as finishing the restoration works of the "House Jiménez Zamora," two locomotives, the Manuel del Pilar Zumbado School, the old Sanitary Unit of tres Ríos, the big tower of the National Center of Culture, and the Melico Salazar Theater.[39]

The programs discussed above clearly follow the National Development Plans' agenda, which in terms of culture aims at decentralization and support of local initiatives. Although legislation is not strong regarding decentralization, the lack of great monumental sites, the lack of civil turmoil, and the historical interest of decentralizing culture since the inception of the *MCJ*, has eased cultural decentralization. This has, however, also led to an identity crisis for Costa Ricans, who do not relate to particular sites and cultures.

It is also striking that in terms of cultural heritage, the National Museum takes the lead on archaeologic and historic heritage while the Cultural Heritage Research and Conservation Center handles mostly historic-architectonic and intangible heritage. As will be noted in the next chapter, this division of the concept of heritage is strongly related to the heritage legislation and its evolution in Costa Rica.

7.4 Legislation

Unlike the other countries of this thesis, which have one integral law addressing cultural heritage, Costa Rican cultural heritage legislation is broadly divided into two sets of laws: one for archaeological heritage and one for architectonic-historic immovable sites. There is also a mention of heritage preservation in the constitution and in other instruments. In this section I go over the legislation of cultural heritage in Costa Rica, from its development to its present state. Annex E provides a list of cultural heritage legislation of Costa Rica.

7.4.1 Brief History of the Concept and Development of Cultural Heritage Policies in Costa Rica

Parts of this section were taken from my article "Cultural Heritage Policies in Costa Rica:

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39   Cultural Heritage Research and Conservation Center, "Noticias 2016," http://www.patrimonio.go.cr/actualidad/historico-noticias/Noticias_2016.aspx

Development and Current Conditions."[40]

Because Costa Rica was unstable after the independence from Spain until the 1856–1857 national campaign against William Walker, and because there are few monumental sites in the country that needed to be addressed urgently (as was the case in Honduras, for example), legislation development for heritage was relatively slow and late in this country.

Between the last half of the 19th century and the mid-20th century, Costa Rica grew economically through the export of coffee. A small group known as the coffee oligarchy controlled most plantations and collected most of the revenues. This emerging class followed Europe's model, interested in progress and liberal ideals. Costa Rica's National Theatre was built using European marble and decorated with statues and paintings made by European artists.[41] The so-called "metallic school," imported from Belgium,[42] and the National Monument, commissioned in France, are further examples. These efforts served the double purpose of legitimizing the state while creating a national identity, which has since been disparaged as "fake" or "constructed" by scholars.

The National Museum, established in 1887, was part of this general tendency. It initially housed only a scientific collection that was eventually expanded to include anthropological and archaeological objects. The foundation of this museum is regarded as one of the first efforts to regulate cultural assets because it produced a catalogue, registered archaeological sites, and took charge of conserving its collections.[43] The legal establishment of the National Museum was one of the country's first cultural heritage-related policies.

As Europeanization was ongoing, "huaquerismo," or informal excavations, were not unusual at the time. The renowned collector José Ramón Rojas Troyo, for example, gathered important objects and sold them to the United States and Europe. No legislation existed to protect against this practice, so it was not a strictly illegal activity. The remnants of Rojas' excavated materials, which exceed 3000 objects, were later integrated into the collections of the National Museum along with thousands of other artifacts from informal excavations.[44] However, most objects had already been sent to museums abroad, since no law prohibited it, although the necessity of

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40   Imme Arce Hüttman, "Cultural Heritage Policies in Costa Rica: Development and Current Conditions," *Journal of World Heritage Studies* 3 (2017): 32-24.

41   Luis Ferrero, *Sociedad y arte en la Costa Rica del siglo 19* (Euned, 1986), 146.

42   Ana Luisa Cerdas Albertazzi and Sandra Quirós Bonilla, *El Edificio Metálico* (San José: Comisión Nacional de Conmemoraciones Históricas, 1990), .

43   Ministry of Culture and Youth, *Atlas de Infraestructura y Patrimonio Cultural de las Américas: Costa Rica* (Mexico: 2011), 64.

44   Ibid., 53.

establishing protective measures was recognized. This problem was addressed with Law 14 of 1923, which prohibited the sale of such artifacts outside the national borders.

Cultural heritage policies developed slowly in this period. The church of Orosi, the oldest of the country, was declared national heritage in 1920. In 1938, Law 7 went beyond prohibiting illegal excavations by also regulating the ownership, exploitation, and sale of archaeological relics from before the Spanish conquest. It also protected pre-Columbian monuments, but colonial and modern assets were not addressed.

Cuevas Molina notes the disparity among the first efforts to promote Costa Rican culture in the 1940s. During that time, effort and resources were channeled through the Cultural Extension Section of the Education Department, which incorporated the National Theatre, the National Museum, and other institutions and programs under it.[45] These mostly aimed to promote "the arts," namely, theater, visual art, and other contemporary expressions of the time. In contrast, little attention was paid to Costa Rican historic monuments. However, in the 1949 Constitution, an important legislative step toward the protection of cultural heritage was taken as it referred to the country's historic and artistic heritage, as is detailed in 7.4.2. Another interesting event for heritage was the abolition of the army in 1948, through which military buildings lost their purpose and were converted into museums with historical value.[46]

Although some early attempts were made for cultural heritage during the first half of the twenty-first century, it was in the 1970s that significant changes occurred in the cultural sector affecting heritage. These changes were influenced by ideological dispute.[47] In 1971, the Ministry of Culture, Youth, and Sports became the first organized and centralized institution in charge of culture and cultural heritage in Costa Rica and the first institution of culture independent of a Ministry of Education in Latin America, as addressed in 7.3.1.

Within the ministry, the Historic, Artistic, and Cultural Heritage Department was involved in rescue, conservation, and restoration projects for monuments and sites.[48] In 1973, Law 5397 gave the Ministry of Culture, Youth, and Sports some authority over cultural heritage designation, purchase from private owners, and the prohibition of heritage demolition. Furthermore, the

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45   Rafael Cuevas Molina, *El punto sobre la i: políticas culturales en Costa Rica (1948-1990)*, (San José: Ministerio de Cultura, Juventud y Deportes, 1996), 15.

46   Corrales Ulloa and Cubero Barrantes discuss the transformation of military quarters, jails, and police headquarters into museums, seeing this phenomenon as part of the construction of a nationality that rejected its military past and that idealized Costa Rican civility in a theatrical manner.
Francisco Corrales Ulloa and Guillermo Cubero Barrantes, "De cuarteles a museos: los museos y el discurso de la civilidad costarricense," *Cuadernos de Antropología* 15, no.1 (2013): 11-23.

47   Rafael Cuevas Molina, "Cultura y Educación," in *Costa Rica contemporánea: raíces del estado de la nación*, 2nd edition(San José: Editorial Universidad de Costa Rica, 2011), 248.

48   Samuel Rovinski, *La Política cultural en Costa Rica* (UNESCO, 1977), 51.

concept of heritage was expanded to include public-property structures; thus, pre-Columbian monuments were no longer the only buildings being protected by law. Meanwhile, decentralization was addressed by granting municipalities the capacity to dictate regulatory plans for their territories, allowing them to establish "special zones" of historic importance.[49]

The Archaeological, Historic, and Cultural Research and Conservation Center was added to the Ministry in 1979, further strengthening public consciousness of cultural heritage through research. In 1981, a new law (Law 6703) aimed at protecting pre-Columbian assets, claiming state ownership, calling for owners to register their goods in possession, and appointing the National Museum with most regulatory functions, such as authorizing export, overlooking custody, evaluating discovered monuments, and authorizing excavations and explorations.

While national efforts for heritage protection were flourishing, international heritage-related conventions, notably the World Heritage Convention and the Organization of American States' Convention on the Protection of the Archaeological, Historical and Artistic Heritage of the American Nations, were ratified in the late 1970s. Cuevas Molina identifies the influence of UNESCO along with that of grassroots movements in Central America and the necessity of integrating new social sectors as some of the factors that led to a reorientation of the Ministry, shifting the meaning of culture from "the arts" to a complete lifestyle.[50] Thus, the 1980s saw the focus on cultural decentralization and cultural identity issues being restored, while some cultural responsibilities were delegated to the private sphere.[51] Culture committees were created and the Houses of Culture project that had commenced in 1974[52] was expanded.

1995 marked an important year for Costa Rican cultural heritage due to the passage of Law 7555, or the Law for the Historical Architectural Heritage of Costa Rica, which defined and classified historic-architectonic heritage and created a National Commission of Historic-Architectonic Heritage. Today, it is the main law that Costa Ricans follow for the protection of their heritage, and it is further detailed in 7.4.3.

In the 2000s, the Ministry of Culture and Youth began addressing intangible heritage in accordance with recent global advancements in this particular field. The Convention for the Safeguarding of Intangible Cultural Heritage was ratified in 2006, and the National Commission

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49   Frank Álvarez Hernández, "Patrimonio histórico arquitectónico: elementos iusambientales e iusmunicipales," *Revista de Ciencias Jurídicas* 124 (2011):13-44.

50   Rafael Cuevas Molina, "Cultura y Educación," in *Costa Rica contemporánea: raíces del estado de la nación*, 2nd edition(San José: Editorial Universidad de Costa Rica, 2011), 253.

51   Ibid., 255-256.

52   Ministry of Culture and Youth, *Atlas de Infraestructura y Patrimonio Cultural de las Américas: Costa Rica* (Mexico: 2011), 100.

for Safeguarding Intangible Heritage was soon formed. Although it was replaced by the National Commission of Intangible Heritage in 2014, it has kept its duties of researching and registering intangible cultural heritage in Costa Rica. Recent executive decrees have focused on designating festivals, dances, and musical styles as the country's intangible cultural heritage.

In 2005, the regulations for the Law for the Historic Architectonic Heritage of Costa Rica were given. These regulations provide detailed definitions, and evaluation criteria, as well as functions for the members of the National Commission of Historic-Architectonic Heritage and the Cultural Heritage Research and Conservation Center.

An important step was taken with the National Policy of Cultural Rights, which is designed for the period 2014-2023. The product of consultations to over 3000 persons, this state policy has specific objectives: participation and enjoyment in diversity, economic stimulation of culture, protection and management of cultural heritage (both material and immaterial), institutional strengthening and the protection of cultural right for the indigenous peoples.

In general, the development of cultural heritage policies in Costa Rica can broadly be divided in two stages. The first stage ranges from the independence to 1971. In this time, cultural heritage policies were loose and disconnected. With the creation of the Ministry of Culture, Youth, and Sports, a new phase began. This second phase is characterized by a large amount of projects and by the creation of cultural heritage legislation. The institutions, policies, and projects have solidified over time, and there has not been any radical changes as is the case with the neighboring countries. Table 41 (next page) shows the relationship of historic events ad cultural heritage legislation in Costa Rica. It shows that how the creation of the Ministry was a catalyst for cultural heritage legislation in Costa Rica.

Overall, the main national legislative instruments target either pre-Columbian or immovable heritage. This clear-cut division allows little space for the inclusion of other types of assets. Thus, intangible and movable heritage are addressed only in internationally ratified conventions.

Table 41: Historic events and heritage-related events in Costa Rica

Era	Historic Events	Heritage-related Events
Republican eras (mid-19th century)	The coffee oligarchy allowed a liberal regime from 1870 to 1930	1887: First National Museum
Early 20th century	1917-1919: Federico Tinoco	1923: Law 14 prohibits export of archaeological assets
1930s -1940s	1940: Rafael Ángel Calderón Guardia instilled several social reforms	1938: Law 7 further protects archaeological heritage
1940s	1948: civil war	1949: Mention of heritage in the constitution
1950s		
1960s		
1970s	1970s: economic crisis	1971: Ministry of Culture, Youth, and Sports 1973: Authority over cultural heritage for the Ministry of Culture, Youth, and Sports 1977: World Heritage Convention 1979: Archeological, Historic, and Cultural Research and Conservation Center
1980s		1981: law 6703 to protect pre-Columbian assets
1990s		1995: Law for the Historical Architectural Heritage of Costa Rica
2000s		2006: Convention for the Safeguarding of Intangible Cultural Heritage 2014: The Precolumbian Chiefdom Settlements with Stone Spheres of the Diquís inscribed in the World Heritage List
Today	Democracy, left-leaning party elected	
Legend	Yellow: dictatorship or military government	Red: civil war

Although separating pre-Columbian heritage from more recent heritage may seem arbitrary or old-fashioned, it may actually be appropriate for the reality of Costa Rican cultural heritage. One of the most famous pre-Hispanic expressions, and the object of the only World Heritage Cultural Site of Costa Rica are the stone spheres. Before more rigorous archaeological methodologies were implemented, many of these spheres were removed from their original site and transferred to the National Museum and other places (figure 45). They are neither movable

Figure 45: Pre-Columbian spheres in the National Museum storage area

nor immovable heritage: although they can be removed, doing so de-contextualizes them from their environment. Distinguishing between "movable" and "immovable" heritage is particularly difficult for these spheres as they range in size from a few centimeters to over two meters. Thus "pre-Columbian" may be a more adequate category than either "movable" or "immovable."

International instruments have relieved the national government from drafting an independent legislation by providing a model to follow and conventions to ratify. However, as the conventions are not country-specific, they may not be ideally suited to the characteristics of a particular country's cultural heritage.

7.4.2 The Costa Rican Constitution

Although the creation of the Ministry of Culture, Youth, and Sports was a remarkably early advancement in Costa Rican cultural considerations, mention of culture in the constitution was relatively late.

The Constitution of 1949, which is the currently valid constitution (modified more than fifteen times), dedicates Chapter VII to education and culture; however, out of the Chapter's 14 articles, only one addresses culture directly and refers to cultural heritage.

Article 89 states:

"Article 89. The cultural aims of the Republic include: to protect its natural beauty, preserve and develop the historical and artistic heritage of the Nation, and to support private initiatives for scientific and artistic progress."[53]

Unlike in other countries, heritage here is vaguely referred to. The phrasing does not resemble the 1931 Spanish Constitution or other constitutional articles from neighboring countries. No mention of intangible heritage is given, and only historical and artistic heritage is addressed. Furthermore, heritage conservation is not a duty, but rather one of many "cultural aims" of the state.

Regarding language, Article 76, which was added in 1975 and reformed in 1999, states:

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53   Translation by the author, Article 89 of the 1949 Costa Rican Constitution, Costa Rican System of Jurisdictional Information, accessed June 27th, 2017, http://www.pgrweb.go.cr/scij/busqueda/normativa/normas/nrm_texto_completo. aspx?param1=NRTC&nValor1=1&nValor2=871&strTipM=TC#ddown

"Article 76. Spanish is the official language of the Nation. However, the State will oversee the preservation and cultivation of the national indigenous languages."

7.4.3 Main Cultural Heritage Laws of Costa Rica

As has been mentioned before, cultural heritage in Costa Rica is not supported by one encompassing law, but rather divided into two groups of laws that target either historic-architectonic heritage or archaeological heritage. In this section, I go over both groups and their characteristics

7.4.3.1 Archaeological Heritage Legislation

Currently valid archaeological heritage conservation laws go as far back as 1938, with Law 7 and its regulations, issued under Decree 14 of 1938. In 1981, Law 6703 added further provisions for pre-Columbian assets. In form it is similar to its predecessor, claiming state ownership, calling for owners to register their goods in possession, and appointing the National Museum with most functions on archaeological heritage. It also provides more detailed sanctions.

In this section, I go over these three instruments as a whole. An overview of them is provided in table 42 in the next pages.[54]

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54   Additionally, Decree 28174-MP-C-MINAE-MEIC of October 19 1999, provides regulations for archaeological studies in Costa Rica, and Decree 19016-C of June 12 1989 provides the regulations for the national archaeology Commission, but they will not be included in this section.

Table 42: Overview of the main archaeological heritage laws in Costa Rica

GENERAL DISPOSITIONS	-Definitions (Article 2 of Law 7 of 1938, Article 1 of Law 6703 of 1981) -The research, protection, conservation, restoration, and recovery of the archaeological heritage of Costa Rica is declared of public interest (Article 36 of Law 6703 of 1981)
OWNERSHIP	-All archaeological assets in Costa Rica from before the Spanish conquest and all monuments belong to the State (Article 1 of Law 7 of 1938, Article 3 of Law 6703 of 1981) -Archaeological assets found in private property will be made available to the National Museum, and are under custody of the Museum if they are *unique* (Article 18 Law 7 of 1938) -Custody of archaeological assets is granted. Custody may be transferred to inheritors for thirty years, as long as duly notified (Articles 5 and 7 of Law 6703 of 1981) -The National Museum may request to borrow objects for exhibition. If the request denied, the objects will belong to the Museum (Article 9 of Law 6703 of 1981) -The National Museum may transfer custody to other State institutions to create and municipal regional museums
LAW ENFORCEMENT	-The National Museum will solve any doubts on an archeological asset (Article 3 of Law 7 of 1938) -The National Archaeology Commission is created (Article 4 of Law 6703 of 1981) -The police and fiscal authorities must see that this law is held and may confiscate archaeological assets that a are to be exported illegally. They may inspect the belongings of foreigners to prevent illicit export (Articles 16 and 27 of Law 7 of 1938, Article 31 of Law 6703 of 1981) -All diplomatic and consular representatives of Costa Rican and the Costa Rican Tourism Institute must let travelers know of this law (Article 35 of Law 6703 of 1981) -Diplomatic measures will be taken to recover national archaeological heritage that is overseas (Article 37 of Law 6703 of 1981)
REGISTRY	-The National Museum will carry out a registry where all monuments and archaeological assets must be inscribed, as well as a registry for privately-owned assets. The museum will also make an inventory of the registered goods. (Articles 7, 8,10, and 24 of Law 7 of 1938, Article 6 of Law 6703 of 1981, Article 16 of Law 6703 of 1981) -Registry of assets owned by individuals and commercial houses is compulsory, as is notifying any relocation of registered goods (Articles 9 and 15 of Law 7 of 1938, Article 17 of Law 6703 of 1981) -Any finding, acquisition, or transfer of archeological assets must be communicated to the Museum. Findings must also be communicated to local authorities while the museum is notified. Non-communicated transfers are void. New acquisitions and transfers must be notified with catalogue copies. (Articles 11,14, 17 of Law 7 of 1938, Articles 5 and 19 of Decree 14 of 1938, Article 11 of Law 6703 of 1981) -Three categories are provided for the archeological assets in the inventory according to importance (*unique, non-existent in the National Museum collection*, and *duple/multiple*). The Museum decides what category the assets will be in. (Article 12 of Law 7 of 1938, Articles 6, 7, and 8 of Decree 14 of 1938) -The National Museum must renew its registry as needed and make a detailed catalogue of the museums and individual collections. The catalogues must be finished within two years of the passing of the regulations (Articles 1, 2, 3, and 4 of Decree 14 of 1938) -Objects that enter the country for temporary exhibitions or for research do not have to be inscribed in the registry (Article 33)
EXPORT AND TRADE	-Export of archaeological and colonial assets without authorization is prohibited. The authorization is provided by the National Museum, through which dispatches are made (Article 4 of Law 7 of 1938, Article 15 of Decree 14 of 1938, Article 8 of Law 6703 of 1981) -Export requests must cite the corresponding numbers in the catalogues (Article 11 of Decree 14 of 1938) -Alienation of pre-Columbian assets acquired before the passing of the law must be notified to the National Museum, which has preferential acquiring rights, especially for archaeological goods categorized as *unique*. (Articles 5, 6 , 22, and13 of Law 7 of 1938, Article 13 of Decree 14 of 1938) -Owners of colonial or republican archeological assets who want to sell them must notify the National Museum, which may acquire them at the price established in the market (Article 16 of Decree 14 of 1938) -Transfer and relocation must be notified to the National Museum in the same day (Article 14 of Decree 14 of 1938, Article 14 of Law 6703 of 1981) -Archeological objects that enter the country with the necessary import permissions are exempt of taxes
EXCAVATIONS AND RESEARCH	-The Secretary of Public Education will grant permits for archaeological excavations to national and foreign scientific individuals and entities regarded as competent. Foreign corporations must specify the location of the site and abide by the law, conserve the monuments, and present an inventory. Excavation permits are valid for one year and will be notified to the corresponding authorities. In places with indigenous communities, excavations must have the permission of the National Commission of Indigenous Matters (Articles 19, 20, and 23 of Law 7 of 1938, Articles 12 and 18 of Decree 14 of 1938, Article 15 of Law 6703 of 1981) -To get authorization for an excavation, the solicitor must include an authorization of the owner of the site (Article 9 of Decree 14 of 1938) -The National Archeology Commission may authorize excavations (Article 12 of Law 6703 of 1981) -If, during public or private works, a finding is made, the works must be stopped and the National Museum must be notified, which will have fifteen days to make rescue activities (Article 13 of Law 6703 of 1981) -The National Museum may be present in excavations and grant permission for others to be present as long as they have genuine interest; the museum must supervise the excavations (Article 21 of Law 7 of 1938, Article 10 of Decree 14 of 1938, Article 15 of Law 6703 of 1981). -In cases where there is high probability that a site excavation is important for the national ethnography, the researcher must acquire the formal permission of the owner, and if permission is not granted, with authorization of the State, the site may be expropriated (Article 25 Law 7 of 1938) -The State will not answer for losses of the owner during excavations (Article 25 of Law 7 of 1938) -Details on how to calculate the compensation for a *unique* find to be given to the excavator (Article 17 of Decree 14 of 1938)

INCENTIVES	-Procedures must be made using a stamp of the National Museum. Generated revenues will be allocated in a special fund (Article 28 of Law 7 of 1938) -Every year, the executive power will include in its budget an amount no less than three million colones for the National Museum (Article 18 of Law 6703 of 1981) -Fiscal and legal persons may deduct donations and investments for archeological protection from their income taxes (Article 34 of Law 6703 of 1981)
SANCTIONS	-Fine for going against the law (Article 29 of Law 7 of 1938) -Law infractions may be known by the main police agents in the provinces and cantons (Article 30 of Law 7 of 1938) -Detailed sanctions (Articles 19-30 of Law 6703 of 1981)

Sources:
Law 7 of 1938, UNESCO, http://www.unesco.org/culture/natlaws/media/pdf/costarica/costarica_ley7_objetos_arqueologicos_spaorof.pdf
Decree of 1938, UNESCO, http://www.unesco.org/culture/natlaws/media/pdf/costarica/costarica_decreto14_spaorof.pdf
Law 6703 of 1981, http://www.unesco.org/culture/natlaws/media/pdf/costarica/costarica_ley6703_patrimonioarqueologico_spaorof.pdf

Definitions

Archaeological cultural heritage is defined in Article 2 of Law 7 of 1938 as:

"(…) archaeological objects and monuments are the rests of human activity of artistic, scientific, and historic importance."[55]

Article 1 of Law 6703 of 1981 defines it as:

"archaeological national heritage, movable and immovable, product of the indigenous cultures previous or contemporary to the establishment of Hispanic culture in the national territory, as well as human rests, flora and fauna related to these cultures."[56]

Both laws provide a wide but clear-cut definition of archaeological heritage, although the newer version is more specific than its predecessor. These definitions are time-specific.

Ownership of Cultural Heritage

Archaeological heritage belongs to the state, but custody is granted to individual collectors and owners who had acquired archaeological objects prior to the law of 1981. The custody can be inherited, but only for thirty years, as long as the objects are well conserved. Ownership must be notified to the National Museum, which functions as the main administrative institution in these laws.

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55   Translation by the author, Article 2 of Law 7 of 1938, http://www.unesco.org/culture/natlaws/media/pdf/costarica/costarica_ley7_objetos_arqueologicos_spaorof.pdf

56   Translation by the author, Article 1 of Law 6703 of 1981, http://www.unesco.org/culture/natlaws/media/pdf/costarica/costarica_ley6703_patrimonioarqueologico_spaorof.pdf

Custody can also be granted to other institutions (such as regional or private museums).

Law Enforcement

The National Museum and the National Archaeology Commission (created in 1981) are the main entities regarding this law, but the police, fiscal authorities, and diplomatic bodies also have responsibilities regarding its enforcement and communication

Registry

As is the case in the other Central American countries, registry is compulsory for archaeological assets, whether they are publicly or privately owned. The registry is carried out by the National Museum, and it must be renewed as necessary. Catalogues of the museums and individual collections must be made.

Three categories are provided for archaeological heritage: *unique*, meaning assets that have no similar samples, either in the country or abroad (according to the catalogues), *non-existent in the National Museum collection*, and *duple or multiple* objects. Unique objects will be in the custody of the Museum and have preferential acquiring rights.

Export and Trade

Export of archaeological assets is allowed as long as the necessary permissions are given, and as long as information is provided on what goods will be exported. Any trade or relocation activities need to be informed to the National Museum. This also applies for archaeological materials of the colonial and republican eras.

Import is also permitted, as long as permissions are granted, and imported goods are exempt from taxes.

Excavations and Research

The state grants permission to conduct excavations and research on archaeological heritage, and certain provisions must be held by foreign institutions to carry out such excavations. The owner of the site must also give an official permission, but if he does not and the excavation is considered of great importance, the site may be expropriated.

The National Museum must oversee the excavations, and can give permission to students

and professors to be there for study purposes, as long as they have a permit from their school or university.

When there is an accidental finding during public or private constructions, the works must be stopped and the National Museum must be notified to carry out rescue activities.

Incentives

The addressed laws provide few incentives for archaeological heritage. Stamps are to be used for paperwork related to archaeological objects, and their revenues are allocated to a special fund.

Also, donations and investments for archaeological protection may be deducted from income taxes.

Sanctions

Specific sanctions are detailed in articles 19-30 of the 1981 Law, and include fines as well as incarceration periods according to the infraction. Fines range from 5000 to 40000 colones, and incarceration times from one to six years. In cases of illegal trade, archaeological assets may be confiscated. Authorities that do not communicate a finding will lose their positions. Article 29 details that the severity of the sanctions will depend on the education, customs, and conduct of the infractor.

Decentralization

Except for mention of regional and municipal museum, decentralization is not addressed in these instruments.

Conservation and Protective Measures

The analyzed laws do not go beyond declaring research, protection, conservation, restoration, and recovery of the archaeological heritage of Costa Rica of public interest, and besides not allowing illicit trade and excavations, no protective measures are provided, such as demanding inspection prior to construction works or prohibiting reconstruction.

In general, it can be observed that the archaeological heritage legislation places most of the responsibilities in the National Museum. These laws are not as strict as in El Salvador or

Honduras, and decentralization is addressed only slightly. Fiscal incentives are little, and overall, protection is restricted almost exclusively to archaeological materials, mostly movable.

7.4.3.2 Historic-Architectonic Heritage Legislation

In 1973, Law 5397 prohibited the unauthorized demolition or modification of any public building designated by the executive power as of historic, architectonic, or cultural value. The

Table 43:   Overview of Law 7555, also known as the Historic-Architectonic Heritage Law of Costa Rica

CHAPTER I **GENERAL DISPOSITIONS**	-Purpose of the law: conservation, protection, and preservation of the historic-architectonic heritage of Costa Rica (Article 1) -General definition of historic-architectonic heritage. Its research, conservation, restoration, rehabilitation, and maintenance are declared of public interest (Article 2) -The State, through the Ministry of Youth, Culture, and Sports (now Ministry of Youth and Culture) has the obligation of conserving the historic-architectonic heritage of the country (Article 3) -Any citizen of the republic and public institution is entitled to demand that this Law is enforced (Article 4) -Creates the National Commission of Historic-Architectonic Heritage, states its organisation and obligations(Article 5)
CHAPTER II **ON THE DESIGNATION OF IMMOVABLE GOODS OF HISTORIC-ARCHITECTONIC INTEREST**	-Classification and definition of historic-architectonic heritage (Article 6) -Incorporating a good as historic-architectonic heritage is done through executive decrees, with consent from the commission. The owner and municipality will be notified of the declaration (Article 7) -Details for the executive decrees that are to declare historic-architectonic heritage (Article 8) -On obligations and rights of owners: conservation, informing of the conditions to authorities, allowing examinations and research, allowing symbols that inform of the declaration, allowing inspections, including budget for public goods, refraining from placing signs and publicity, asking for permission from the Ministry for any work to be done on the good, suspending works that may damage the good, inscription of the good in the registry for the Ministry (Article 9) -After the declaration, regulatory plans must be followed, according to the urban planning law. Protection regulations go over urban plans and norms(Articles 10 and 11) - The declared historic-architectonic will be inscribed in a special registry (Article 12)
CHAPTER III **INCENTIVES**	-Declared historic-architectonic heritage is exempt of property taxes and suntuary construction taxes (Article 14) -Public institutions are authorized to provide public donations and investments for works or acquisitions of the State (Article 15) -The fines that result from infractions of this Law will be allocated to the Ministry of Youth, Culture, and Sports (Article 16) -The Ministry of Culture, Youth, and Sports will create at the national banks credit lines for individuals or entities, with the object of financing conservation, restoration, maintenance, and rehabilitation of declared goods (Article 17)
CHAPTER IV **EXECUTION, INFRACTIONS, AND SACTIONS**	-When owners do not do the conservation acts required by law when their historic-architectonic is endangered, the executive power may order these acts. Penal processes will be regulated by the Penal Code and applied by the competent authorities (Articles 18 and 19) -Damaging or destroying a declared good will be sanctioned with one to three years prison (Article 20) -Ten to twenty minimum salaries will be fined to those who do not comply with signaling regulations, who do not inform of the use of the site, and who do not allow inspections (Article 21) -A stamp on which monuments are depicted will be created, and a fee of 15% on international mail will be allocated to the Ministry of Culture, Youth, and Sports

Source: Ministry of Culture and Youth, *Ley de Patrimonio Histórico Arquitectónico de Costa Rica No. 7555 y sus reformas* (San José: Imprenta Nacional, 2012).

Law also prohibited works that could affect historic, architectonic, or cultural elements "worthy of conservation." However, provisions for privately-owned buildings were different: a maximum period of two years was given for the Ministry to buy the edification, during which it had the obligation of contributing to its maintenance. If the Ministry did not acquire the building, it could be demolished by its owner.

Law 5397 served as a base for historic-architectonic heritage preservation. In 1995, it was

annulled and replaced by law 7555, which is the currently valid version. This law covers historic-architectonic heritage, namely immovable heritage, and mimics the World Heritage Convention with definitions, a classification of heritage, value criteria, and designation procedures. It also introduces incentives and detailed sanctions. The regulations (issued in 2005 and reformed in 2007 [57]) include further details and information on the procedures, intervention permits, and relevant organizations.

Table 43 provides an overview of Law 7555, and I will discuss it briefly in this section.

Definition and Classification

Article 2 of the Law for the Historic-Architectonic Heritage defines historic-architectonic heritage broadly as follows:

"Immovable assets of public or private property, of cultural or historic significance, thus declared by the Ministry of Culture, Youth, and Sports according to the current law."[58]

Article 6 of the Law classifies architectonic-historic heritage as follows:

"Monument: architectural and engineering works, works of monumental sculpture or painting; elements or structures of an archaeological nature, cave dwellings with significant historic, artistic or scientific value; includes the great works and modest creations that have acquired an important cultural significance.

Site: a place in which man-made and nature works exist, and areas including archaeological sites of significant value for the evolution or the progress of a town from the historical, aesthetic, ethnologic anthropological or environmental point of view.

Group: group of separate or connected buildings, which, because of their architecture, their homogenity and integration in the landscape are of exceptional value from a historic, artistic or

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57   Ministry of Culture and Youth, *Reglamento a la Ley de Patrimonio Histórico Arquitectónico de Costa Rica No. 7555 y sus reformas* (San José: Imprenta Nacional, 2012).

58   Translation by the author, Ministry of Culture and Youth, *Ley de Patrimonio Histórico Arquitectónico de Costa Rica No. 7555 y sus reformas* (San José: Imprenta Nacional, 2012).

scientific point of view.

Historic Center: settlements of irrepetible character, in which the footprints of the different life moments of a town are marked that form the basis where identity signs and social memory are laid down. Includes settlements that stay whole such as cities, small villages, and towns as well as the zones that today, because of growth, constitute part of a greater structure.

The fixed facilities that are found in the immovable asset, monument, or site are part of the heritage asset, monument or site."[59]

Article 2 of the regulations provides further definitions for terms such as "conservation," "adaptation," "prevention," etc. It also repeats the definitions of "monument," "site," "group," and "historic center."

The influence of the World Heritage Convention in these definitions is clear. The added category for "historic center" is somewhat different from the other three, as it refers to social memory and human inhabitance instead of material features.

Designation and Special Registry

Chapter II, besides providing the classification of historic-architectonic heritage described previously, details on the process of designation. Designation is made through an executive decree, which is to provide information on the site, the reasons for designation, and expropriation recommendations of neighboring buildings if necessary for the conservation or better use of the site. Article 9 of the Law provides details on the duties of heritage owners, such as conserving the site, abiding with the regulations, and allowing inspections.

Also, a special registry is established, in which declared heritage is inscribed.

Article 3 of the regulations of the law provide fourteen criteria for inscription, namely antiquity, authenticity, representativity, architectonic value, artistic value, scientific value, contextual value, cultural value, documental or testimonial value, exceptional value, historic value, significative value, symbolic value, and urban value.

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59   Translation by the author, Ministry of Culture and Youth, *Ley de Patrimonio Histórico Arquitectónico de Costa Rica No. 7555 y sus reformas* (San José: Imprenta Nacional, 2012).

Chapter IV of the regulations describes the procedures for designation. Designation may be requested by individuals, who have to inform of the location of the good, and provide necessary information for its inspection and evaluation. A report is made and handed to the Cultural Heritage Research and Conservation Center with a copy for the Ministerial Dispatch. Article 24 states what details are to be included in the report. As per Article 25, the report is then distributed to the National Commission or Architectonic-Historic Heritage, which will evaluate it, and , if the site has heritage elements, a procedure is opened. Article 26 explains that once the procedure is opened, it will be informed to the owner and municipality, and the site cannot be demolished or changed. Further details on the procedure are provided in articles 27, 28, and 29. A recommendation is the mande to the Commission and a copy sent to the minister, who will take the final decision within two months (as per Articles 30, 31, and 32 of the regulations), and an executive decree is issued (Article 33). The involved parties are subsequently informed.

Chapter VI of the regulations provides details on the Registry of historic-architectonic heritage, its location, contents, and communication. It also allows individuals to confirm whether a certain building is designated or not.

Incentives

Some incentives for heritage conservation are provided in Chapter III of Law 7555. Designated heritage is exempt of property taxes, donations are allowed, and the collected fines are added to the budget of the Ministry of Culture and Youth. Also, the law calls for establishing credit lines to finance restoration and conservation works. Article 23 of the Law establishes a special stamp for correspondence abroad, whose revenues are allocated to the Ministry.

Execution and Protective Measures

Article 5 of the Law creates the National Commission or Architectonic-Historic Heritage, and Chapter III of the regulations states its functions, the functions of its president, and of other members. It provides details on the sessions to be held, the quorum, substitution procedures, agreements, and records.

The Cultural Heritage Research and Conservation Center is part of the Commission, and details on its functions are provided in Chapter II of the regulations.

According to article 18 of the Law, the executive part may order conservation actions when they

are not done properly. Conservation obligations are detailed in Article 9 of the Law. Regarding placing signboards, Article 40 of the regulations provides strict measures to be followed.

Chapter V of the regulations provides details on the mandatory permits for restoration, repair, and construction works in general. To get a permit, a form must be filled out with the information of and the justification for the works. A copy is sent to the Ministry Dispatch. Upon study of the form, and with the necessary inspections, the petition can be accepted, accepted partially, or rejected. This is done based on criteria provided in Article 39. Alternative conservation measures can be provided in case a proposal is partially accepted or rejected.

Sanctions

According to the Law, penal processes are regulated by the Penal Code. Article 20 establishes sanctions of one to three years for heritage damage or destruction. Article 21 establishes fines of ten to twenty times the base salary for smaller infractions such as placing a sign that does not comply with the regulations, or not allowing inspections.

Chapter VII provides additional considerations for infractions, fines, and sanctions. Most importantly, it calls for the prevention of crimes when possible, since the law only addresses sanctions after a crime is committed. The regulations detail on what measures are to be taken to prevent heritage damage, by first communicating the owner in writing and in person. If the communication is ignored, the jurisdictional unit of the ministry is informed and sanctions are established. Further details are provided on the procedure for dealing with infractions.

7.4.4 Cultural Heritage Policies in Costa Rica and International Instruments

Costa Rica has been regarded as a country that isolates itself from the rest of Central America. Accordingly, table 2 of Chapter 2 shows that Costa Rica is the country with the smallest amount of international convention ratifications from the list.

Costa Rica accepted the World Heritage Convention in 1977. It has inscribed the following four World heritage Sites:

1983: Talamanca Range-La Amistad Reserves / La Amistad National Park (natural, with Panama)

1997: Cocos Island National Park (natural)

1999: Area de Conservación Guanacaste (natural)

2014: Precolumbian Chiefdom Settlements with Stone Spheres of the Diquís (cultural)

The Convention for the Safeguarding of Intangible Cultural Heritage was approved in 2007, and the following element has been inscribed:

2008: Oxherding and oxcart traditions in Costa Rica

Costa Rica has referred to the Convention for the Safeguarding of Intangible Cultural Heritage for its intangible heritage definitions and procedures, and has so far not issued intangible heritage policies at the national level.

7.5 Conclusions

Initially, Costa Rican heritage legislation mostly targeted archaeological assets, and its development was slow and weak. This changed in 1971, when the Ministry of Culture, Youth, and Sports (today the Ministry of Culture and Youth) was created. The Ministry provided a solid structure, widened the concept of heritage and pushed for specialized legislation.

In general, the lack of civil turmoil in Costa Rica (civil wars and dictatorships) experienced by neighboring countries has allowed for a stable political and social environment. Together with this stability, the increasing budget makes heritage conditions in Costa Rica relatively favorable. The good conditions may have led to little preparation regarding ongoing threats. For example, little has been done regarding Disaster Risk Reduction despite Costa Rica being placed 7th in the World Risk Index. Furthermore, the deteriorating fiscal situation of the country may eventually take a blow on the cultural sector, as it did in 2014 and 2015. Added to these threats, issues (as discussed below) that have persisted for decades remain unaltered.

Based on the information provided in this chapter, the following observations were made regarding Costa Rican cultural heritage policies (parts of this section were taken from my article "Cultural Heritage Policies in Costa Rica: Development and Current Conditions"[60]):

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[60] Imme Arce Hüttman, "Cultural Heritage Policies in Costa Rica: Development and Current Conditions," Journal of World Heritage Studies 3 (2017): 32-24.

-Neutral, Decentralized Cultural Heritage Policies deepening the Costa Rican Identity Crisis

Costa Rica has supported decentralization and local identities, but does not express a unified national identity. While (especially left-winged) "politization" of culture is common in Central American countries, the peaceful conditions of Costa Rica have fostered a relatively neutral cultivation of cultural heritage. This lack of a political agenda for culture also allowed for decentralization, which has been one of the main goals of the Ministry of Culture, Youth, and Sports since its inception. Another factor that supported decentralization is the distribution of heritage in Costa Rica. Similar to El Salvador, no "monumental" examples of cultural heritage are found that centralize resources and attract revenue-creating visitors. Instead, tourists are rather drawn to Costa Rica's natural heritage.

Although decentralization has fortified local identities, the lack of an overarching national symbolism and national strategies for culture deepen the identity-crisis that Costa Ricans experience, who do not relate to their national heritage.

-Era-based and Typology-based Cultural Heritage Legislation

The initial Costa Rican heritage laws protected either pre-Columbian or Colonial heritage (era-based). The more recent law refers to immovable (typology-based) heritage, thus including a wider array of expressions ranging from pre-Columbian to contemporary. This change of categorization (from era-based to typology-based) is greatly owed to the influence of the World Heritage Convention, which divides heritage into the tangible-movable, tangible-immovable, and intangible categories. The "UNESCO-ization" is further seen in the Law for the Historic-Architectonic Heritage, which mimics the Convention's categories, definitions, and designation criteria for immovable heritage.

Currently, the original era-based and the typology-based cultural heritage laws coexist, generating gaps and discrepancies (discussed further below). Although typology-based legislation facilitates cooperation with international organizations, era-based protection legislation may be more adequate for pre-Columbian artifacts. This is because some of these artifacts are not strictly movable or immovable and rather belong to a whole encompassing site, such as the Costa Rican stone spheres.

-A Strong Division of Cultural Heritage that Leads to Exclusion

The coexisting paradigms of heritage classification lead to a strong division in two categories

for Costa Rican heritage: archaeologic and historic-architectonic. The division is reflected not only in the legislation, but also in the governmental organizations (the National Museum handles all archaeologic heritage while the Cultural Heritage Research and Conservation Center manages historic-architectonic heritage) and their programs.

The division leads to two issues: First, there is an idea that heritage is either from before or after the colonization. This idea oversimplifies the development of the nation and places excessive importance on the colonization period. Other important events, such as the independence from Spain and the beginning of the republic are thus overseen.

Second, the coexistence of era- and typology based heritage leaves gaps. For instance, Costa Rican art, movable republican heritage, and intangible heritage are currently under no legal national protection, since they are neither pre-Columbian nor immovable. The unprotected status of such assets can allow for unsanctioned lack of care, trade, and destruction.

-Delegating Heritage Functions to the National Museum

The National Museum has historically had the role of managing heritage. Today, it is the recipient of the largest budget transfer from the Ministry of Culture and Youth. As is the case in El Salvador with the "Dr. David J. Guzmán" Museum, the National Museum of Costa Rica thus acquires a strong position as a heritage manager. The lack of monumental sites puts further importance in the Museum as a cultural heritage communicator, but it also overcharges the institution with responsibilities outside of its scope. For instance, in recent years the museum had to manage the World Heritage Site "Precolumbian Chiefdom Settlements with Stone Spheres of the Diquís" and the natural history collection of the InBio Park. Furthermore, human and economic resources were not increased so that the museum struggles to manage these two additional tasks effectively. Another issue that arises out of this management is the fact that the concept of Costa Rican heritage may be distorted as it is channeled through one institution.

Overall, culture and cultural heritage have a relatively strong position in Costa Rica. However, some structural issues -mostly legislative- compromise the coherence of cultural heritage legislation. Creating national legislation for movable and intangible heritage, relating cultural heritage to the national identity, and drafting legislation that is true to the Costa Rican reality rather than to international standards will be some of the challenges that Costa Rica faces in the future.

CHAPTER 8:
PANAMA AND ITS CULTURAL HERITAGE POLICIES

8.1 Introduction

Panama, located between Costa Rica and Colombia (figure 46), is known as a bridge that connects the Pacific and the Atlantic oceans. It served as an important commercial passageway for the Spanish, who crossed it to bring the riches acquired in South America to Europe. It also served as a passage for US Americans who wanted to get to California from the east during the Gold Rush. Today, it is best known for its interoceanic canal. It has the lowest population of the six countries in this study, and together with Nicaragua the lowest population density.
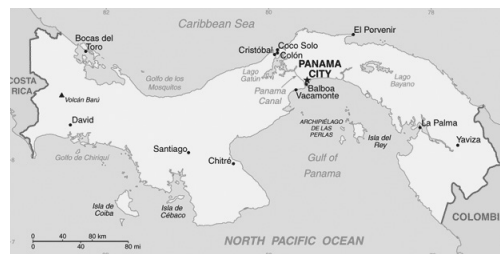
Figure 46: Map of Panama, source: CIA world factobook, https://www.cia.gov/library/publications/the-world-factbook/geos/pm.html

Panama experienced a series of dictatorships from the late 1960s to 1989, when the United States invaded the country and captured the dictator at the time, Manuel Noriega. Following the invasion, democracy was installed. Despite being in a deplorable social and economic state, Panama progressed quickly and is now an example to other Central American countries in terms of economic growth and human development. Panama has the highest GDP of the countries in this study (composed mostly of the services sector, as table 44 in the next page shows), as well as the highest human development index of the region.

During the dictatorship eras, Panama was highly active in promoting its cultural heritage.

However, after the US invasion, cultural activities slowed their pace. Today, despite the unprecedented growth of tourism in Panama, much of which is owed to cultural tourism, cultural heritage remains a lesser priority, and heritage preservation policies are outdated and imbalanced.

Table 44:   Economy of Panama

GDP at market prices (current US$) for 2014*	46,212,600,000
GDP growth (annual %)*	6.2 in 2014
Poverty headcount ratio at national poverty lines (% of population)*	23
Personal remittances, received (current US$) for 2014*	760,300,000
GDP composition, by sector of origin (2015 est.)**	agriculture: 3% industry: 20% services: 77%
*Data from database: World Development Indicators, last Updated 06/14/2016	
**Source: CIA World Factbook	

In this chapter, I analyze the cultural heritage in Panama, its organization, legislation, and current conditions.

 The following are the main resources used in this chapter:

-National Assembly of Panama website (Asamblea Nacional de Panamá, LEGISPAN)

http://www.asamblea.gob.pa/legispan-2/

Website with the legislation of republican Panama, categorized and organized.

-UNESCO Cultural Heritage Law Database

http://www.unesco.org/culture/natlaws/

UNESCO portal that collects national laws related to cultural heritage.

-National Culture Institute website

www.inac.gob.pa/

Information on the institute, its budget, and programs.

-Compendio de Leyes, Decretos, y Regulaciones sobre Patrimonio Histórico de la República de Panamá by Leopoldo Bermúdez-Buitrago with Carolina Acevedo Domínguez

Compendium of historic heritage legislation

8.2 National Issues in Panama and their Relation to Cultural Heritage

In this section, I will address some important issues of Panama and their relation to cultural heritage policies in order to provide a context for the following sections.

Accelerated Economic Growth

Although Panama was in an economically deplorable state towards the end of the 1980s, today it has one of the fastest growing economies in the world, having the highest growth in Latin America and the Caribbean (LAC) over the past two decades.[1] This unprecedented development is attributed to liberalist reforms, foreign investment attraction programs, privatization of services, and reforming the banking law in the 1990s. Through recent public infrastructure investments (notably the Interoceanic Canal expansion and a second metro line) support for further economic growth is provided. ODA allocations reflect the economic growth that the country has experienced (table 45), as they reached negative numbers in 2014.

Table 45:   Net ODA receipts for Panama

Net ODA Receipts for Panama (USD million)						
1986*	1996*	2010*	2011*	2012*	2013*	2014*
52	49	126	111	51	7	- 196
Data from database: World Development Indicators, last Updated 06/14/2016						

However, these neoliberal economic reforms have also brought about controversial changes in other sectors, such as indigenous rights,[2] land ownership,[3] and environmental issues. Regarding cultural heritage, the economic growth has also had its toll. An example of this is the Cinta Costera Project. The Cinta Costera is a land reclamation project along the coast of Panama City, comprising highways, pedestrian decks, parks, and recreational spaces. Phase II of the project placed the World Heritage Site Archaeological Site of Panamá Viejo and Historic District of

1   Kimberly Beaton, Metodij Hadzi-Vaskov and Jun Kusumoto for the International Monetary Fund, *Panama: Selected Issues*, IMF Country Report No. 17/106, May 2017, available in https://www.imf.org/en/Publications/CR/Issues/2017/05/04/Panama-Selected-Issues-44876

2   Julie Velásquez Runk, "Indigenous land and environmental conflicts in Panama: neoliberal multiculturalism, changing legislation, and human rights," *Journal of Latin American Geography* 11, no. 2 (2012): 21-47.

3   Ana K. Spalding, "Exploring the evolution of land tenure and land use change in Panama: Linking land policy with development outcomes," *Land Use Policy* 61 (2017): 543-552.

Panamá in jeopardy as it started with no previous environmental and heritage impact assessments and without informing the World Heritage Committee.[4] Phase III of the project also sparked concern and criticism,[5] as it proposed a tunnel that would cross about 1 km of the Casco Antiguo site. Although the tunnel was not completed, the project had the limits of the site redrawn.[6] Further examples of cultural heritage put in danger because of development are the copper mining project in Cerro Colorado, which is a sacred place to many indigenous people (upon protests the project was subsequently canceled), and the Barro Blanco dam, which threatened pre-Columbian petroglyphs.

Inequality

Panama is an upper middle-income country according to the OECD. In five years, Panama reduced its poverty rates considerably, but the World Bank overview points at the regional disparities: "in indigenous territories, known as "*comarcas*", poverty is above 70 percent and extreme poverty above 40 percent. Lack of services, particularly access to water and sanitation, and health continues to be a constraint in the comarcas."[7]

Panama aims to be recognized internationally as a developed nation, so it responds to criticism by playing an active role in the international discussion of indigenous rights, and by implementing indigenous policies, but the *comarcas* still face discrimination and violation of their rights.[8] Indigenous peoples may not be not as abundant as in Guatemala, but Panama is the country in this study with the second largest proportion at 12.3% of the general population (table 46, next page).

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4   UNESCO, *State of Conservation: Archaeological Site of Panamá Viejo and Historic District of Panamá*, WHC-SOC-1975, accessed November 10, 2016.
http://whc.unesco.org/en/soc/1975

5   "Preocupación por Cinta Costera III," *La Estrella*, November 1, 2011, http://laestrella.com.pa/panama/nacional/preocupacion-cinta-costera/23590791

6   "Críticas por límites del Casco Antiguo," *La Prensa*, May 20, 2014, http://impresa.prensa.com/panorama/Criticas-limites-Casco-Antiguo_0_3939356097.html

7   According to the World Bank, "Between 2008 and 2014, a period including the global financial crisis, Panama managed to reduce poverty from 26.2 percent to 18.7 percent, and extreme poverty from 14.5 percent to 10.2 percent." "Panama Overview", World Bank, accessed June 23, 14 2017, http://www.worldbank.org/en/country/panama/overview

8   Michelle Watts, Kate Brannum, and Kimberly Dannels Ruff, "Game of Norms: Panama, the International Community, and Indigenous Rights," *Latin American Policy* 5, no. 1 (2014): 2-25.

Table 46:   General information of Panama

Surface Area in square km★	75420
Population★	3.87 million in 2014
World Risk Index 2015★★	Placed 69th out of 171 countries
Ethnic Groups★★★	Mestizo (mixed Amerindian and white) 65% Native American 12.3% Black or African descent 9.2% Mulatto 6.8% White 6.7% (2010 est.)
Stock of emigrants as percentage of population★★★★	4.0% for 2010
★Data from database: World Development Indicators, last Updated 06/14/2016	
★★Source: Table of World Risk Index 2015 available at http://www.worldriskreport.org	
★★★Source: CIA World Factbook	
★★★★Source: World Bank Migration and Remittances Factbook 2011	

This inequality affects the bearers of intangible heritage directly, who also engage in the protection of tangible culture in cases such as the petroglyphs threatened by the Barro Blanco dam (mentioned above). Inequality also leads to the generation of cultural circles reserved for the upper class, which in turn can generate issues such as the gentrification experienced in the Casco Antiguo neighborhood (figure 47).[9]

Figure 47: A protest sign in Casco Antiguo. The sign reads "What do you expect, mr. president? That criterion 4 of the UNESCO convention dissappears completely"(photo by the author), referring to the inscription of the site under Criterion IV of the Statement of Significance that claims that "surviving multiple-family houses from the 19th and early 20th centuries are original examples of how society reacted to new requirements, technological developments and influences brought about by post-colonial society and the building of the Panama Canal"(http://whc.unesco.org/en/list/790) . Gentrification has displaced these families and reconstruction has uniformized appearances.

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9   Ana Luisa Sánchez Laws, "Nationhood and otherness in Panamanian Museums: The case of the National Museum and the Anthropological Museum Reina Torres de Araúz," Paper presented at the NaMu III National Museums in a Global World conference, November 51-61, 2007.

Rapidly growing Tourism

International tourist arrivals in Panama have more than doubled the past ten years, rising from 1,215,083 in 2006 to 2,552,636 in 2015.[10] Already in April 24, 2014, the *ATP (Autoridad de Turismo de Panamá,* Panama Tourism Authority*)* listed tourism as the main foreign currency generator for 2013, surpassing the direct income generated by the Interoceanic Canal. As an export product, the industry covered over 86 percent of export revenues in 2015.[11]

The unprecedented and rapid growth of the sector played an important role in the current imbalance of state attention given to Panamanian cultural heritage: "[a]s the World Heritage Site Casco Antiguo becomes an important destination for visitors, the cultural sector has turned to cooperate with the tourism authority, leaving other immovable heritage sites and museums aside."[12] Although Panama has created decentralization programs for both the touristic offer and cultural initiatives, the concentration of government funds and programs in the Casco Antiguo site remains a reality. Furthermore, the growth of foreign visitors can directly damage cultural heritage sites that are not prepared to receive large amounts of people.

Corruption

Although corruption is not as high as in Nicaragua, Guatemala, El Salvador, or Honduras, Panama scored 38 out of 100 points in the Corruption Perceptions Index of Transparency International of 2016,[13] and recent scandals (notably the Panama Papers scandal[14] and the arrest of the ex-president Ricardo Martinelli due to espionage and corruption allegations[15]) have alerted international observers. Already, Panama had been known as a tax haven and reported as a place to launder and hide drug money.

Corruption has been reported as the most problematic factor for doing business in Panama.[16]

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10   ATP statistics, accessed March 20, 2017, http://www.atp.gob.pa/sites/default/files/documentos/demandas_2006-2015.pdf

11   Imme Arce Hüttman, "A Conceptual Model for Influences in Cultural Policies: a Case Study of Tourism and Cultural Heritage in Panama," *Journal of World Heritage Studies* 4 (2017): 1-17.

12   Ibid.

13   Transparency International, "Corruption Perceptions index 2016", accessed January 15, 2016, http://www.transparency.org/news/feature/corruption_perceptions_index_2016#table

14   Michael S. Schmidt, "Panama Law Firm's Leaked Files Detail Offshore Accounts Tied to World Leaders," *New York Times*, April 3 2016, https://www.nytimes.com/2016/04/04/us/politics/leaked-documents-offshore-accounts-putin.html

15   "Capturan a Ricardo Martinelli, el expresidente acusado de espionaje político y corrupción," *El Faro*, June 13 2017, https://elfaro.net/es/201706/centroamerica/20486/Capturan-a-Ricardo-Martinelli-el-expresidente-acusado-de-espionaje-pol%C3%ADtico-y-corrupción.htm

16   Kimberly Beaton, Metodij Hadzi-Vaskov and Jun Kusumoto for the International Monetary Fund, *Panama: Selected Issues*, IMF Country Report No. 17/106, May 2017, available in https://www.imf.org/en/Publications/CR/Issues/2017/05/04/Panama-Selected-Issues-44876

Regarding cultural heritage, dubious circumstances surrounding the restoration works of the Cathedral Church have pointed to possible corruption,[17] as has the case of the "Toucan Museum," or the "Museum of the Children," a project of six million dollars from the Taiwanese government that was never finished, leaving no trace of the invested funds and no final product.[18] Another example example is the City of the Arts project, which cost around twenty million dollars, and was never finished (see 8.3.2). Such misuse of donations and national funds for culture results in a damaged performance of the cultural sector, as fewer projects can be carried out, resulting in harmed, under-communicated Panamanian heritage.

8.3 Organization, Budget and Programs

In this section, I review the organization, the budget and the programs related to Panamanian heritage.

8.3.1 The National Culture Institute

In Panama, the National Culture Institute (*Instituto Nacional de Cultura*, or *INAC,* figure 48) is the main body in charge of national cultural matters. The *INAC* was created in 1974 as a response to the new 1972 constitution, which was drafted under the de facto dictator Omar Torrijos. The constitutional reform commission included rights and state duties regarding culture in Articles 80-90.[19] These constitutional articles on heritage were avant-garde and largely owed to Reina Torres de Araúz, an important anthropologist and defensor of heritage, addressed in the next section (as will the constitutional articles).[20] The constitutional declarations led to the

Figure 48: INAC logo, source: INAC website, http://www.inac.gob.pa

17   Orlando Acosta Patiño, "Restauración de la Catedral, ¿tema de transparencia o corrupción?," *La Estrella*, August 14, 2013, http://laestrella.com.pa/opinion/columnistas/restauracion-catedral-tema-transparencia-corrupcion/23861956

18   David Mesa, "Museo Tucán: La trama secreta," *La Prensa*, September 17, 2004, http://impresa.prensa.com/mas_de_la_prensa/Museo-Tucan-trama-secreta_0_1290621050.html

19   Edwin R. Harvey, *Políticas culturales en América Latina: evolución histórica, instituciones públicas, experiencias* (Madrid: Fundación SGAE, 2014), 320.

20   de Araúz, Reina Torres, "Omar Torrijos y su ideario de la cultura nacional," in *Torrijos: figura-tiempo-faena*, edited by Aristides Martínez Ortega,(Panama-Lotería Nacional de Beneficiencia, 1981) 211-216.

necessity of establishing an autonomous, encompassing organization that would address the new state responsibilities. Thus, the *INAC* was created, which is the longest-standing institute for culture in this study after Costa Rica.

However, the idea of culture institutionalization was not new: already in 1946, Chapter V of the Education Law addressed "cultural extension." The law created the National Commission of Archaeology and Historic Monuments (*Comisión Nacional de Arqueología y Monumentos Históricos*, *CONAMOH*) and placed cultural institutions such as museums, libraries, and orchestras under the Ministry of Education. The Education Law even prohibited illicit trade and declared national monuments as property of the state.[21] In 1951, the cultural extension section was placed under a formal institution, namely the General Direction of Culture and Arts of the Ministry of Education, which was appointed with specific cultural tasks, such as handling cultural heritage, archives, libraries, museums, and arts promotion.[22] Two years later, the National Institute of the Arts was established, which aimed at developing the "classic" arts. In 1970, several cultural institutions were placed under a new National Institute of Culture and Sports (*Instituto Nacional de Cultura y Deporte*, *INCUDE*), the predecessor of the *INAC* as an organism independent of the Ministry of Education. Still, the Ministry was in charge of establishing a connection between the *INCUDE* and the state, as the education minister was the appointed president of the steering committee. [23]

In 1974, when the decision was taken of separating the cultural and the sports sectors of the *INCUDE*, the *INAC* was established and appointed with the legal attributes that the cultural part of the *INCUDE* was given in 1970.[24]

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21 Organic Law of Education, Law 47 of 1946,

22 Harvey, *Políticas culturales en América Latina: evolución histórica*, 318.

23 Harvey, *Políticas culturales en América Latina: evolución histórica*, 319.

24 Compare the Cabinet Decree 144 of June 2, 1970 that creates the National institute of Culture and Sports, and Law 63 of June 6, 1974 that creates the National Culture Institute.

Figure 49 shows the organizational chart of the *INAC*. Just as its predecessor, *INAC* is run by a general director under the supervision and general policies provided by a steering committee headed by the Ministry of Education. The director has several responsibilities, such as hiring and firing of staff, authorizing projects under a certain amount of budget, and preparing the yearly
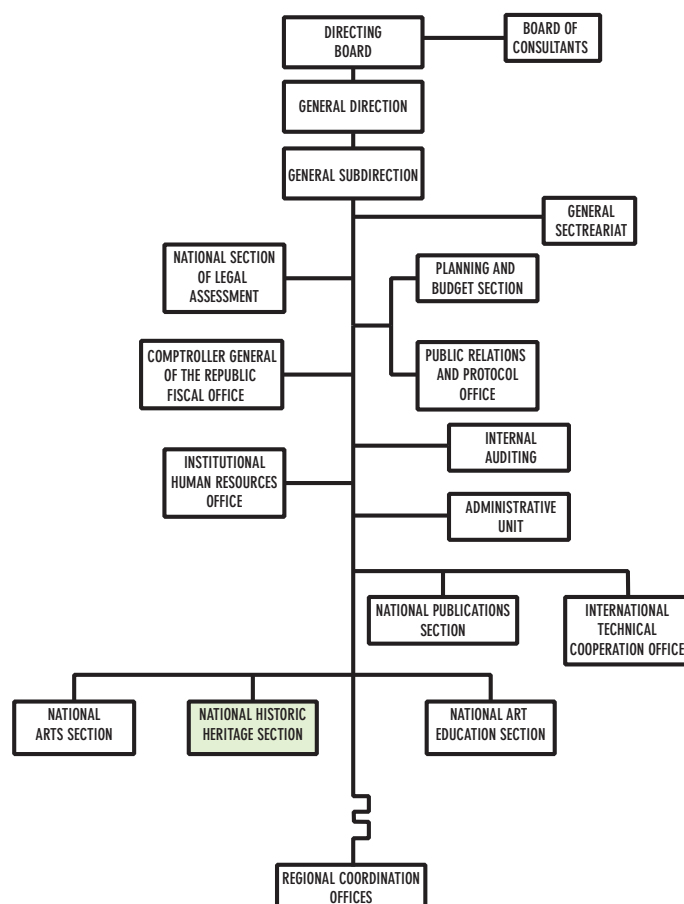
Figure 49: Organizational chart of the INAC, translation by the author, original source: http://www.inac.gob.pa/images/Transparencia/Formularios/ *ORGANIGRAMA_DE_LA_INSTITUCION.pdf*

budget draft. The education minister has more decision power. His board is in charge of approving large-scale projects and approving of the yearly budget draft presented by the director.

The *INAC* had a reported average of 987 permanent staff for the first four months of 2017,[25] considerably more than in neighboring Costa Rica.

At the operative level, *INAC* is divided into three sections (direcciones): the National Arts

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25 General Comptroller of the Republic, *Informe de la Planilla del Sector Público*, https://www.contraloria.gob.pa/assets/informe-planilla-del-sector-público--abril--2017.pdf

Section, the National Historic Heritage Section (highlighted in green), and the National Artistic Education Section. The National Historic Heritage Section (Dirección Nacional del Patrimonio Histórico, *DNPH*) is the main body that handles cultural heritage within the *INAC*.

The National Historic Heritage Section has an administration department and the following specialized departments:

Department on Scientific Investigations

This unit is in charge of carrying out research related to cultural heritage in Panama. It carried research out in archaeology, ethnography, and folklore. Ethnographic investigations were developed around living indigenous groups and recent migrations, and folkloric investigations registered popular living cultural manifestations.[26] However, no information was found on recent investigations.

Museology Department

This department handles the 19 official museums of Panama, namely:[27]

-The Reina Torres de Araúz Anthropological Museum (currently inactive)

-The Colonial Religious Art Museum

-The History Museum of Panama

-The Afro-Antillean Museum of Panama

-The Natural Sciences Museum (currently inactive)

-The Royal Customs House of Portobelo

-The Penonomé Regional Museum

-The Regional Museum of Aguadulce, Stella Sierra

-The Julio Gómex Ruiz of San Pablo Nuevo Museum

-The Regional Museum of Herrera, Fabio Rodríguez Ríos

-The Regional Museum of Los Santos (also known as the Nationality Musuem)

-The Belisario Porras Museum, Las Tablas

-The Archaeological Park El Caño

-The Regional Museum of Veraguas

-The Archaeological Park El Nancito

-The Pausílipo, Las Tablas

-The José de Obaldía Museum, David City

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26 INAC, *Política cultural de la República de Panamá*, (UNESCO, 1977), 28-29.

27 According to Resolution 002-09-J of February 5, 2009

-The House Museum Manuel F. Zárate

-The Bolívar Room

National Museums in Panama have seen a decline and fallen into inactivity, an issue discussed by de Gracia and Mendizábal, and attributed to ineffective administration, lack of budget, lack of professional personnel, and little social recognition, which lead to little action and connection with the public.[28]

A notable case is the Reina Torres de Araúz Anthropological Museum, formerly known as the Panamanian Man Museum. This museum was to address the multi-cultural character of Panama, strengthening national culture while recognizing living indigenous manifestations. Despite being a novel and important institution in the 1970s, Sánchez Laws described its exhibitions as distant from its original purposes.[29] The museum has been closed since 2013, although there are plans to reopen it.[30]

Conservation and Restoration Department for Movable and Immovable Heritage

The department handles heritage restoration. According to Godoy Valencia, the only currently working department of movable goods is one of the technical units of the Old Panama Patronage, which is the private and public mixed institution that managed the Old Panama Site.[31] Certainly, immovable site restoration projects have been assigned to private companies (such as the Cathedral Church restoration project mentioned in the previous section).

Control and Registry Department

Besides carrying out the registry of cultural goods, this department confiscates illegally acquired or traded cultural heritage. For instance, in 2012, thirty-seven pre-Columbian objects were confiscated by the department.[32]

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28   Guillermina Itzel de Gracia and Tomás Mendizábal, "Los Museos Estatales Panameños. Su situación actual," *Canto Rodado* 9 (2014), 1-25.

29   Ana Luisa Sánchez Laws, "Panamanian Museums: History, Contexts and Contemporary Debates," (PhD diss., The University of Bergen, 2009), 100-107.

30   Aleida Samaniego C. and Rosalía Simmons, "Apertura del museo tardará dos años," *La Prensa*, October 2 2016, http://www.prensa.com/sociedad/museo-oculta-historia_0_4588041180.html

31   Marcelina Godoy Valencia, "La conservación de objetos metálicos de procedencia arqueológica en Panamá," *Canto Rodado 10* (2015), 57-71.

32   "Inac confisca lote de piezas precolombinas," *La Prensa*, October 16, 2012, http://impresa.prensa.com/nacionales/Inac-confisca-lote-piezas-precolombinas_0_3503649724.html

Center of Collaboration between the INAC and the Organization of American States

This Center, currently inactive, was originally a hub for cooperation projects for cultural heritage between the *INAC* and the OAS.

Other organizations that handle culture:

-The National Commission of Archaeology and Historic Monuments (*Comisión Nacional de Arqueología y Monumentos Históricos* or *CONAMOH*), created in 1946, is the National Historic Heritage Section's assessing body, and is composed of members with technical knowledge related to heritage (history, architecture, philosophy, religion) as well as a representative from the Education and the Economy and Finance Ministries.

-The Panama Canal Museum is a private entity that has gained popularity due to its good location (in the Casco Antiguo) and modern exhibitions.

-The Museum of Biodiversity is another private institution that was inaugurated in 2014 and that has gained popularity. Although it is not strictly a cultural institution, I include it as part of the private museum boom of Panama that has occurred in recent years.

-The Miraflores Visitor Center is a small exhibition space located at the Panama Canal, where visitors can learn about the mechanism and history of the canal.

-The Old Panama Patronage (*Patronato Panamá Viejo*) is a mixed (private and public), non-profit organization that researches, conserves, and communicates the Old Panama ruins. It has been regarded as a case of success for cultural heritage management in Panama.[33]

-The Association of Neighbors and Friends of Casco Antiguo (*Asociación Vecinos y Amigos Casco Antiguo*, *AVACA*), is a community association formed in 2010 that holds activities, represents the private sector in negotiations with the state, and promotes the Casco Antiguo site.[34]

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33   Juan Guillermo Martín, and Julieta de Arango, "Panamá Viejo: Una Experiencia Exitosa De Gestión Patrimonial," *Revista de Estudios Sociales*, no. 45 (2013): 158-169.

34   "¿qué es AVACA? ," AVACA, accessed June 20, 2017, http://www.avaca.org.pa

-The Institute of Ethnic and Cultural Tradition Studies (*Instituto de Estudios de Tradiciones Étnicas y Culturales*, *INESTEC*) is an institute of the University of Panama created in 2000, whose aim is to stimulate research on tangible and intangible cultural heritage of the nation.[35]

Although *INAC* has been a stable institution within the Panamanian State, heritage long-term planning has been threatened by constant changes within the administration. In April 2017, the director of the National Historic Heritage Section, María Isabel Arrocha, resigned. Arrocha had replaced Wilhelm Franqueza in November 2016 upon his resignation.[36] Franqueza, in turn, had taken the position only two years earlier,[37] criticizing the works of the former administration. These constant changes slow and stop heritage projects.

The lack of autonomy by depending on the Ministry of Education has been mentioned by interviewees as another obstacle for the *INAC*'s performance. According to the interviewees, the minister presides the steering committee, but he is mostly concerned on education, and his busy schedule allows for few meetings. Furthermore, the closeness to the presidency may lead to a politicized cultural sector.

Thus, although the *INAC* is a stable institution with a straightforward and well-organized structure that is connected to heritage, issues at the executional level, dependence on the Ministry of Education, and corruption weaken its output performance.

8.3.2 Budget

The *INAC* receives a yearly current and capital income budget from the central government through the Ministry of Education. Some extra income is generated through renting spaces, selling goods, entrance tickets, and Inter-American Development Bank donations.

The budget is distributed in the following main programs:

-Maintenance and Restoration of Monuments and Groups of Buildings

-Cultural Centers

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35   "Historia," INESCTEC, accessed June 20, 2017, http://www.up.ac.pa/portalup/INESTEC.aspx?submenu=352

36   "Renuncia la directora de Patrimonio Histórico del Inac," *La Prensa*, April 7, 2017, http://www.prensa.com/sociedad/ Renuncia-directora-Patrimonio-Historico-Inac_0_4729027055.html

37   "INAC:designan a director de patrimonio histórico," September 4, 2014, INAC official website, visited June 25, 2017, http://www.inac.gob.pa/noticias/724-inac-designan-a-director-de-patrimonio-historico

-Art Education Centers

-Other Buildings

-Museums and Churches

-Regional-cultural Projects

-Social Community Projects

Column 2 of table 47 shows the budget allocations for the *INAC* from 2003 to 2016 in Balboa (PAB), which is tied to the US Dollar at an exchange rate of 1:1. Budget allocations have increased over six times in the past thirteen years. With decreasing inflation rates,[38] the Institute acquired even more buying power during that period. However, when comparing *INAC*'S budget to the approved general expense of the country (shown in column 3), the proportional increase (shown in column 7) grew not by six, but by bwo times. Notably, 2011 was a good year for the *INAC*, as total and proportional budget allocations rose considerably from 19 in 2010 to 27 million.

Table 47:   INAC budgets and their relation to the Historic Heritage Section and the general expense budget

1. YEAR	2. TOTAL BUDGET INAC (PAB)	3. APPROVED GENERAL EXPENSE BUDGET OF PANAMA (PAB)	4. BUDGET ALLOCATED FOR HISTORIC HERITAGE (PAB)	5. BUDGET ALLOCATION FOR INVESTMENTS (PAB)	6. BUDGET FOR HISTORIC HERITAGE AND INVESTMENTS COMBINED (4+5)	7. % OF GENERAL EXPENSE BUDGET ALLOCATED FOR INAC	8. %OF HISTORIC HERITAGE AND INVESTMENTS RELATIVE TO THE GENERAL EXPENSE BUDGET
2003	6,391,700	5,493,582,485	440,000	-	-	0.116	-
2004	7,084,000	6,003,145,717	562,000	-	-	0.118	-
2005	7,458,600	6,192,329,636	666,966	725,000	1,391,966	0.120	0.022
2006	8,997,200	6,740,275,760	660,273	1,625,700	2,285,973	0.133	0.034
2007	14,029,600	7,375,976,380	721,700	6,080,400	6,802,100	0.190	0.092
2008	14,745,700	8,321,689,027	708,400	6,135,000	6,843,400	0.177	0.082
2009	15,838,500	9,763,326,300	748,337	6,135,000	6,883,337	0.162	0.071
2010	19,324,900	10,574,940,600	1,003,800	7,814,800	8,818,600	0.183	0.083
2011	27,686,000	13,009,299,204	1,020,700	12,332,700	13,353,400	0.213	0.103
2012	24,569,700	14,451,167,601	1,101,900	8,569,700	9,671,600	0.170	0.067
2013	21,939,400	16,283,923,467	1,303,655	4,750,500	6,054,155	0.135	0.037
2014	21,455,100	17,762,905,404	1,263,500	4,382,000	5,645,500	0.121	0.032
2015	33,329,000	19,571,473,179	1,221,800	18,650,000	19,871,800	0.170	0.102
2016	41,379,000	20,126,080,834	1,681,900	18,729,000	20,410,900	0.206	0.101

Source: General expense budgets, Ministry of Finance, http://www.mef.gob.pa/es/direcciones/presupuestonacion/paginas/presupuestos.aspx
The amounts represent the approved (not the amended) budgets.

Column 4 shows the total budget allocated for the National Historic Heritage Section. It is important to remember that the actual amount spent for heritage is probably higher, as the column only shows what is specifically appointed to the National Historic Heritage Section, while the largest part of the budget is allocated to the directive body and the general administration of the institute, who also carry out heritage-related tasks. Furthermore, the National Historic

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38   Ministry of Finance, "Panamá registra la inflación más baja de los últimos 5 años," March 26, 2015, accessed June 28, 2017, http://www.mef.gob.pa/es/noticias/Paginas/Inflacionmasbaja.aspx#.WWiYVMZ7GfU

Heritage Section budget only covers the functioning costs, such as salaries, basic expenses (such as renting costs and services), materials, machinery (which include computers), and transfers (for fiscal services of the state). The *INAC* also has an investment budget (shown in column 5), which can be allocated freely for various activities and projects. Investment budgets almost accounted for half of the *INAC*'s total budget in 2016, while they represented only about a tenth ten years earlier.

Column 6 of table 47 shows the sum of historic heritage and investment budgets, which are mostly allocated to heritage. It provides an idea of how much is being allocated for cultural heritage. Column 8 shows the proportion of this sum to the general expense budget. The rise in investment budget for 2015 and 2016 elevated this proportion from 0.034 in 2006 to 0.101 in 2016.

Investment budgets for 2012-2016 are shown in detail in table 48. The amounts differ from table 47 because the data is from the reformed budgetary laws. Notably, the table shows that in 2015 an unprecedented proportion (80.4%) of budget was allocated for cultural centers. Most of it (18,578,386 PAB) was allocated for the "City of the Arts" project, which was going to be an enormous arts hub inspired in UNESCO's Creative Cities, with dance, arts, and theater schools.

Table 48:   Investment budgets of the INAC

YEAR	2012		2013		2014		2015		2016	
CATEGORY/AMOUNT	TOTAL(PAB)	%	TOTAL(PAB)	%	TOTAL(PAB)	%	TOTAL(PAB)	%	TOTAL(PAB)	% 2016
Maintenance and restoration	3,774,379	41.0	2,742,907	34.6	2,672,029	45.1	3,190,975	13.4	10,071,585	56.2
Cultural Centers	1,408,804	15.3	1,333,231	16.8	1,162,007	19.6	19,113,717	80.4	4,107,674	22.9
Art Education Centers	578,960	6.3	425,938	5.4	115,346	1.9	204,260	0.9	567,029	3.2
Other buildings	30,944	0.3	0		0		54,910		74,698	
Museums and Churches	1,380,888	15.0	967,606	12.2	277,589	4.7	379,272	1.6	1,411,736	7.9
Regional-Cultural Projects	1,648,914	17.9	1,830,818	23.1	1,333,840	22.5	837,352	3.5	1,686,278	9.4
Social Community Projects	378,520	4.1	626,604	7.9	365,000	6.2	0	0.0	0	0.0
TOTAL	9,201,409		7,927,104		5,925,811		23,780,486		17,919,000	

The project was going to cost 54 million balboa, but it was subsequently stopped because it was "too risky."[39] The enormous allocation of budget with no apparent result (figure 50) raised

Figure 50: The City of Arts project in 2016, http://www.prensa.com/sociedad/Inac_-Instituto_Nacional_de_Cultura-Mirei_Endara-Proyectos_0_4565543451.html

suspicions of corruption and is currently under investigation.[40] Because of this extraordinary case, 2015 presents very irregular proportional data and should not be taken as part of the general monetary trends of the *INAC*. A glance at the budget total amounts in balboa for 2015 shows that allocations for programs besides Cultural Centers were more or less regular in that year. Still, this case raises the question of what accountability the directory bodies have and the realization that the resources exist and could have been allocated to improve the conditions of Panamanian heritage and the performance of the *INAC*, had they not been misused.

In 2012, 2013, 2014, and 2016, the largest part of the investment funds was allocated for maintenance and restoration works of immovable heritage. Restoration budget proportional to the total investments budget has increased, reaching 56.2% in 2016. A large part of it is used for buildings in Casco Anitguo,[41] a popular site that increasingly draws visitors. Proportional budget allocation has also risen for cultural centers, while it has decreased for other programs, most notably the regional-cultural and social community projects.

In general, Panamanian budget data shows a slightly growing interest of the state in supporting culture. The *INAC*'S functioning costs have been maintained, while investment

39   "La atascada Ciudad de las Artes," Rosalía Simmons and Ohigginis Arcia Jaramillo, *La Prensa*, September 2, 2016, http://www.prensa.com/sociedad/Inac_-Instituto_Nacional_de_Cultura-Mirei_Endara-Proyectos_0_4565543451.html

40   José Arcia, "Diputados investigarán actos de corrupción de últimos gobiernos," *La Estrella de Panamá*, March 14, 2017, http://laestrella.com.pa/panama/politica/diputados-investigaran-actos-corrupcion-ultimos-gobiernos/23990717

41   Imme Arce Hüttman, "A Conceptual Model for Influences in Cultural Policies: a Case Study of Tourism and Cultural Heritage in Panama," *Journal of World Heritage Studies* 4 (2017): 1-17.

budget has grown, allowing for some economic freedom. However, most investments are allocated to restoration, especially for immovable heritage projects in Casco Antiguo. This trend has been at the expense of other sectors, such as regional and community projects, museums and churches, and art centers. It hints at the priority that the state is giving to a tourism-related site rather than to the general heritage of the country.

8.3.3 Programs

The former section outlined the main program categories for the *INAC*. Each year, programs differ, but as shown in table 48, in Panama most investment resources are used for immovable heritage restoration. For 2016,[42] the *INAC* reported restoration works in the San Lorenzo Fort, in Old Panama, in Casco Antiguo sites (which received 81.5% of the restoration budget that year), and an old Government building in Colón. The same program also included a budget allocation for a cultural information system (resembling the cultural information systems of El Salvador, Honduras, and Nicaragua).

As for the cultural center programs, in 2016, most targeted restoration works for theaters and the *INAC* building, and the construction of the City of the Arts (9,000,000 Balboa were allocated, despite being an essentially dead project), and of an amphitheater. The Art Education Centers programs also addressed infrastructure development of the regional centers (mostly amplifying and, constructing, and repairing the center buildings), as did the museums and churches programs.

Meanwhile, the regional-cultural projects included book distribution, improving the national ballet and the Symphonic Orchestra, and transmitting the children's and youth orchestra.

Thus, most programs for culture in Panama target infrastructure development and restoration. Infrastructure development is precisely one of the hallmarks of the current government. However, little is invested in new projects regarding the communication and research of Panamanian cultural heritage.

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42   INAC transparency portal, budget execution as of December 2016, http://www.inac.gob.pa/images/2016_ Transparencia/PRESUPUESTO/Diciembre2016/inversiones%203.pdf

8.4 Legislation

Panamanian cultural heritage has an extensive and complex body of legislation which goes back as far as 1906. The 1972 constitution, which addressed heritage, marked an important step that influenced subsequent, specific legislation in the 1970s and 1980s. In this section, I provide an overview of the development and present of Panamanian cultural heritage legislation. Appendix F lists the gathered Panamanian heritage legislation.

8.4.1 Brief History of the Concept and Development of Cultural Heritage Policies in Panama

Parts of this section were taken from my article "A Conceptual Model for Influences in Cultural Policies: a Case Study of Tourism and Cultural Heritage in Panama".[43]

Following the separation from Colombia in 1903, cultural heritage policies were formulated when the newly independent Panamanian government called for the expropriation of buildings in order to create a national museum, a library, a theater, and other institutions that could instill a sense of national identity.[44] As seen in other examples of Central America, museums played a special role at the beginning of republican histories, as they aimed at legitimizing the newly created states, working as symbols of the emerging nations. Shortly after, protective and administrative legislation for sites such as San Lorenzo and Panama Viejo were issued by the government. These first cultural heritage policies started in a loose, unconnected manner, addressing heritage sites with no specific direction and under no integral cultural body. They were only clear in their objective of conserving historical sites. For example, Law 61 of 1908 allocates funds and calls for the conservation of sites:

"so that their current appearance is not altered or their construction style is not modified in any way."[45]

Thus, the concept of heritage conservation was present since the foundation of the Republic of Panama, although it did not follow an explicit purpose or direction.

Throughout the 1920s and 1930s, loose and unconnected cultural heritage declarations

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43   Imme Arce Hüttman, "A Conceptual Model for Influences in Cultural Policies: a Case Study of Tourism and Cultural Heritage in Panama," *Journal of World Heritage Studies* 4 (2017): 1-17.

44   Article 12 of Law 52 of 1904, under Panama Province. Law 3 of 1909 allocated budget for the National Museum.

45   Translation by the author, Law 61 of 1908.

continued; however, in 1941, a general law prohibited the export of heritage, regulating commerce and appointing the Department of Arts, Museums and National Monuments with the responsibility of caring for and protecting antique assets and national monuments. At the same time, a list of the designated national monuments was issued.[46] The innovation in these laws was the integral approach under which several monuments were placed in the same system of protection. In 1946, the National Commission of Archaeology and Historic Monuments (*CONAMOH*) was created (as mentioned in 8.3.1), and further details on heritage conservation were provided in the Education Law.

Large excavation projects such as the ones conducted by the Peabody Museum of Harvard in the 1930s and the University of Pennsylvania in the 1940s[47] may have contributed to these first integral measures, as addressing individual sites and objects became more and more cumbersome.

Thus, out of necessity, the concept evolved from "many separate sites that need to be conserved" to "cultural heritage in general that needs to be conserved," although a justification or direction for such conservation remained unclear.

Since the late 1960s, Panamanian cultural heritage saw a period of solid and fast growth in its organization and regulation. Much of this was due to a trend that emphasized Panamanian identity while opposing it to the United States, which was losing popularity because of the Canal Zone occupation. In this case, the pressure of fostering a national identity was a key element in building a cultural heritage organizational and legislative framework. Another element in this development was Reina Torres de Araúz, who undoubtedly revolutionized the perceptions of historic heritage in Panama. Araúz was an eminent anthropologist who had been working in educational and academic fields. With scientific rigor and a modern concept of the role heritage could have in the Panamanian society, she pushed for heritage legislation and created several museums,[48] in the so-called *siembra de museos* or "planting of museums," a period when the amount of museums doubled in amount.[49]

One of her greatest achievements was to participate in the reform commission of the de facto dictator Omar Torrijos for the Panamanian Constitution in 1972 (addressed in the next

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46   Laws 67 and 68 of 1941.

47   Mikael J. Haller, "La historia de la arqueología panameña: El colonialismo, el neocolonialismo y el espionaje," *Arqueología del Área Intermedia* 8 (2010): 201-228.

48   Marcela Camargo Ríos, "Surgimiento y Desarrollo del Museo del Hombre panameño," *Actas Del Primer Congreso Nacional De Antropología, Arqueología Y Etnohistoria De Panamá* (conference proceedings) 1 (1978): 367-378.

49   Ana Luisa Sánchez Laws, "Panamanian Museums: History, Contexts and Contemporary Debates," (PhD diss., The University of Bergen, 2009), 92.

section), in which several considerations toward cultural heritage were included.[50] By this time, the dictatorship era that lasted for two decades had already begun.

As an anthropologist, Araúz recognized Panama as a "multi-cultural and multi-racial" nation,[51] and included her views in her political and administrative works.

During this time, a dual concept of Panamanian identity was constructed. On the one hand, it was unified by excluding the US and its influence. The "zonians," or US inhabitants of the Canal, were seen as a group that "discriminates the wage sector of other ethnic groups through a system of privileges."[52] On the other hand, it aimed at highlighting the singularity of the various groups of people in Panama through the multicultural approach. This dual, somewhat paradoxical approach to culture and identity remains today in some forms and is still a challenge for the national establishment.

As pointed out in 8.3.1, the vast amount of responsibilities regarding culture that were established in Articles 80 to 90 of the 1972 Panamanian Constitution called for a more specialized government body. Accordingly, in 1974, the National Institute of Culture was created as an autonomous body that would work under the cultural and educational policies of the Ministry of Education.

Panama also started to play a role in the international community of heritage, which was flourishing at the time. In 1978, the World Heritage Convention was ratified, and three sites were included in the World Heritage List in the following three years.

Since the 1980s, cultural heritage witnessed a period of consolidation for its policies, built on the foundational layers laid out in the previous decades, through the creation of regional museums, the designation of monuments, and specific regulations created mostly to manage certain sites, especially Casco Antiguo, which underwent a series of restorations. Property values for the Casco Antiguo area skyrocketed through investment incentives[53] leading to an economic revitalization but also to gentrification issues.[54] Panama Viejo, placed under the Panama Viejo Patronage, has run under public and private administration since 1995.[55]

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50   de Araúz, Reina Torres, "Omar Torrijos y su ideario de la cultura nacional," in *Torrijos: figura-tiempo-faena*, edited by Aristides Martínez Ortega,(Panama-Lotería Nacional de Beneficiencia, 1981) 211-216.

51   Ibid.

52   Translation by the author. INAC, *Política cultural de la República de Panamá*, (UNESCO, 1977), 11.

53   Patricia Pizzurno, "El turismo y el patrimonio en el panamá republicano: Apuntes históricos," *Canto Rodado: Revista Especializada En Patrimonio* 2 (2007) :1-22.

54   Ana Luisa Sánchez Laws, "Nationhood and otherness in Panamanian Museums: The case of the National Museum and the Anthropological Museum Reina Torres de Araúz," Paper presented at the NaMu III National Museums in a Global World conference, November 51-61, 2007.

55   Félix Durán Ardilla, "El Conjunto Monumental Histórico de Panamá Viejo," *Canto Rodado: Revista Especializada En Patrimonio* 9 (2014):51-66.

In 1982, the Measures on the Custody, Conservation, and Administration of the Historic Heritage of the Nation were issued, which is still the main legislative tool addressing cultural heritage in the country. Its contents are detailed in 8.4.3. Importantly, it created the *DNPH* as *INAC*'s heritage unit. Before this, *INAC* had no attributions over national historic heritage besides those provided in the laws that created *INCUDE* and its successor, *INAC*.[56]

After this very important step, an era of consolidation and amplifying began, by the inclusion of music and other expressions in the legislation.

Despite the negative mood, some important steps have been taken. Special care was given to the declared World Heritage Sites, allowing for tourism to be involved especially in Casco Antiguo. Casco Antiguo was given its own valuing office and very detailed regulations on the restoration of the outside of the buildings.

While there is great emphasis on some World Heritage Sites to protect and make use of them, there has been little action regarding the 19 official national museums, 2 of which have closed in recent years. This has helped private museums rise. One explanation for this shift of focus is the dictatorship eras, which were characterized by their up-to-date museology. The collective imagery may relate museums to the dictatorships, and thus pay less care to them. Osorio comments on the era: "[a]fter the fall of the dictatorship in 1989 there was a general sentiment of guilt associated with open expression of nationalism"[57] Furthermore, the growing importance of Casco Antiguo may also draw state attention from the museums sector.

In short, the development of cultural heritage policies in Panama evolved from simple, intrinsic conservation measures to a complex system that was consolidated and could be packaged as a product. Panama maintains the organizational structure that was designed in the 1970s, an issue that has been criticized by some scholars, as it is a highly centralized organization. Panama's current heritage trends seem to point to the cooperation of the tourism sector with heritage and to infrastructure, by building and restoring immovable heritage and cultural centers.

Table 49 shows the relationship of historical events in Panama and main cultural heritage legislation. Although no transcendental steps were taken in the first third of the twentieth century, it shows that the 1940s and 1970s were important stages for cultural heritage development in Panama. Mentioning heritage in the constitution sparked the creation of heritage laws and a

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56   Katti Osorio, "Comparative study on conservation of timber frame and mixed construction buildings of cultural interest in Panama and Japan." (PhD diss, University of Tsukuba, 2010), 33.

57   Katti Osorio, "Comparative study on conservation of timber frame and mixed construction buildings of cultural interest in Panama and Japan." (PhD diss, University of Tsukuba, 2010), 34.

specialized governmental body in both eras. The currently valid Measures and the *INAC* were both created during the dictatorship eras, and have not been modified considerably. Thus, the framework that Panama uses for safeguarding its heritage is outdated, and it has been created in a completely different context, which may affect its performance today.

Table 49:   Relationship of historical events in Panama and main cultural heritage legislation

Era	Historic Events	Heritage-related Events
Early 20th century	1903: Panama separated from Colombia, handed over rights of the Canal Zone to the U.S.	
1930s -1940s		
1940s	1903-1968: constitutional democracy	1941: Mention of national heritage in the constitution Law 67 protects monuments and archaeological objects, Department of Arts, Museums, and National Monuments Law 68 lists national monuments 1946: Expansion of the constitutional articles on heritage Organic Law of Education addresses heritage protection CONAMOH created
1950s		
1960s		1962: Regulations for CONAMOH
1970s	1968-1989: the military takes over, a series of dictatorships	1972: Cultural heritage mentioned in the constitution 1974: INAC 1978: World Heritage Convention ratified
1980s		1980: Fortifications on the Caribbean Side of Panama: Portobelo-San Lorenzo inscribed in the World Heritage List 1982: Measures on the Custody, Conservation, and Administration of the Historic Heritage of the Nation, creates DNPH
1990s	1989: Panama invasion by the US	1997: Archaeological Site of Panamá Viejo and Historic District of Panamá inscribed in the World Heritage List
2000s		2004: Convention for the Safeguarding of Intangible Cultural Heritage
Today	Democracy, conservative president	
Legend	Yellow: dictatorship or military government	

8.4.2 The Panamanian Constitution

In accordance with the cultural constitutionalism trends of the end of the 1930s in Central America, Article 148 of the 1941 Panamanian constitution stated, regarding heritage:

"All the artistic and historic riches of the country, no matter who their owner may be, constitute the cultural treasure of the Nation and will be under safeguarding of the State, who may prohibit its destruction, or export, regulate its alienation and decree the expropriations that it deems appropriate for its defense. The State will also protect places notable for their natural beauty of for their recognized artistic or historic value."[58]

This Article resembles Article 45 of the 1931 Spanish constitution (presented in 3.4.2),

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58   Translation by the author, Article 148 of the 1941 Panamanian Constitution, available in http://www.asamblea.gob.pa/cep/const_constitucion1941.pdf

and thus Central American articles on heritage presented in previous chapters. The inclusion of natural sites is a feature seen in the Honduran and Costa Rican constitutions.

After the 1941 constitution, the 1946 constitution incorporated a chapter (Chapter IV) on culture, but it addresses education, since both "education" and what we today know as "culture" were interchangeable terms at the time. Article 94 refers to culture as we know it today, as it appointed the state with protecting peasant and indigenous communities while conserving and developing the "values of indigenous cultures." Article 212 of 1946 is slightly different from Article 148 of the 1941 Panamanian constitution, and it added the following duties:

"It is the duty of the State to protect the native artistic heritage and to preserve the folkloric tradition in its various artistic and literary expressions through the action of the school and of research organizations that make use of scientific methods."[59]

The currently valid constitution of Panama was drafted in 1972, during the administration of the de-facto dictator Omar Torrijos, and it has been amended in 1978, 1983, 1993, 1994, and 2004.[60]

Articles 80-90 of the current constitution proclaim cultural rights, provide a definition of culture, and make the state responsible for developing technology and science, art, and sport.

Regarding cultural heritage, Article 85 is similar to its predecessor, and it stated:

" Archaeological sites and objects, documents, historic monuments and other movable or immovable goods that are witness to the Panamanian past constitute the historic heritage of the Nation. The State will decree the expropriation of goods that are in the hands of individuals. The law will regulate their custody, based on their historic primacy, and will take necessary measures to balance the custody with the feasibility of commercial, touristic, industrial, and technological programs." [61]

An interesting addition to this article is considering the balance between the cultural and

59   Translation by the author, Article 212 of the 1946 Panamanian constitution, available in http://www.asamblea.gob.pa/cep/const_constitucion1946.pdf

60   Panamanian constitution available in the national assembly website of Panama, http://www.asamblea.gob.pa/cep/contitucion_del_1972_reforma.pdf

61   Translation by the author, Article 85 of the 1972 Panamanian constitution, available in http://www.asamblea.gob.pa/cep/contitucion_del_1972_reforma.pdf

other sectors of the government, a precaution that has not been taken by any other country in this study. The regulation of cultural heritage according to its "historic primacy" is also an original addition to Central American constitutional articles on cultural heritage, as it allows some flexibility for the legislation, which tends to be rigid in the region.

Although Article 82 stated that the state will oversee the defense, diffusion and purity of the Spanish language,[62] Article 88 stated:

"The indigenous languages will be subject to special study, conservation and dissemination, and the State will promote bilingual literacy programs in indigenous communities."[63]

 Article 90 provides further details on indigenous rights:

"The State recognizes and respects the ethnic identity of national indigenous communities, and will carry out programs aimed at developing the material, social and spiritual values of each of its cultures, creating an institution for the study, conservation and dissemination of them and their languages, as well as promoting the integral development of these human groups."[64]

In the time during which the constitution was drafted, the so-called "folklorist movement" had gained strength in Panama, and accordingly Article 87 states:

"The State recognizes that folklore traditions form a core part of the national culture and will therefore promote its study, conservation and dissemination, establishing its primacy over manifestations or tendencies that adulterate it."[65]

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62   Translation by the author, Article 82 of the 1972 Panamanian constitution, available in http://www.asamblea.gob.pa/cep/contitucion_del_1972_reforma.pdf

63   Translation by the author, Article 88 of the 1972 Panamanian constitution, available in http://www.asamblea.gob.pa/cep/contitucion_del_1972_reforma.pdf

64   Translation by the author, Article 90 of the 1972 Panamanian constitution, available in http://www.asamblea.gob.pa/cep/contitucion_del_1972_reforma.pdf

65   Translation by the author, Article 87 of the 1972 Panamanian constitution, available in http://www.asamblea.gob.pa/cep/contitucion_del_1972_reforma.pdf

Regarding cultural heritage, a few observations can be made on the Panamanian constitution:

-Constitutional protection of folkloric traditions is the oldest of the six countries of this study, going back to 1946

-Custody of cultural assets is regulated according to the "historic primacy" of the asset

-Consideration is taken for balancing custody with the feasibility of commercial, touristic, industrial, and technological programs.

8.4.3 Measures on the Custody, Conservation, and Management of the Historic Heritage of the Nation

In Panama, many different laws and decrees address cultural heritage, forming a complex legislative fabric. Among these, the Measures on the Custody, Conservation, and Administration of the Historic Heritage of the Nation ("the Measures" in this section) is the main integral legislative tool addressing cultural heritage in the country. The measures were passed as Law 14 of 1982, few years after the inception of the *INAC*, and they appoint the institute with administrative directions and provide regulatory norms that do not state an aim for cultural heritage.

Previous to the measures, the Regulations of the National Commission of Archaeology and Historic Monuments of 1962[66] were the instrument that defined artistic, archaeologic, and historic heritage and that provided certain regulations and administrative measures such as establishing inventory catalogues and excavation procedures.

The Measures were amended in 2003. The amendments included underwater heritage in the provisions for excavations, increased fine amounts, prohibited objects that obstructed the view of heritage sites (such as signboards cables), created the National Registry System of Movable and Immovable Cultural Goods, and provided some additional sanctions.

In this section, I address the Measures and their characteristics, as well as some additional instruments where needed. An overview of the Measures is provided in table 50.

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66   Through Decree 87 of 1962

Table 50:   Overview of the Measures on the Custody, Conservation, and Management of the Historic Heritage of the Nation

CHAPTER I **HISTORIC HERITAGE SECTION**	-The INAC is responsible through the National Section of Historic Heritage for the recognition, study, custody, conservation, management, and enrichment of the National Historic Heritage (Article 1) -Attributions of the National Section of Historic Heritage (Article 2) -Historic Heritage is defined as established in the constitution (Article 3)
CHAPTER II **NATIONAL COMMISSION OF ARCHAEOLOGY AND HISTORIC MONUMENTS**	-The National Commission of Archaeology and Historic Monuments is created as a consulting body that will assess the Heritage Section, have internal regulations, and will have the faculty of making recommendations (Articles 4, 5, 6, 7)
CHAPTER III **CONTROL AND INVENTORY OF CULTURAL GOODS**	-Research, excavations, and archaeological rescues in land or underwater have to have prior permission from the Heritage Section. The permission request process is explained. Excavations are defined (Articles 8, 9, 10, 11, 12, 13, 14, 15) -The Heritage Section will have its staff elaborate an inventory of the rescued materials and will see that they are deposited in a State museum (Article 16) -In the case of particular entities or public scientific institutions, the Heritage Section may hand part of the rescued materials to them as a loan. If, for research purposes the materials have to leave the country, the Heritage Section may grant permission, taking the necessary measures for their safe return. (Articles 17 and 18) -Any excavated materials are assets that belong to the state. However, the State may grant the loan of rescued materials to foreign institutions for no more than five years as long as they are not unique. Terms for the recipient are detailed (Article 19) -The Heritage Section may celebrate mutual loan agreements with foreign scientific institutions (Article 20) -The Heritage Section will publish the results of the investigations that it has carried out or authorized. Foreign institutions that have done research in the country must publish their studies and results in Spanish and hand an agreed amount of publications to the Heritage Section (Articles 21 and 22) -The Heritage Section will establish an order of priorities for investigations and excavations(Article 23) -If during excavations objects are found that put the existence of an archaeological site in evidence, the works will be suspended and necessary measures will be taken by the Heritage Section (Article 24) -The INAC may ask the owners for archaeological goods. If the handover is permanent, the INAC may reimburse the owner (Article 25) -Owners, depositories, or custodians of archaeological heritage at the time of the emission of this Law have two years to declare the existence of their assets and to place them in the inventory of the Heritage Section (Article 26) -Collections or archaeological assets (whether of particular or state ownership) must remain in the country, only the INAC may authorize their temporary export for cultural and scientific reasons. In the case of transferring archeological assets, the INAC has priority acquisition rights. From the moment that the law is valid, all archeological finds are exclusive property of the State and cannot be owned by individuals (Article 27) -No individual, agency or person may carry out archaeologic investigations or excavations without consent from the Heritage Section. Infractor will be punished with a fine of 1000 to 50000 Balboa (Article 28) -Falsification of archaeologic materials is sanctioned with a fine of 10000 Balboa (Article 29) -Sanctions dictated by the Historic Heritage section may be appealable to the INC. The heritage section will determine the value of the objects referred to in Article 28 (Article 30) -Rescued materials will be part of the state museums, and their exhibition is compulsory in the provinces where they were found (Article 31) -The INAC will regulate the production, distribution and commerce of replicas photographies, slides, postcards, and microfilms (Article 32, 33 and 34) -In case a public institution does restoration, conservation, or maintenance works of historic monuments, or wants to make use of them for art or tourism, necessary agreements will be signed with the INAC (Article 35)
CHAPTER IV **NATIONAL HISTORIC MONUMENTS AND NATURAL MONUMENTS**	-The designation of a work, object, or document as of historic, archaeologic, artistic, or architectonic interest will be declared by law (Article 36) -Urban areas or groups such as streets, plazas, etc. can be qualified and declared national monuments (Article 37) -The INAC may ask the National Legislation Council for the survey and declaration of any work, object, or urban or rural group as a national monument and thus prevent any works that may affect their integrity or reduce their aesthetic or historic value. Works may be suspended(Article 38) -The Heritage Section has to approve any works project that is carried out in areas adjacent to national or historic monuments to prevent damage (Article 39) -The Heritage Section must approve any restoration or conservation work of national or historic monuments and will see that their aspect is not altered and their identity is not disfigured. Their environment will be protected by prohibiting the placing of commercial publicity and any cables or antennas in their facades (Article 40) -The Heritage Section will elaborate a census of works and buildings and signal those that are in conditions that threaten their stability so that the executive branch can provide the necessary conservation funds (Article 41) -Owners of sites where national monuments exist cannot repair them without permission from the Heritage Section. They may not oppose their study, contemplation, or reproductions. Destruction or demolition are punished. (Articles 42 and 43)
CHAPTER V **SCIENTIFIC INVESTIGATIONS**	-The Heritage Section will carry out investigation programs with the aid of its research and special personnel, as well as the cooperation of national and foreign experts (Article 44) -The Heritage Section is responsible for the custody, study, and preservation of all monumental groups that exist in the country (Article 45) -Universities, institutes, and national and international investigation centers that wish to make studies of these monumental groups have to communicate it previously to the Heritage Section. The responsible persons will hand the necessary reports. (Articles 46 and 47) -Credited foreign organizations that carry out ethnographic and folkloric investigations that include collecting specimens must leave a similar collection in an appointed institution. The Heritage Section will publish the results of these investigations (Articles 48 and 49) -The executive Order will provide the necessary budget for the INAC (Article 50)
ADDITIONS PROVIDED IN THE REFORMS OF 2003	-The Heritage Section will elaborate a National Registry System of Movable and Immovable Cultural Goods (Article 7) -The administrative sanctions imposed by the Heritage Section are without limitation of the criminal or civil responsibilities that may apply (Article 8) -From the moment this Law is proclaimed, any person that owns a movable cultural good must inscribe it in the Heritage Section. The INAC may confiscate goods if this obligation is not kept (Article 9)

Sources:
Measures on the Custody, Conservation, and Management of the Historic Heritage of the Nation (Law 14 of 1982)
http://docs.panama.justia.com/federales/leyes/14-de-1982-may-14-1982.pdf
Law 58 of 2003 that modifies articles of the Measures on the Custody, Conservation, and Management of the Historic Heritage of the Nation
http://www.unesco.org/culture/natlaws/media/pdf/panama/pan_ley58_03_spaorof

Definitions and Concept of Cultural Heritage

Article 3 of the Measures refers to the constitution for the definition of Panamanian heritage (see 8.4.2). With this relatively vague definition, *INAC* has been able to declare non-traditional kinds of heritage (such as intangible heritage) without having to alter procedural regulations.

Article 12 of Law 63 of 1974 (the law that created the *INAC*) provides more specific definitions for culture:

"The following will belong under the National Culture Institute:

1-Buildings, facilities, and movable assets of cultural nature that belong to the National Government or the Culture and Sports National Institute, except for the facilities that belong to educational installations

2-The immovable buildings that house he National Theatre, the National Palace, and the Old Railway Station, as well as Estate No.786, volume 17, page 134, located in Avenue B No. 1008, where the Arts Building is located, the building known as Town Council House in Los Santos City

3-The national museums

4-The product of its activities and of the taxes and rights it may collect for the use of its facilities

5-The inheritance, the legacies and donations accepted and

6-Subsidies and grants that the National Government may acquire for the development of activities." [67]

The Historic Heritage Section and the National Commission of Archaeology and Historic Monuments

Chapter I appoints the Historic Heritage Section as *INAC*'S unit that handles the cultural heritage of the nation, and provides its attributes, as follows: making an inventory, proposing sites to be designated as heritage, conserving and safeguarding national monuments, studying and making an inventory of the historic heritage of the nation, safeguarding movable heritage

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[67]   Translation by the author, source: Law 63 of 1974, http://docs.panama.justia.com/federales/leyes/63-de-1974-jun-25-1974.pdf

and impeding its illicit export, collaborating with the legislative branch to establish heritage legislation, establishing a priority order for research, executing programs that communicate the importance and value of historic heritage, granting permits for study and rescue activities, and requesting the expropriation of historic goods when deemed necessary.

Chapter II re-establishes the National Commission of Archaeology and Historic Monuments and defines its organization. It appoints the commission with three faculties: assessing the Historic Heritage Section, establishing internal regulations, and making recommendations to the Historic Heritage Section to improve its functions.

Control and Inventory of Cultural Heritage

Chapter III addresses control and inventory as a task of the Historic Heritage Section. Rescued materials must be included in inventories, as must individually-owned assets. The amendment of the law establishes an additional registry for movable and immovable heritage.

Most of the articles of Chapter III address the measures to be taken for heritage research and collaboration with foreign institutions.

Ownership of Cultural Heritage

As the constitution establishes, cultural heritage belongs to the state, but custody is flexible. Thus, even foreign institutions can borrow rescued cultural goods for up to five years, as long as they have permission from the Historic Heritage Section. The recipient must conserve the borrowed materials, only use the them for study, analysis and exhibition, keep the materials in a place known to the Historic Heritage Section, and not borrow them to an external person or entity.

Privately-owned materials must be declared to the *INAC*, who may ask owners to hand over their cultural assets, reimbursing the owner.

Archaeologic objects found after the law is issued are automatically put under state custody.

Protection Measures

Chapter IV provides details on how heritage is to be designated in Panama, as well as some legal faculties for the *INAC*. The institute can declare sites in order to protect them from damage, and any construction works that may harm adjacent heritage must be approved by the Institute.

The Historic Heritage Section also has to approve and oversee any construction works of heritage sites, and let the executive power know of buildings that require urgent restoration works. The Historic Heritage Section also has the right of studying, contemplating and reproducing national monuments, even if owners oppose it.

Scientific Investigations

As mentioned before, Chapter III addresses procedures for individuals and institutions (national and foreign) to get permission for heritage investigation. Chapter V expands on these procedures. It appoints the Historic Heritage Section with the duty of conducting scientific research and the ability to give permission for other institutions to conduct research as well. Any research intention must be communicated to the Historic Heritage Section, and during investigations, progress reports must be provided as required by the Section, who will publish the results.

Sanctions

Sanctions are provided for falsification of archaeologic materials, and excavations and research without prior consent. Sanction fine amounts were increased in the 2003 amendments. No incarceration periods are addressed in this instrument.

Article 211, Chapter I of Title VI of the Penal Code, however, established sanctions for heritage theft of four to six years. Furthermore, Chapter VII of Title VI addresses crimes against historic heritage.[68] It established five to ten years of prison for illicit excavations, commerce and export, five to seven years for the destruction or damage, two to four years and 200 fine-days for not returning borrowed cultural heritage to the nation, and three to six years for unauthorized ownership.

Overall, a few observations can be made on the Measures on the Custody, Conservation, and Management of the Historic Heritage of the Nation:

- the measures are strongly oriented towards research, providing specific details that go from requesting permission procedures to the publication of the results. The influence of Reina Torres de Araúz, who was an expert researcher in Panama at the time and active in heritage may explain

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68   Public Ministry, " Texto Único del Código Penal de la República de Panamá," http://www.oas.org/juridico/pdfs/ mesicic5_pan_res_ane_act_corr_2.pdf

this characteristic.

- the Measures also establishes detailed procedures for international cooperation and research

-the Measures allow for a flexible custody of cultural heritage and are less strict than in neighboring countries, as they provide little protective measures for illicit trade and few sanctions

-no definitions of heritage are provided. Rather, the Measures refer to the constitution's vague definitions.

-Intangible heritage is not addressed in the Measures

8.4.4 Cultural Heritage Policies in Panama and International Instruments

Besides the Central American conventions, Panama has ratified all international conventions on cultural heritage shown in 2.3.3. In general, Panama has been striving to be recognized as an international growing power, which may explain this international participation. The city of Panama as the "Ibero-American Capital of Culture 2019," has aimed to increase business and an international image in recent years. Culture is an important part of its strategy and includes scenic arts, music,[69] folklore, and cultural heritage in its offer to nationals and foreigners.

Panama accepted the World Heritage Convention in 1978 and included the following properties in the World Heritage List:

1997: Archaeological Site of Panamá Viejo and Historic District of Panamá (cultural)

1980: Fortifications on the Caribbean Side of Panama: Portobelo-San Lorenzo (cultural)

1981: Darien National Park (natural)

1983: Talamanca Range-La Amistad Reserves / La Amistad National Park (with Costa Rica, natural)

2005: Coiba National Park and its Special Zone of Marine Protection (natural)

The Convention for the Safeguarding of Intangible Cultural Heritage was ratified in 2004, and so far no element has been included in the list.

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69   Music has been an especially important part of the brand of Panama. The musician Rubén Blades, who was the minister of Tourism from 2004 to 2009, participated in a tour organized by the ATP in Europe to promote the country, where he performed various times, and his support for the image of the country through music has been characteristic.

8.5 Conclusions

Today Panama is a capitalist, democratic nation with one of the fastest growing economies worldwide, but this was not always so. The nation experienced a series of dictatorships from 1968 to 1989 which radically transformed its politics, economy, and society. During this period, the cultural sector gained importance as a vehicle that could strengthen the national identity and instill nationalism.

Panama's National Culture Institute or *INAC* has been stable for the past four decades, but its performance has been hindered by constant administrative changes and corruption. Budget allocations have seen a modest rise, and a strong rise for investments that target immovable heritage restorations, but little research and dissemination programs have been carried out. Corruption has misplaced funds for heritage. A suspicious case is the recent City of the Arts project, for which over twenty million dollars has been spent with no palpable results.

Based on the information provided in this chapter, I have made the following conclusions specific to Panamanian cultural heritage policies:

-A Nationalist Direction and a Structure laid out during the Dictatorship Eras

Nationalism has guided the development of cultural heritage policies in Panama ever since its separation from Colombia. Cultural heritage policies saw a rise in the 1940s due to archaeological explorations, but it was in the 1970s - during the dictatorship eras - that they became increasingly important, as they sought to strengthen national identity and nationalism through culture. This importance is seen in the creation of the *INAC*, the National Historic Heritage Section (*DNPH*), and the Measures on the Custody, Conservation, and Management of the Historic Heritage of the Nation, the currently valid law for heritage protection. Indigenous, popular, and folkloric cultural heritage were highlighted, opposing them to the hegemonic, white, oppressive United States.

However, the US Invasion to Panama that deposed then-dictator Manuel Noriega initiated a slow decline in the importance of the cultural sector. This may be attributed to the general sentiment of guilt that was associated with expressing nationalism openly. Another factor of the decline was the structure of the *INAC* inherited from the 1970s, which is highly centralized and dependent on the executive branch (through the Ministry of Education). Although this structure was robust and allowed for quick decision-making at its time, it does not fit the current

democratic regime. The *INAC* used to work under a strong figure with close connections to the dictator, but today projects are slowed by bureaucratic processes and constant administrative changes.

-An Imbalance owed to Tourism

Despite the waning importance of nationalism, a new factor has boosted the development of cultural heritage policies in Panama: tourism. The unprecedented growth of visitor numbers, which doubled in the past ten years, has brought attention to the possibilities of cultural heritage for this reemerging sector.

The Panamanian government and the Municipality of Panama have concentrated their efforts in the site Casco Antiguo, a colonial quarter that is conveniently located and that can be easily isolated, guaranteeing security for tourists. As property values of the site grow, inhabitants are displaced, leaving room for hotels and restaurants. Meanwhile, *INAC* and the central government have dedicated several specific regulations for the site and allocated over half of the budget for immovable site restorations to it.

The remarkable concentration of state efforts for Casco Antiguo has brought about a decline in projects of other sites, such as Portobelo-San Lorenzo, which remains in a World Heritage Site in Danger since 2012. The museums sector also suffered a blow, as already two museums are currently inactive due to lack of budget and proper management. Most notably the Reina Torres de Araúz Anthropological Museum, which was once the pinnacle of Panamanian heritage, has remained closed since 2013. Thus, the importance of the tourism sector has led to imbalances in Panamanian cultural heritage management.

-An Independent Character

Within Central American standards, Panama has shown little "UNESCO-ization." Its Measures on the Custody, Conservation, and Management of the Historic Heritage of the Nation have an independent character, different from other protection laws of the region, as it does not define heritage (or heritage categories) and it places a great deal of focus on research and bilateral cooperation. This again is owed to the fact that the measures were drafted during the dictatorship eras, under the independent guidance of the researcher Reina Torres de Araúz.

Some events point to a change in this independence, such as the 2003 amendments of the measures, which included underwater heritage a few months after Panama ratified the Convention

on the Protection of the Underwater Cultural Heritage. On the other hand, little has been done regarding intangible heritage, an issue greatly pushed by UNESCO. Additionally, little heed was taken towards UNESCO recommendations such as consulting on the Cinta Costera Project that put Casco Antiguo in jeopardy or addressing the neglected Portobelo-San Lorenzo site. Whether cultural heritage policies will change with the recent internationalization of Panama is an issue that remains to be seen.

In general, it seems that once the Panamanian government highlighted nationalism, but today it is focusing on economic growth, so that heritage projects that target infrastructure (reconstruction of heritage and construction of centers), policies that support tourism development (through Casco Antiguo) or programs for international appeal (such as Panama being the Ibero-American Capital of Culture 2019) are given priority. Although economic growth may eventually allow for more resources for heritage, it may cause irreparable damage on the way. The centralized attention in some areas and the open neglect in others causes concern on the future of the Panamanian cultural heritage and its connection to the people. Decentralization and autonomy strategies could alleviate these issues, but current conditions do not point to such a shift anytime soon.

CHAPTER 9:
COMPARATIVE ANALYSIS

Drawing on the observations made for each country in chapters 3-8, this chapter addresses cultural heritage policies from the Central American regional perspective. The first section compares the organization, budget, programs, legislation development, constitutional articles, main laws, and international participation of each country. It provides insight on common challenges as well. The second section establishes, based on the first section, comparison parameters and where each country lies within these parameters. The third section contains general observations drawn from the first and second sections.

9.1 Situation Analysis of Cultural Heritage Policies in Central America

9.1.1 Organization

Table 51 shows the main national organizations that handle cultural heritage for each

Table 53:   Main national organizations handling cultural heritage in Central America

1. COUNTRY	2. MAIN ORGANIZATION	3. YEAR OF ESTABLISHMENT	4. AMOUNT OF STAFF	5. DEFINING CHARACTERISTICS
GUATEMALA	Ministry of Culture and Sports of Guatemala	1986	3524 (1468 for cultural heritage, 2015)	-Stable and organized but lacking direction -Cultural sector divided its roles into 'arts' (associated with white culture) and 'heritage' (associated with indigenous expressions), despite claiming to unite people -Supporting indigenous culture for political reasons
EL SALVADOR	Secretary of Culture	2009	1209 (2016)	-Created for political reasons, failed attempt at a Ministry of Culture -Assumed the difficult task of social peace -Disorganized structure -"Dr. David Guzmán" Anthropological Museum assuming most heriatage-related roles
HONDURAS	Executive Section for Culture and Arts, Honduran Institute of Anthropology and History	2014, 1952	DECAD: 314 (2017), IHAH: 121 (2017)	-DECAD: Unstable institution with constant administrative changes and claims of harassment and corruption, in a financial crisis -IHAH: Decentralized and autonomous, mainly focusing in archeology
NICARAGUA	Nicaraguan Institute of Culture	1989	363 (2015)	-Autonomous, small, making use of decentralization to manage heritage -Stable, political institution
COSTA RICA	Ministry of Culture and Youth of Costa Rica	1971	622 (2015)	-Stable institution -The Costa Rican National Museum assumes many heritage-related tasks, while the Cultural Heritage Research and Conservation Center addresses mostly built and intangible heritage
PANAMA	National Culture Institute	1974	987 (2017)	-Stable, but threatened by changes in the administration -Lack of autonomy, corruption

country, their year of establishment, amount of staff, and some defining characteristics. The diversity of these institutions is notable in all of these categories. On their position within the government, only Guatemala and Costa Rica have a ministry of culture, while the other four countries have different forms of national institutes. Their year of establishment is also diverse, ranging between 1971 (the oldest in Latin America) and 2014 (only three years ago), and their amount of staff varies between 363 and over a thousand. It is important to remember that none of these numbers indicate "better" or "worse" conditions. For example, old institutions such as Costa Rica's Ministry of Culture and Youth might stable, but manage a paradoxical concept of cultural heritage that mixes old with new perceptions. On staff numbers, Nicaragua's *INC* may be the smallest, but this does not translate into a worse performance. The *INC*'s decentralization strategies delegate heritage functions to the municipalities and Autonomous Regions effectively.

Although these numbers seem to present a wide variety of institutions, the common history and conditions allow for some shared characteristics. Some of them are common in developing nations, such as corruption (seen en Panama and Honduras especially), disorganization (seen in Honduras and El Salvador, whose cultural institutions have been renewed recently), or constant administrative changes. The following are some special characteristics observed in Central American culture and cultural heritage organizations:

-Political institutes

Guatemala's *MCD*, El Salvador's *SECULTURA*, Honduras's *DECAD*, and Nicaragua's *INC* have all been created for political reasons, and maintain political roles. While Panama's *INAC* was also created during a dictatorship with such a motivation, its current role is not as political as in the other countries.

The civil wars and revolutions in the region saw an opportunity in culture to express or oppose ideologies. With political changes in the last decade (the change of the political panorama in Guatemala, the rise of the Salvadoran *FMLN* in 2009, the 2009 coup in Honduras, the rise of Daniel Ortega's *FSLN* in 2006), new roles were assumed for the cultural sector. This "politization" has disrupted long-term programs and reshaped cultural heritage to fit external agendas.

-Social inclusion

As Central America is a region where diverse groups of people (white, mestizo, indigenous people, people of African descent, new immigrants, and so on) mingle and coexist, important

issues, such as the Guatemalan civil war, are strongly related to the clash of ethnicities. Guatemala, El Salvador, and Nicaragua have been especially active in trying to assign a social role to their cultural sector. This role, encouraged by political agendas, intends to justify the existence of the cultural sector and to patch rivalries by highlighting multiculturalism and peace. Although a commendable effort, it has proven difficult to achieve, since peace and integration also depend on combating inequality and violence. Regarding heritage, social inclusion shifted the focus from tangible heritage protection towards intangible and popular heritage, which is closer to living populations.

-*Museums as heritage institutions*

Both El Salvador's *SECULTURA* and Costa Rica's Ministry of Culture and Youth have delegated important heritage functions to the "Dr. David Guzmán" Anthropological Museum and the Costa Rican National Museum respectively. In both countries, the lack of monumental sites and the early importance of museums as heritage managers have allowed for such a structure. Although these museums count with stability and long-time recognition, they are overloaded with heritage functions. Furthermore, they can distort the national concept of heritage, as they design and channel programs.

9.1.2 Budget

Table 52 shows budget allocations for the main cultural institutions and cultural heritage in the six countries. Since the cultural institutions are diverse in their organization, the data only provides some insight on government expenditure for culture. Adjustments were made to the numbers to allow for comparisons. For example, for Guatemala, the budget for the Sports Vice-ministry was subtracted from the total budget of the Ministry of Culture and Sports to have an idea of how much is spent in culture. This, however, does not necessarily reflect numbers exclusive for culture. In the case of Honduras, since heritage is managed by the DECAD, the *IHAH*, and the Garinagu Cultural Center, the budget for these three institutions was added. In the case of Costa Rica, the budget of the Ministry of Culture and Youth was not modified, as the Youth vice-Ministry functions are relatively small.

Table 54: *Comparison of budgets for culture and heritage in Central America*

1. COUNTRY	2. BUDGET	3. BUDGET FOR HERITAGE	4. % RELATIVE TO THE GENERAL EXPENSE BUDGET	5. TRENDS
GUATEMALA (2013, MCD MINUS THE BUDGET FOR SPORTS)	27,564,800 USD (221,006,585 GTQ)	12,437,100 USD or 99717109 GTQ	0.33	-Increase in the Ministry, but mostly in the Sports sector -Stagnant budget for cultural heritage -A large sum allocated for Tikal Park
EL SALVADOR (2014-2015, SECULTURA)	18,476,024 USD	80,990 USD (2013)	0.383	-Moderate increase -SECULTURA declared itself bankrupt in 2014 -Dependent on foreign aid
HONDURAS (2017, GARINAGU CULTURAL CENTER, IHAH, AND DECAD, INCLUDES SPORTS)	9,540,270 USD 224,482,464 HNL	-	0.172	-Decreasing after the 2009 coup and Orlando Hernández's 2014 economic reforms -Reports of mismanaged funds
NICARAGUA (2017, INC)	3,163,190 USD (96,309,729 NIO)	492,659 USD (15,000,000 NIO)	0.120	-Great increase for the INC, stable proportion to the general expense budget -Slight increase for cultural heritage -Dependent on foreign (especially Spanish) aid
COSTA RICA 2017, MCJ)	84,206,900 USD (49,325,883,904 CRC)	18,599,900 USD 10,895,292,000 CRC	0.552	-Increasing budget -Recent budget reductions have limited heritage conservation projects
PANAMA (2016, INAC)	41,379,000 USD	1,681,900 USD and 18,729,000 for investments	0.206	-Increasing budget -Rising investment budget, especially for restoration and construction in Casco Antiguo -Corruption cases

All data can be found in the budget sections of the previous chapters. Average historical exchange rates were calculated using conversion rates of December 31st of each year or of July 1st 2017 if the data is from 2017; OANDA, https://www.oanda.com/currency/converter/

Column 2 shows that budget amounts vary considerably, ranging between 3 and 81 million dollars. Naturally "more money" does not mean "better," as factors have to be considered such as decentralization strategies, performance, and national prices. Guatemala and Panama (when its investments budget is included) spend most on heritage relative to their culture budget, as column 3 shows (data for heritage spending of Honduras could not be gathered). Indeed, Panama has been investing heavily in Casco Antiguo, while Guatemala allocates a great part of its resources to safeguard its enormous Tikal Park.

Column 4 of table 52 also shows the culture budget relative to the general expense budget. In general, a 1% has been regarded as the minimum for cultural expenditure in documents such as the Valparaíso Declaration of 2007[1] or the 2014 Declaration of the XVII Ibero-American

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1   Valparaíso Declaration of the X Ibero-American Conference of Culture in Valparaíso, Chile, 2007, http://www.oei.es/historico/xcic.htm

Conference of Culture of 2014.[2] While some countries (such as Spain) have adopted this measure, Central American countries have not. According to the table, no Central American country has reached this minimum. At this point, it is important to be reminded that budget percentages do not represent "good" or "bad" conditions, but they do provide some general idea on the status of culture in each country.

As a reference, Figure 51 shows expenditure in culture as a percentage of the total public spending of Ibero-American countries in 2013, according to an *OEI* report. *OEI*'s data was generated from official numbers provided by the state parties, although the particular calculation is unknown. Compared to my gathered data, percentages are higher, strikingly so for Costa Rica and Nicaragua.
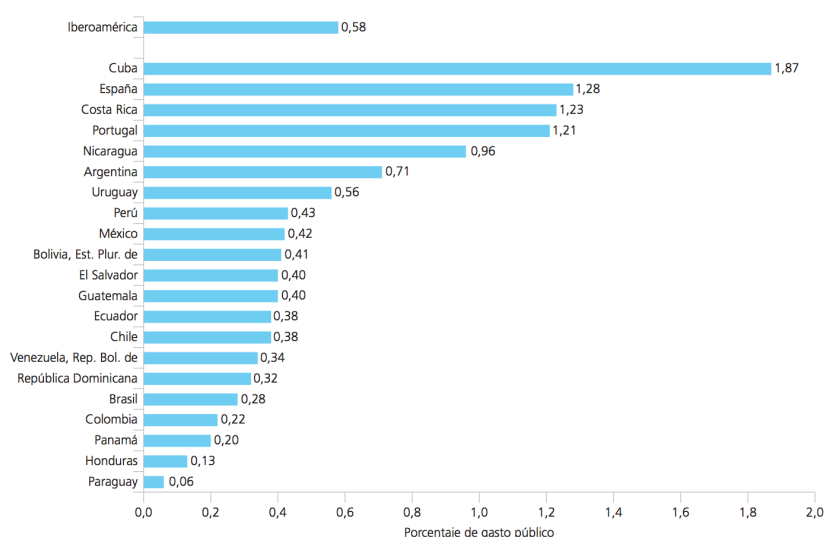
Figure 51: Source: OEI, Cultura y desarrollo económico en Iberoamérica (Madrid: OEI, 2014), 184.

From the budget information for Central American culture, the following observations were made:

-The condition of Honduras stands out as especially fragile: it is the only country whose budget for culture has been decreasing, despite already being the second smallest of the region. Reported mismanaged funds and economic reforms have further reduced this budget, allowing for the poor conditions discussed in 5.2.

-Nicaragua and Panama show a palpable increase in their expenditure for culture. Costa Rica

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2   Declaration of the XVII Ibero-American Conference of Culture, http://www.mec.gub.uy/innovaportal/

also showed an increase. The economic stability and growth of Costa Rica and Panama and the growing cultural tourism in Panama and Nicaragua may explain these investments.

-Concentration of heritage funds is seen in Guatemala's Tikal and Panama's Casco Antiguo

9.1.3 Programs

Heritage programs in Central America usually target the reconstruction of damaged immovable sites and buildings. The following observations were made for Central American cultural heritage programs:

-Pre-Columbian monuments and Colonial cities centralize resources

Cultural heritage programs target individual pre-Columbian monuments (Guatemala's Tikal, Honduras's Copán) and Colonial cities (Guatemala's Antigua, Nicaragua's Granada, Panama's Casco Antiguo, figure 52). The historical importance (discussed in the next subsection) and

Figure 52: Centralizing world heritage sites

appeal of these places for tourism development explain this centralization. While it is an opportunity for cultural heritage to generate revenues, it also simplifies the concept of national heritage and hinders the promotion of regional programs that connect people with their heritage.

-Houses of Culture and Culture Information Systems

Two programs have been applied uniformly in Central America. The Houses of Culture were initiated in the 1970s in the region and remain today. They aimed to decentralize culture by providing community hubs in rural areas. They are still popular in El Salvador, Nicaragua (where they are known as Popular Culture Centers), and Costa Rica, but they saw a notable decline in Honduras.

The "cultural information systems" were launched in the 2010s, mostly with Spanish aid. These systems are an online platform whose purpose is encouraging interaction between civilians, cultural actors, and the government. This is achieved through an interactive map where users can register cultural sites, festivals, people, etc. Although the systems represented a contemporary, dynamical approach that could solve existing issues, many of them do not remain up-to-date. The technological requirements, as well as the human resources needed to manage a nation-wide platform, may overwhelm cultural institutions that are already struggling to maintain their regular programs.

-Inviting civic participation

In all the countries of this study, there were instances of supporting civic participation, such as the Salvadoran Program of Resource Transfer, or the Honduran transfers of the *SCAD*. Transfers usually targeted projects proposed by individuals and organizations, and have been an effective way to connect with the civilians while delegating cultural functions. The Costa Rican "Let's save our historic-architectonic heritage," program is an interesting approach. In it, engineers and architects propose restoration projects and the winning proposal is financed by the state.

-The rise of intangible cultural heritage

Not all Central American countries are following the international trend of rescuing intangible heritage. The countries which aim at social inclusion (especially Guatemala and Nicaragua) are investing in intangible heritage as a tool to include segregated groups of people. However, in the case of Guatemala, despite various declaration laws and proclamations, the

budget allocations, programs, and the institution of intangible heritage remain weak. It raises the question of whether supporting intangible heritage will shift from a theoretical realm into a palpable field, or whether intangible heritage is just a facade to proclaim social action and attract foreign capital.

-The Presence of Tourism

As tourism in Central America began to grow in the 1990s (figure 53), cultural heritage adopted the new, instrumental role of attracting visitors. The close cooperation between the heritage and the tourism sectors has led to imbalances such as the centralization of resources discussed previously. Furthermore, it has led to weakened cultural sectors that even delegate their functions to the tourism sector, as was the case in Honduras.
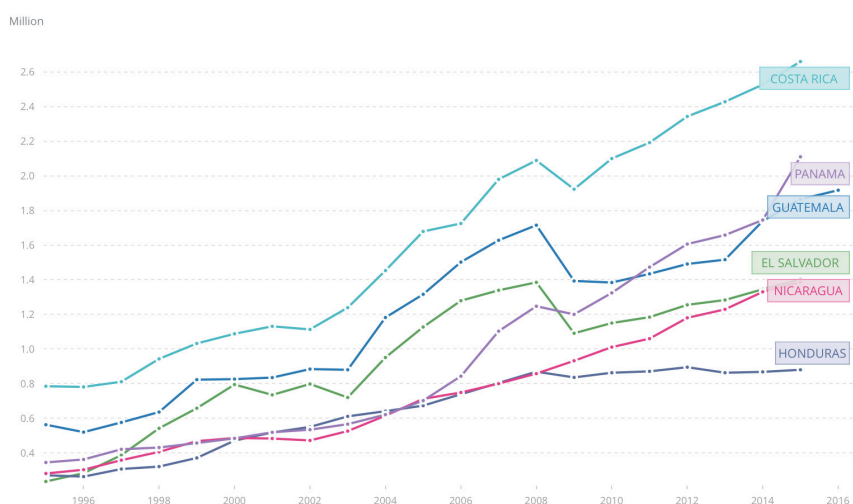
Figure 53: Tourist arrivals in Central America from 1995 to 2016, original source: World Tourism Organization, Yearbook of Tourism Statistics, Compendium of Tourism Statistics and data files, taken from https://data.worldbank.org/indicator/ST.INT.ARVL?locations=GT-SV-HN-NI-CR-PA

9.1.4 Legislation Development

Throughout the development of Central American heritage policies, two types of heritage shaped modern cultural heritage legislation in Central America:

-Archaeological heritage (pre-Columbian), because of the necessity of protecting it from looters and explorers; the legislation for archaeological heritage was highly protective and strict

-Colonial heritage, because of the symbolic connection that it maintained with Spain, the church, and the 'civilized' world. Colonial buildings were declared and used by the government

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Most of the first laws targeted specific monumental pre-Columbian sites (such as Copán in Honduras) and Colonial buildings (such as Antigua in Guatemala), as well as the prevention of illegal trade because of the ongoing excavations. At the time, museums also had an important position, as they legitimized the new republics and created an "official" national identity. Today, this purposeful construction of nationalism is criticized. Nevertheless, it had an impact on the minds of Central American people, who began to think about what they identified with.

The beginning of the twentieth century saw a period of small, scattered laws and decrees, but with the cultural constitutionalism of the 1930s that spread throughout the region, these conditions began to change. Cultural institutions and encompassing laws started to appear, sometimes supported by dictators, sometimes by the social reforms that flourished the 1940s. Mexico and Spain were great influences for Central American heritage policies, as was the presence of foreign (mostly US American) archaeologists. The foreign archaeologists' role has been interpreted in two ways. On the one hand, their presence has been regarded as a second form of "colonization," since many of the excavated objects were taken abroad. On the other hand, they sparked interest in the national heritage, aiding in the development of protective measures.

With the internationalization of heritage (UNESCO, the American Heritage Convention, and so forth) in the 1970s and 1980s, Central American cultural institutions saw a "golden age" of growth and consolidation. This is true for all countries except for El Salvador, which was in a political, demographic, and economic crisis. Many important laws and organizations were created in this decade and remain today. Natural disasters and civil wars drew further attention towards the importance of protecting heritage. More importantly, political interests during dictatorships and wars either supported cultural heritage (as was the case of Nicaragua and Panama) or paralyzed its development (as was the case in El Salvador). It is during this time that cultural heritage policies began to acquire differentiated characteristics in each country. However, as will be discussed in the next section, the influence of international organizations and conventions has reversed this period of differentiation.

The 2000s saw another period of re-emergence, although of less force than in the 1970s. The end of the civil turmoil in the 1990s is one reason for this re-emergence. This was especially so for El Salvador, where virtually all of the laws and organizations on heritage were constructed a

few years after the end of the civil war. The end of the wars and dictatorships led to another factor for the re-emerging interest in national heritage: tourism. The continuously growing number of visitors to Central America has called for protection measures and opened up new possibilities for heritage. The third factor was UNESCO and the Intangible Heritage Convention, which drew interest into an area that had been long forsaken. The political and social uses of intangible heritage paved the way for a new interest in heritage. However, this interest has proven to be shallow at times. It is not seen in all countries, and the lack of a solid legal framework has been an obstacle for its implementation.

A few challenges remain open for Central American heritage policies. For one, there is the problem of widening its concept. Archaeological and colonial heritage is not directly connected to the living population and it centralizes resources. Previous efforts have been made of going beyond specific types of heritage and specific sites, such as the "de-Copanization" (focusing on sites that are not Copán) movement of the Honduran heritage. However, the historic importance given to specific pre-Columbian sites and Colonial cities and their ability to create economic income through tourism is an obstacle to these efforts. In a region known for its street violence, concentrating national security units in specific places for the tourists has become a necessity that further centralizes and concentrates heritage, separating it from the people. As discussed previously, the inclusion of intangible heritage is not solid, and other widening efforts (such as including underwater heritage) seem to rather follow international suggestions than national desires.

Another challenge is finding an answer to the question of the role of Amerindian (indigenous), black, mixed, and immigrant people. On the one hand, encouraging inclusion has led to criticism of trying to "invisibilize" these groups of people. On the other, separation poses the threat of segregation, an issue that already enhances inequality in the region. The "multi-cultural" approach, which assigns one national umbrella to diverse ethnicities, also underwent critique, as it is thought to undermine social cohesion and integration. As the social fabric of Central America becomes more and more complex, this question becomes more and more difficult to answer.

9.1.5 Constitutional Articles

All Central American constitutions mention the protection of cultural heritage in one way or another. Table 53 shows the years of the first mention of cultural heritage in Central American constitutions.

Table 51:   First mention of heritage protection in Central American constitutions

Guatemala	El Salvador	Honduras	Nicaragua	Costa Rica	Panama
1935	1939	1936	1939	1949	1941

The earliest, Guatemala's 1935 constitution, imitates Article 45 of the 1931 Spanish constitution in its contents and tone. The trend spread southeast to neighboring countries, who adopted the same article, adding and removing parts as necessary and referring to heritage by the term "the treasure of the country," (*el tesoro cultural* or *el tesoro nacional*).

Currently valid constitutions were drafted in the 1980s in Guatemala (1985), El Salvador (1983), Honduras (1982), and Nicaragua (1983). Costa Rica's valid constitution is much older, as is goes back to 1949. Meanwhile, Panama's valid constitution was established in 1972. These years do not correlate with the content of articles on heritage. For example, the Guatemalan and Panamanian constitutional articles on heritage share more characteristics than the Guatemalan and Salvadoran constitutions, despite being thirteen (as opposed to two) years apart.

Thus, although the constitutional articles of the region on cultural heritage keep some characteristics of their predecessors, they also have made additions, leading to a varying range of specificity on heritage and national duties. For example, Guatemala is notably specific, as it has four articles on cultural heritage and its safeguarding. One of the articles calls for the special protection of three specific sites *because* they are World Heritage Sites. On the other hand, Costa Rica and El Salvador only have one vague article that makes mention of cultural heritage protection.

9.1.6 Main Heritage Protection Laws

All countries of the region address heritage in general through one "special law" except for Costa Rica, which has three. Table 54 in the next page shows the name of these laws, their date of creation, amendments, and if it has regulations or not. It indicates that, except for Law 7 of 1938 of Costa Rica, most valid Central American heritage legislation was drafted in the 1980s and 1990s. Most of them underwent amendments in the following years. Because these laws are

relatively contemporary, they reflect recent heritage concepts, such as a holistic approach and intangible heritage.

Table 52: Overview of protection laws in Central America

1. COUNTRY	2. NAME	3. YEAR	4. REGULATIONS	5. PARTICULAR CHARACTERISTICS	6. SIMILARITIES
GUATEMALA	Law for the Protection of the Cultural Heritage of the Nation	1997 (amended in 1998)	No	-Includes intangible heritage -Decentralization addressed -Includes incentives for heritage protection -Influence of UNESCO and the Spanish Heritage Law of 1985	-Cultural heritage belongs to the nation, but ownership is granted -Mandatory registry -Protective measures: prohibition of activities without permission of the state (such as excavations, alterations, destruction, and trade), and requirement of permission for other activities (such as remodeling) -Export of cultural assets is restricted, conditions vary in each country
EL SALVADOR	Special Protection Law for the Cultural Heritage of El Salvador	1993	Yes (1996)	-Includes intangible heritage and the Nahuatl language -Includes incentives for heritage protection -Influence of UNESCO and the Spanish Heritage Law of 1985	
HONDURAS	Law for the Protection of the Cultural Heritage of the Nation	1984 (amended in 1997)	No	-Includes intangible heritage -Influence of UNESCO -Heritage categories that establish priorities -The IHAH as the main heritage organization -Strict and centralized	
NICARAGUA	Law for the Protection of the Cultural Heritage of the Nation	1979 (amended in 1982)	No	-Decentralization addressed -Authoritative -Influence of UNESCO -Priority for revolution-related heritage	
COSTA RICA	Law 7 (archeologic heritage), Law 6703 (archeologic heritage), Law 7555 for the Historic-Architectonic Heritage of Costa Rica	1938, 1981, 1995	For the Law for the Historic-Architectonic Heritage of Costa Rica (2005, amended in 2007)	-Includes incentives for heritage protection -Divided laws that allow for gaps in heritage protection -Influence of UNESCO in Law 7555	
PANAMA	Measures on the Custody, Conservation, and Management of the Historical Heritage of the Nation	1982 (amended in 2003)	No	-Oriented towards research and international cooperation -flexible custody, less strict than in other countries	

Column six shows the similarities that the protection laws have. In the six countries, cultural heritage belongs to the country by law, but ownership is granted. Moreover, the laws establish a mandatory registry, in which all owners must inscribe their cultural assets. Illicit trade, which has continued for over a decade now in the region, may have inspired these precautionary measures. However, in most countries, the registry is not accessible or does not seem to be carried out thoroughly.

The protective measures of the laws consist of prohibitions (destruction, heavy alterations, and so on) and of processes (such as remodeling or conducting an excavation) that require a special permission from the cultural institution. Export is allowed with permission in all countries, but the strictness varies. El Salvador is especially strict since it only allows exports (even temporary) with the consent of the national assembly. Panama, on the other hand, allows for export of up to five years, if certain criteria are met, while Nicaragua allows exporting "double" samples, also under certain conditions.

Column five shows some particularities observed in each country and shared by others but not by all. Intangible heritage is addressed in the three northern countries, and concrete decentralization measures are provided in Guatemala and Nicaragua. There is a strong influence of international treaties (mostly of the World Heritage Convention in the classifications and structure) in all national heritage laws except for Panama, and while all countries provide

sanctions, only Guatemala, El Salvador, and Costa Rica provide specific incentives.

Protection laws also present parts that are completely different in all countries.For example, the definitions of cultural heritage vary greatly. While the Panamanian law simply refers to the vague definition of the constitution, the Guatemalan and Salvadoran laws have specific definitions, taken from UNESCO conventions. The nature and amount of sanctions, the details on registration, declaration, and protective measures are also unique in each country.

Although the protection laws are different in each country, Guatemala, El Salvador, Honduras, and Nicaragua can be grouped as countries that share essential characteristics. Their protection laws include intangible heritage, imitate the UNESCO conventions, provide some decentralization measures, and even share their name. Meanwhile, Costa Rica stands alone, as its multiple laws provide a very different structure for heritage safeguarding. Panama is also on its own, as its character is unique, addressing research and cooperation and having little influence from UNESCO conventions. This division is not only seen in the heritage laws, but in national agendas as well, and will be discussed in the next section.

9.1.7 Central America and International Instruments

Central American countries joined UNESCO a decade after it was created, between 1948 and 1952. Table 2 in 2.3.3 provides an overview of relevant international instruments on cultural heritage and on the years that Central American countries signed them. Besides UNESCO, Central America has also collaborated with the OAS and signed Ibero-American treaties. The Spanish heritage law and the Mexican approach to heritage have also had significant influence on the creation of cultural heritage policies in Central America. These organizations and nations have had great positive impact in the development of cultural heritage policies in Central America. They point to gaps that need to be addressed and they support numerous conservation projects with human and economic resources.

However, the great influence of foreign actors also has consequences besides improving cultural heritage. One consequence of this internationalization is the "uniformization" and "UNESCO-ization" of heritage laws. As civil turmoil developed in the 1970s, Central American countries created their cultural heritage policies with differentiated characteristics. However, contemporary Central American heritage laws have become very similar, despite the difference of cultural assets in each country, the different historical events, and the varying demographics. Under a "one size fits all" system, particular national needs cannot be addressed properly. For

example, Central American heritage laws adopted international concepts such as the division of heritage into immovable and movable assets. However, this division does not necessarily apply to assets such as the pre-Columbian spheres in Costa Rica or the steles found in El Salvador, which are neither movable or immovable. From an archaeological point of view, separating an excavated object from the site it was found in de-contextualizes it. In this sense, the 'original' (albeit oversimplified) categorization of heritage as 'pre-Columbian' or 'Colonial' is more appropriate for Central American heritage, because it refers to a period of time to which all assets belong, whether movable or immovable.

Another consequence of the internationalization of cultural heritage policies in Central America is the pressure to follow trends without taking heed of national needs and capacities. Organizations such as UNESCO and foreign countries have pushed for the region to start developing its intangible cultural heritage. Meanwhile, Central American countries keep a strict, protective tone regarding heritage, which is aimed at preventing illicit trade and which requires various resources. With limited resources, immature legislation, and organization, Central America is not ready to implement realistic strategies for intangible heritage, and it resorts to symbolic declarations.

9.2 Comparison Parameters and sub-Regional Characteristics

The previous section compared and discussed the conditions of cultural heritage policies in Central America. Cultural heritage policies are inherently complex because they are not only restricted to the corresponding laws. Their social, political, and historic context must be taken into account, as must their actual implementation. Laws may dictate one thing, but the institution, the budget, and the programs may accomplish another. Furthermore, comparing six countries on these policies is a challenging task. The co-existence of sharp differences and general similarities adds to the complexity of this research topic: cultural heritage policies are not completely alike, but they are also not the same in each country of the region.

To make this wide data more straightforward and manageable, in this section, I draw some comparison parameters. These parameters are based on traits that are common and representative of the region, taken from the conclusions of chapters 3-8. Shared characteristics that are no different from those of developing countries were not included, such as insufficient budget,

administrative disorganization, and lack of specialized staff. Also, because the parameters intend to serve to draw comparisons of the countries, regional features shared by all are not included, such as incentives for civic participation or the common historical development. Features that were only present in one country were not taken into account. In general, traits that were shared in two or more countries were considered for the comparison parameters.

The following comparison parameters were drawn:

-"Politization"

This refers to the strong relationship between culture and politics, seen in two forms. First, it is seen in the use of cultural heritage for political purposes. In Guatemala, the Ministry of Culture adopted the political role of emphasizing indigenous cultures. In Nicaragua, the cultural sector assumed a political role in promoting the government and in highlighting the ideals of the *FSLN* party.

The other form of "politization" observed was a special vulnerability of the cultural sector to political changes. In El Salvador, the change of government in 2009 to the left-wing *FMLN* led to the establishment of a new cultural organization (*SECULTURA*), which had a different agenda that shifted away from heritage restoration. In Honduras, the 2009 coup ousted administrative heads and decreased budget for heritage, and the 2014 change of government led to a complete restructuring of the cultural sector that has not yet finished.

-Social Inclusion and Intangible Heritage

Providing heritage with the role of social inclusion is another feature observed in all Central American countries. However, it is particularly strong in two countries who have turned to intangible heritage as a means to enact it. In Guatemala, intangible heritage declarations of local customs have worked as a way of validating native people. In Nicaragua, celebrating popular and local traditions has been a way to prove interest in local communities.

-The Centralization of Immovable Heritage or of Museums

Centralization is seen in two forms. Guatemala, El Salvador, Honduras, and Panama, have centralized resources and dedicated specialized legislation to specific immovable heritage sites. These are historically important sites that developed into popular tourist destinations, such as Granada in Nicaragua or Tikal in Guatemala.

Meanwhile, El Salvador and Costa Rica have no such monumental sites. They dedicate most of their heritage resources and programs to their "big" national museum, namely the Salvadoran "Dr. David Guzmán" Anthropological Museum, and the Costa Rican National Museum. Because of this lack of monumental sites, the impact of tourism is less pronounced in these two countries.

-*Stability and Spending in Heritage*

Nicaragua, Costa Rica, and Panama have shown an increased spending in culture and cultural heritage. Although budget allocation does not represent better conditions, it is a reflection of the political stability that these countries experience. Meanwhile, Guatemala, Honduras, and El Salvador, have decreased or maintained their budget allocations for heritage. Their conditions, especially of Honduras and El Salvador, are unstable, hindering investments in culture.

Figure 54 provides a map with these parameters and where each country lies within them.
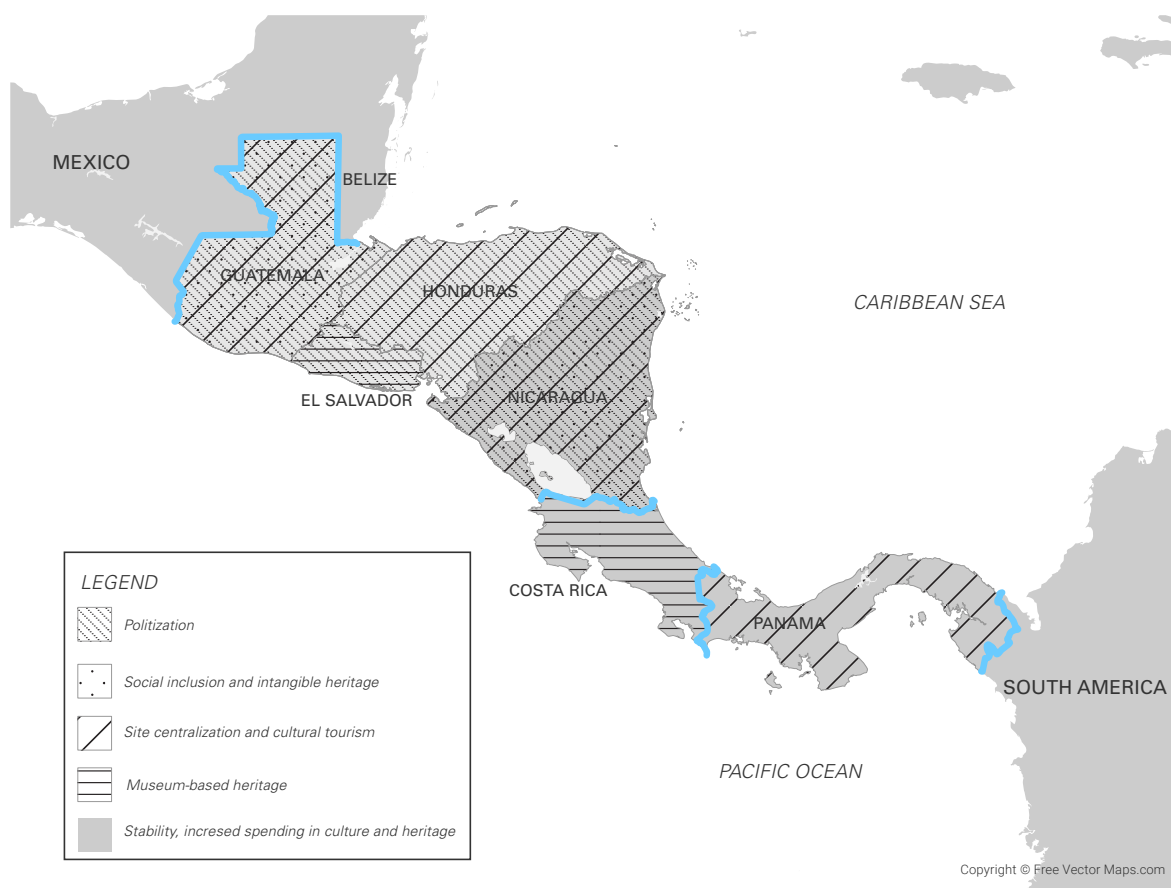
*Figure 54: Sub-regional characteristics of Central American cultural heritage policies, original **source : https://freevectormaps.com/world-maps/central-america/WRLD-CAM-02-0001***

The blue lines represent the sub-divisions according to various characteristics. As discussed in the previous section, protection law character can be divided into three "groups" (figure 55): the first is composed of the "northern triangle" (Guatemala, El Salvador, and Honduras) and Nicaragua, the second of Costa Rica, and the third of Panama.

GROUP 1:
-Politization
-Instability
-Social role for heritage
-Stricter protection laws
-Intangible heritage
-Stronger influences

COSTA RICA
-Divided legislation
-Unique development
-Neutral policies

PANAMA
-Research and cooperation
-Strong infrastructure development
-Independence

Figure 55: Common characteristics of the sub-regions

The first group shares "politization," instability, social roles for heritage, centralization of immovable heritage sites, decreasing or stagnant budget for heritage, stricter protection laws, the inclusion of intangible heritage, and strong UNESCO influence. Within the first group, different levels of heritage law development can be observed: although Honduras has an older history of its heritage policies, they are currently in a critical situation, while Guatemala and Nicaragua remain stable and El Salvador tends to decline.

The second "group" is Costa Rica, which has a national museum as the main heritage actor, divided heritage protection laws, and a unique historic development within the region (free of civil turmoil), that allowed for neutral, decentralized cultural heritage policies.

Meanwhile, Panama has a heritage protection law that addresses research and international cooperation, strong development of infrastructure, and little dependence on UNESCO.

This division matches the political divisions of the past (figure 56). As described in 2.2.1, the Mesoamerican region, populated with peoples of Mayan descent, is usually defined as the area covered by modern southeastern Mexico, Guatemala, Belize, the west side of Honduras and El Salvador, while the Isthmo-Colombian Area had its core in Costa Rica and Panama. Indeed, the monumental Mayan heritage has accounted for influence factors such as foreign explorers, early heritage protection laws, centralization of sites (Copán and Tikal), and a strong presence of indigenous people (who are not only restricted to the Mayans). The great presence of indigenous people (also experienced in Panama) influenced the development of civil wars and the politization of cultural heritage that came of these wars. Furthermore, large amounts of indigenous people today have influenced the development of social inclusion and of intangible cultural heritage.

Another division that has historical roots lies between Costa Rica and Panama. Panama was not part of the Captaincy General of Guatemala, and it became an independent nation until seven decades after the other five countries. This led to a very different development of cultural heritage policies. While the presence of indigenous peoples and the dictatorship eras draw parallels to the northern triangle, the US presence in the Canal accounted for different characteristics. This is because the rivalry to the US led to early policies that intended to unify the Panamanians by appealing to national uniqueness and identity.
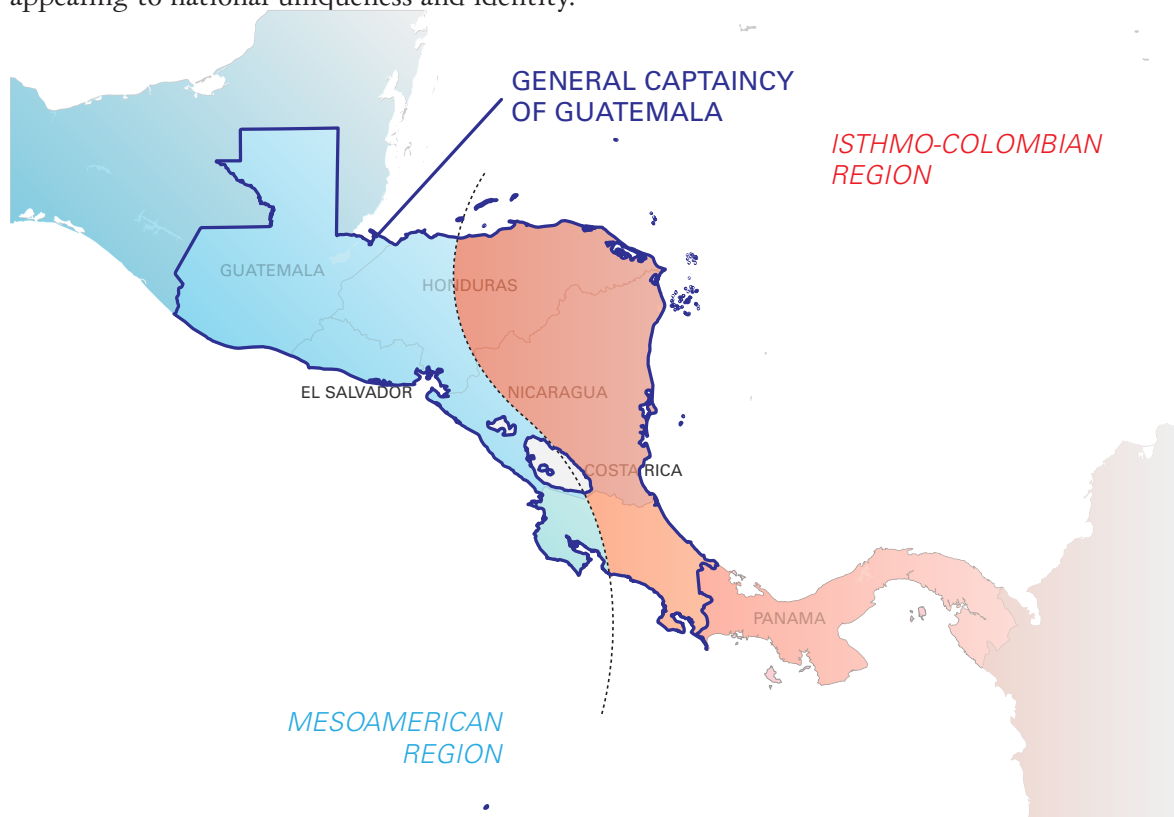
Figure 56: Political divisions of the past

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It is also worth mentioning that some parallels can be drawn between Costa Rican and Salvadoran heritage policies. These may be due to the size of the countries and the lack of pre-Columbian monumental sites and Colonial cities.

9.3 Common Challenges of Cultural Heritage Policies in Central America

Some challenges regarding the cultural heritage in Central America are common in developing countries. For example, the need of creating plans for cultural heritage disaster risk reduction and response. In the region, natural disasters have already destroyed and damaged numerous churches, sites, and buildings. Despite this, there are still few strategies for disaster response and risk reduction of cultural heritage. Another challenge seen in many developing countries is the need to establish plans for the economic sustainability of their cultural sectors. As ODA decreases and conditions improve in Central America, new strategies will have to be developed to guarantee an independent management of cultural heritage that is economically sustainable. Cooperation with the tourism sector could aid in this. Addressing the disorganization, instability, and legislative gaps that cause serious obstacles to the region's cultural heritage programs is another challenge common in developing nations.

Besides these common tasks, the following are some challenges particular to Central American cultural heritage policies:

Securing Autonomy for the Cultural Sector

In general, attaining autonomy for the cultural sector is one of the biggest challenges that Central American countries face regarding the organization of their culture. The strongly political environment places roles for heritage that are outside of its capacities, weakening its performance and deviating its direction. If the cultural sectors of Central American countries are not autonomous, no long-term plans, functioning organization, or international cooperation projects can be implemented successfully.

Going beyond pre-Columbian and Colonial Heritage

Central America has an oversimplified and outdated concept of national heritage that only

considers pre-Columbian and Colonial cultural assets. Meanwhile, little consideration is given to artifacts that are witness to more recent events, such as the civil wars and the dictatorships. Governments, who have often been put to blame, seem to want to make this grim past invisible. However, it is important not to lose this memory that lies closer to the people, and that has shaped current Central American nations.

Establishing Cultural Heritage Policies that Respond to the National Realities

International pressure and incentives have contributed to the creation of nation-wide cultural heritage policies in Central America. This has brought about great progress in the identification and safeguarding of cultural assets, but it has also led to standardized legislations that do not necessarily correspond to the particular realities of each country. Central American countries need to part from basis legislation and respond to their own needs. They should also assess whether the programs and aid coming from abroad actually help meet national goals or whether they will overload the cultural sector. Basic conditions should be met before implementing revolutionary modern projects on cultural heritage.

CHAPTER 10:
CONCLUSIONS AND RECOMMENDATIONS

10.1 Overview of Results

The aim of this thesis was to study the development and the mechanisms of cultural heritage policies in Central American countries. Based on case studies of the six Spanish-speaking countries of continental Central America, I drew a case study of the Central American region as a whole.

Chapter 1 of the thesis introduced the problem statement, research questions, theoretical framework, research methodology, structure, and delimitations. Chapter 2 provided a general introduction to the region. It showed that Central America has been divided and unified in different ways throughout its history, and that it was until the mid-nineteenth century that it fragmented into the nations that exist today. The chapter also elucidated that Central America is a region susceptible to political and economic pressures outside of its borders and that several efforts at regional cooperation have been initiated, some successful, and some less so. Chapter 2 also provided the international context of Central America, describing its participation in international organizations and the ratification of multilateral conventions.

Chapters 3 to 8 addressed individual countries, their national contexts, cultural heritage organization, budget, programs, and legislation. These chapters referred to the question of how Central American nations address and safeguard their cultural heritage (research question a, see 1.2).

Guatemala (chapter 3), after suffering a 36-year-long civil war, redefined its heritage protection by addressing heritage holistically and by shifting from conservation to the political role of social inclusion. This shift was influenced by the Agreement on the Identity and Rights of Indigenous Peoples. Despite aiming to unify the Guatemalan people with intangible heritage declarations

and through a new cultural policy, the Ministry of Culture and Sports divided its functions into "arts" (related to "white" culture) and heritage (related to pre-Columbian and indigenous expressions). The superficial performance on intangible heritage and the strong presence of the popular tourist destination Tikal, which takes up over half of the heritage resources, distances heritage from the Guatemalan people. Furthermore, the influence of external actors was found to be especially strong in Guatemala, as the World Heritage sites are given priority in the constitution, and the heritage protection law has its origins in the Spanish Protection Law and in other international treaties.

In **El Salvador** (chapter 4) cultural heritage policies were paralyzed during the 12-year-old civil war. In the early 1990s, with the end of the war, substantial changes were made in the cultural sector: the government created an organizational body (*CONCULTURA*), the Special Protection Law for the Cultural Heritage of El Salvador, joined UNESCO and inscribed a site on the World Heritage List. The recentness of these changes has rendered a fairly contemporary perspective, allowing for a holistic approach that includes intangible heritage. However, it has also allowed for little consolidation time, and as of 2017, disputes and political pressures still disrupt long-time projects that involve culture. The 2009 triumph of the left-wing *FMLN* party led to a similar shift in heritage as the one experienced in Guatemala: from conservation to a focus on identity building and on support for the civil society. This shift, coupled with the lack of monumental sites, led to the delegation of much of the heritage-related duties to the "Dr. David J. Guzmán" Museum.

The concept of heritage in El Salvador is tightly bound to archaeology, to a point that might narrow the possibilities of heritage in the vision of decision-makers. Insecurity and the relation of the "Dr. David J. Guzmán" Museum to the upper class hinder the equal access to heritage in El Salvador.

Heritage legislation and management started remarkably early (as early as 1845) in **Honduras** as a response to looting, excavations, and trade carried out by foreign explorers (chapter 5). Although the Honduran heritage has been historically celebrated, it lost its momentum, especially during the last decade. The 2009 coup d'etat and the 2014 austerity measures affected the organization and minimized the budget for culture. Furthermore, Honduras has been struggling with its concept of heritage: the monumental presence of Copán has rendered the idea

that Honduran heritage is equal to Mayan heritage. Despite continuous efforts at amplifying this idea, the struggle continues between concentrating on Copán to secure financial income on the one hand and to widen the Honduran image of heritage on the other. In any case, heritage rarely goes beyond pre-Columbian assets: colonial and republican historic buildings have already suffered damage and remain unattended. Honduras is the country with the second lowest budget and the most unstable conditions for culture in this study.

In the case of **Nicaragua** (chapter 6), the triumph of the leftist Sandinista Revolution that came out of the civil war rendered important transformations for the cultural sector in the 1980s, through the creation of the Ministry of Culture (which became the Nicaraguan Institute of Culture), the Law for the Protection of the Cultural Heritage of the Nation and the signing of the World Heritage Convention. Culture and cultural heritage were given importance again with the democratic win of the Sandinistas in 2006. Today, the *FSLN* remains in office, and cultural heritage policies have gained a particularly strong connection to the government with a clear ideological left-wing direction that targets decentralization and inclusiveness. Thus, the concept of heritage developed in Nicaragua is unique: archaeology is not as important as in the rest of the region, as focus is placed on colonial, political, or popular culture.

The soft authoritarian government provides great stability and increased income for culture, but it also raises the question of what future cultural heritage will have if political conditions change or if they intensify. The politicized policies also raise the question of the importance of democracy and representativeness for cultural heritage.

In **Costa Rica** (chapter 7), the lack of civil turmoil (civil wars and dictatorships) experienced by neighboring countries has allowed for a favorable political and social environment. Although cultural heritage development was particularly slow at the beginning, the creation of the Ministry of Culture and Youth provided a solid structure, widened the concept of heritage and pushed for specialized legislation. The lack of monumental sites led to a concentration of heritage responsibilities in the National Museum. Although heritage is managed by this institution, the concept of heritage is decentralized, leading to a lack of an overarching national symbolism. Cultural heritage legislation is divided into laws that target either pre-Columbian/Colonial heritage (era-based) or immovable (typology-based) heritage. This division generates gaps and discrepancies in the protection of cultural heritage, and oversimplifies the concept of heritage,

placing excessive importance on the colonization period.

In the case of **Panama** (chapter 8), the dictatorship eras that spanned from 1968 to 1989 placed great importance in cultural heritage. This importance is seen in the creation of the *INAC*, the National Historic Heritage Section (*DNPH*), and the Measures on the Custody, Conservation, and Management of the Historic Heritage of the Nation. Indigenous, popular, and folkloric cultural heritage were highlighted, opposing them to the "hegemonic, white, oppressive" United States. This development rendered an independent character that is still relatively free from influencing organizations such as UNESCO. After the end of the Noriega dictatorship with the US Invasion, a slow decline in the importance of the cultural sector began.

Recently, the rapidly growing tourism industry concentrated resources in the popular tourist destination Casco Antiguo. This has brought about a decline for other assets, such as Portobelo-San Lorenzo and the national museums. Today, Panama focuses on economic growth, so that heritage projects that target infrastructure, policies that support tourism development or programs for international appeal are given priority. Despite these opportunities, heritage programs have been hindered by constant administrative changes and corruption.

Chapter 9 provided a comparative analysis of the countries in the region (research question b, see 1.2). The situational analysis demonstrated that, even though many similarities are found in the national events and conditions, many differences coexist as well. The comparison parameters showed some common challenges of the region: "politization," the use of cultural heritage (especially intangible heritage) for social inclusion, the centralization of heritage either in sites or museums, and the relation between spending and stability in the cultural field. Based on the sub-regional parameters, the region was divided into three subregions: the first is composed of Guatemala, El Salvador, and Honduras, and Nicaragua, as the four countries share many characteristics. The second and third "subregions" are Costa Rica and Panama, who had a distinctive development of their heritage on their own. These subregions match the political divisions of the past, namely the division into the *Mesoamerican* region and the *Isthmo-Colombian* Area. The monumental Mayan heritage has accounted for influence factors such as foreign explorers, early heritage protection laws, centralization of sites (Copán and Tikal), and a strong presence of indigenous people (who are not only restricted to the Mayans). The great presence of indigenous people (also experienced in Panama) influenced the development of civil wars and

the "politization" of cultural heritage that came of these wars. Furthermore, large amounts of indigenous people today have influenced the development of social inclusion and of intangible cultural heritage. The division between Costa Rica and Panama can be partly explained by the limits of Captaincy General of Guatemala during Colonial times. Panama became an independent nation until seven decades after the other five countries. This led to a very different development of cultural heritage policies. While the presence of indigenous peoples and the dictatorship eras draw parallels to the northern triangle, the US presence in the Canal accounted for different characteristics. This is because the rivalry to the US led to early policies that intended to unify the Panamanians, by appealing to national uniqueness and identity.

The chapter also elucidated some common challenges for the region. Most importantly, securing autonomy, going beyond pre-Columbian and colonial heritage, and addressing national realities in the national cultural heritage policies.

10.2 Conclusions

Based on the findings of this thesis, the following conclusions were drawn:

-A Great Diversity

Central America is the bridge between North and South America that provides a path to cross from one ocean to another. It is a small region, but it is highly diverse and complex due to its location and its history. The region has been witness to pre-Columbian cultures, to a colonization period, to an independence and to the formation of new, independent republics. In the 1980s and 1990s, it was the ground where civil wars were fought for decades and where dictatorships caused great civil strife. Although common ground is found due to the Spanish colonization (in the language, religion, and culture), significant differences can also be observed. When addressing the region, these differences must be taken into account, and "one size fits all" strategies must be avoided.

A sense of regional identity was not identified, and regional heritage projects are scarce and unsuccessful.

Guatemala, El Salvador, Honduras, and Nicaragua show great similarity in some of their cultural heritage policies. This is due to their _Mesoamerican_ inheritance, the physical closeness to Guatemala (which was the political center of the Captaincy General of Guatemala), and similar events in the past decades. Their heritage sector has greatly been influenced by politics, and it has adopted the role of social inclusion, straying away from heritage conservation and aiming at intangible heritage. Their Mesoamerican inheritance and importance during colonial times has left monumental sites and colonial cities that draw visitors, leading to a centralization and oversimplification of the concept of their heritage.

Meanwhile, Costa Rica and Panama have had an independent development of their cultural heritage. Being part of the _Isthmo-Colombian_ Area, Costa Rica has no monumental sites or colonial cities. Thus, much of its cultural heritage and identity-building is funneled through the National Museum. The unique historic development within the region (free of civil turmoil) allowed for neutral, decentralized cultural heritage policies.

Panama, on the other hand, developed its cultural heritage under a dictatorship that opposed "panamanianness" to the United States. This accounted for an original, albeit politicized concept of Panamanian culture. The recent rise in tourism has centralized much of its action around the popular destination Casco Antiguo.

-A Strong Presence of Pre-Columbian and Colonial Heritage

The first cultural heritage policies in the region aimed at conserving pre-Columbian and colonial heritage. Pre-Columbian (archaeological) heritage was addressed because of the necessity of protecting it from looters and explorers. Colonial heritage (what the Spanish made) was safeguarded because of the symbolic connection that it maintained with Spain, the church, and the 'civilized' world. Colonial buildings were declared and used by the early governments.

More recently, pre-Columbian sites and colonial cities have been the object of tourist visits and research from abroad. The great importance and monumental presence of this inheritance has overshadowed the possibility of developing other forms of heritage. In particular, the republican heritage (after the independence from Spain) has been greatly overlooked. Furthermore, recent important events such as the civil wars that shaped much of Central America today, have been ignored. The involvement of the governments at the time and the painful memories may explain the distance taken from recent history. However, these events are close to the population and if

forgotten or overlooked, a part of the Central American reality will be lost.

-Political and Economic Changes

Many Central American countries have experienced a series of political changes in the past decade. They have favored left-leaning parties, leading to structural and program changes. These changes have interrupted long-term plans and even hindered bilateral cooperation projects, as was the case in Honduras in 2009.

Additionally, the recent economic growth of the region and the rise from poor, undeveloped countries to middle income countries has brought about opportunities but also new challenges. Heritage is already being used for socioeconomic and internal development. Balancing development projects and tourism growth with heritage safeguarding will be a challenge for the following decades. Introducing interdepartmental cooperation and raising awareness can help balance the effects of these factors of change. Also, finding economic sustainability the self-determination after years of support from outside is a task to be addressed.

-Uniform National Levels of Cultural Heritage Protection

Although each Central American country has different conditions and protection mechanisms, the region has the same basic level of heritage protection. All countries have constitutional articles addressing the cultural heritage safeguarding, specialized laws, an institution, and programs. Thus, the basic legal framework and organization is established in each country. Gaps in the legislation still exist (especially in El Salvador and Costa Rica), as does the need of strengthening legal systems and heritage institutions. Consequently, the main differences are not perceived in the basic heritage structure, but rather in the levels of consolidation of the established cultural heritage safeguarding mechanisms.

10.3 Recommendations

From the observations made in this study, the following recommendations are made (research question c, see 1.2):

The common heritage and language of Central American countries may represent an opportunity for regional programs of cultural heritage development. However, great care must be taken of the existing diversity of conditions. "One-size-fits-all" policies for the region as a whole should be avoided. Regional cooperation is difficult under current conditions. However, sub-regional programs can be developed in Guatemala, El Salvador, Honduras, and Nicaragua, as they share many characteristics. Costa Rica and Panama should be handled by their own, as their conditions are unique.

Because political influences are great, the higher level administrative staff is replaced constantly with political changes. Cooperation projects should target mid-level administrative staff and professional workers in order to effectively carry out their programs. Autonomy for the cultural sector can only be secured under stable and democratic circumstances. It is expected that with the ongoing peace and stability of the region, the cultural sector will have a stronger position in the next decades.

Widening the concept of cultural heritage can be achieved by fostering research of recent history of the region and public involvement. NGOs, NPOs, and private institutions are already working to preserve the recent memory of civil turmoil in Central America. Continuing to provide support for them as well as engaging the governments should help in creating a closer, wider concept of Central American heritage.

Since a framework for heritage protection is already laid out, a priority system based on a needs assessment should help develop the next steps in heritage preservation development. Here, priorities should reflect the actual assets found in each country and the interests of the people. Project proposals and requests coming from abroad should be studied carefully. They should only be implemented if they do not interfere with national priorities and if their maintenance can be guaranteed.

This study has provided observations that are expected to be significant for researchers, decision makers, and for international cooperation agencies, since they contribute in the understudied

theme of Central American cultural heritage policies. The national and regional approaches that include context and in-depth detail should account for a comprehensive understanding of the present and future of the region's cultural heritage.

Due to time constrains, this study did not provide details on the specific implemented programs and on public involvement. Analyzing these important factors, as well as a wider perspective (a Latin American or American perspective) is a task left for future research. Also, comparing with other regions with similar conditions could provide interesting insight on post-colonial heritage development.

My hope is that this research serves as a base for further studies of cultural heritage policies in Central American countries.

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APPENDICES

APPENDIX A: CULTURAL HERITAGE LEGISLATION OF GUATEMALA

Year	Name/Number	Issued	Published	Contents	Source
1796		December 9th		Establishes a National Museum	Barras de Aragón(1943), cited by Centre de recherche interuniversitaire sur l'Amérique espagnole coloniale (1986), p 271-272
1797				The first National Museum starts operating	Araujo (2009), p 19
1831		Decree-Law of October 24th 1831		A National Museum was to be created	Arzú (2012), p. 96
1864				The Economic Societies of Friends of the Country created the National Museum with private funds	Arzú (2012), p. 96
1898	Government Decree 0583	June 30th		National Museum created	Guatemalan Congress website
1922	Government Decree 0791, July 14th 1922, ratified with Legislative Decree 1376, April 27th 1925	July 14th, ratified April 27th 1925	July 28th, ratification published May 13th 1925	Creates and places the General Section of Archaeology and Ethnology and History and its belonging National Museum under the Public Instruction Secretariat	Guatemalan Congress website
1925	Decree 1376	April 27th		Declares monuments, archaeological, ethnological, historic, and ancient art objects as property of the state, and forbids their alientation	Araujo (2009), p 25, Guatemalan Congress Website
1931				National Archaeology and Ethnology Museum re-funded and moved	Official website: http://munae.gob.gt/pages/museo/historia.php?lang=ES

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Year	Name/Number	Issued	Published	Contents	Source
1935	Government Decree 1623, ratified with Legislative Decree 2077	January 15th, ratified April 27th 1935	January 17th, ratification published May 16th 1935	Creates a National Museum	Guatemalan Congress website
1935		Confirmed with Government Agreement February 13th 1937		Creates a Colonial Art Museum	Araujo (2009), p 20
1945	Constitution			Claims that all archaeological, historic, and artistic riches belong to the country and will be protected by it.	
1946	Government Agreement 22	February 23rd		The Anthropology and History Institute of Guatemala is created	Grigsby, p 37-38
1947	Decree 425	September 19th	October 29th	"Law on the Protection and Conservation of Monuments and Archaeological, Historic, Traditional, and Artistic Objects" , protection procedures established for the Anthropology and History Institute of Guatemala	Primary
1950				Natural History Museum opened July 4th	Araujo (2009), p 21
1955	Government Agreement	May 26th		Tikal National Park created	Araujo (2009), p 22
1956	Constitution			Claims that all archaeological, historic, and artistic riches belong to the country and will be protected by it.	
1956				Antique Book Museum created	Araujo (2009), p 22
1957				Santiago de los Caballeros Museum created	Araujo (2009), p 22
1957		September 2nd		Special Regulations for Tikal	Grigsby, p 39-41
1959		Government Agreement October 27th		Arts and Popular Industries Museum created (closed 1993)	Araujo (2009), p 23
1962	Government Agreement 26	Ratified August 26th		The National History Museum is divided into the National Modern Art Museum and the National History Museum	Araujo (2009), p 23
1964	Ministerial Agreement			Special Regulations for Kaminal Juyú	Grigsby, p 43-44

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Year	Name/Number	Issued	Published	Contents	Source
1965	Constitution			Claims that all archaeological, historic, and artistic riches belong to the country and will be protected by it.	
1966	Decree-Law 0437	March 24th	March 25th	Modifies regulations on heritage exports	Guatemalan Congress website
1969	Decree 60-69	October 28th	November 28th	Special Regulations for Antigua Guatemala City	Grigsby, p 25-34
1970	Ministerial Agreement 1210	June 12th		Declares a list of zones, archaeological, historic and artistic monuments	Araujo (2009), p 33-40
1973	Agreement	November 19th		Prohibits commercial, industrial or touristic construction in Tikal National Park	Grigsby, p 42
1976	Government Agreement	February 23rd		National History Museum created	Araujo (2009), p 23
1978	Agreement 0270, Decree 47-78	August 31st, legislative approval on August 22nd	November 10th	World Heritage Convention approved	Primary, Grigsby p 79, Araujo p 28
1978				A great Mayan collection is donated to the Francisco Marroquín University, which would open as the Popol Vuh Museum in 1997	Arzú (2012), p. 112
1979				Tikal (mixed site) and Antigua Guatemala (cultural site) are inscribed in the World Heritage List	World Heritage Website
1979		April-May		The Vice-ministry of Culture within the Ministry of Education is created, in charge of heritage, museums, culture, sports and others	Núñez de Rodas 1980, 23-24
1979	Agreement	August 24th	March 19th 1980	OAS Convention on the Protection of the Archaeological, Historical and Artistic Heritage of the American Nations	Primary
1981				Archaeological Park and Ruins of Quirigua (cultural cite) is inscribed in the World Heritage List	
1984	Decree-Law 114-84	May 12th		Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property ratified	Grigsby, p 80-87

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Year	Name/Number	Issued	Published	Contents	Source
1985	Constitution	May 31st 1985	June 3rd 1985	The constitution categorises national heritage, puts it under the administration of the state and gives special attention to World Heritage Sites	Primary
1985	International Convention, ratification on decree 90-85	Subscribed May 14th 1954, ratified August 29th		Regulations for the Application of the Convention for the Protection of Cultural Property in the Event of Armed Conflict ratified	Grigsby, p 113-119
1986	Congress Decree 25-86	January 10th	January 13th	Ministry of Culture and Sports created	Primary
1986	Government Agreement 104-86	February 17th		Eight sectors that belonged to the Ministry of Education are transferred to the new ministry of culture and Sports: the General Arts Section, the Indigenous Institute, the Anthropology and History Institute, the Regional Handicrafts Subcenter, the General Central American Archives, the National Library, Faro Aviateca Radio and the National Periodicals Library	Araujo (2009), p 99
1991	Ministerial Agreement 13-91			Declares certain colonial waterways Historic Heritage	
1993	Decree 32-93	November 18th	November 19th	Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict	Grigsby, p 120-123
1994	Government Agreement 521-94	August 16th		Structural changes in the Ministry of Culture and Sports	Araujo (2009), p 100
1994	Government Agreement 425-94	July 20th	August 1st	The Indigenous Development Fund is created	Primary
1995	Government Agreement 635-95	December 4th	December 21st	Establishes entrance fees for museums, parks and archaeological sites	Primary
1996	Decree 95-96	October 22nd	November 19th	Cultural Decentralisation Unit created (ADESCA)	Primary
1997	Congress Decree 26-97	April 9th	May 12th	Law for the Protection of the Cultural Heritage of the Nation	Primary
1998	Ministerial Agreement 328-98	August 13th	August 24th	Guatemala City is declared a historic center	Primary
1998	Congress Decree 81-98	November 19th	December 23rd	Modifies Decree 26-97	Primary

APPENDIX A: CULTURAL HERITAGE LEGISLATION OF GUATEMALA

Year	Name/Number	Issued	Published	Contents	Source
1999	Ministerial Agreement 182-1999	April 19th	May 12th	Declares the National Police Building Cultural Heritage of the Nation	Primary
2000	Municipal Agreement of the First of September 2000	August 2nd	September 1st	Regulations for the Protection and the Conservation of the Historic Complexes of Guatemala City	Primary, Grigsby, p 61-68
2001	Decree 56-2001	Ratified May 24th 2002		Central American Convention for the Restitution and Return of Archaeological, Historic and Artistic Objects	Grigsby, p 93-94
2001	Decree 55-2001	November 7th, ratified May 3rd	December 5h, ratification published March 27th 2003	Central American Convention for the Protection of the Cultural Heritage	Primary, Grigsby, p 97-101
2002	Agreement 0371, ratified with decree 41-2002	May 30th, ratified August 2nd	June 25th, ratification published March 31st 2003	Central American Convention for Expositions of Archaeological, Historic and Artistic Objects	Grigsby, p 95-96
2002	Ministerial Agreement 323-95			Miraflores Museum	Arzú (2012), p. 115
2002	Government Agreement 129-2002	April 18th	April 23rd	Creates the Cultural Heritage Special Protection Regional System, with the aim of protecting and preserving the pre-Hispanic zones and groups of buildings within the Maya Biosphere	Primary
2002, 2004	Decree 78-2002, Agreement 438 of 2004	November 21st 2002, adhered March 6th by the presidency and March 7th 2004		UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects	Grigsby, p 138-147
2003	Ministerial Agreement 262-2003	May 26th 2003	July 14th 2003	Creates the Central American House of Culture	Primary
2003, 2004	Congress Decree 41-2003, Agreement 0481 of 2004	August 19th 2003, ratified November 9th 2004	September 4th, ratification published March 15th	Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict	Primary
2003	Decree 55-2003	November 19th	December 19th 2003	Yaxhá, Nakum and Naranjo are declared a protected areas as a national park	Primary, Araujo (2009), p 58-60
2003	Ministerial Agreement 721-2003	December 30th	February 19th 2004	Prohibits exportation for specific objects even for temporary exhibitions	Grigsby, p 56-60
2004	Ministerial Agreement 281-2004	May 5th	May 18th	Declares Quetzaltenango a Historical Centre, part of the cultural heritage of the Nation	Primary

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Year	Name/Number	Issued	Published	Contents	Source
2004	Ministerial Agreement 391-2004	June 18th	July 2nd	Declares Jolom Bay Mountain (also known as Candelaria Mountain) Natural and Cultural Heritage of the Nation	Primary
2004	Ministerial Agreement 294-2004	May 10th	Mat 17th	Declares Rabinal Achi Intangible Cultural Heritage of the Nation	Primary
2004	Ministerial Agreement 414-2004	June 15th	July 5th	The five caverns of Releb Wakax are declared Natural and Cultural Heritage of the Nation	Primary
2004	Ministerial Agreement 416-2004	June 28th	July 15th	The sacred ceremonial centre Kaiq is declared Natural and Cultural Heritage of the Nation	Primary
2004	Ministerial Agreement	July 12th	July 19th	Declares the ceremonial güipil of Santa María Visitación, Sololá Cultural Heritage of the Nation	Primary
2004	Ministerial Agreement 571-2004	August 13th	April 22nd	Declares the National Defense Martian Symphonic Band ceremonial Cultural Heritage of the Nation	Primary
2004	Ministerial Agreement	August 14th	August 24th	Declares the building in the Palencia Township Cultural Heritage of the Nation	Primary
2005	Ministerial Agreement 1-2005	January 3rd	January 18th	Declares the Geography and History Academy of Guatemala building Cultural Heritage of the Nation	Primary
2005	Ministerial Agreement 85-2005	February 21st	March 2nd	The archaeological site Panaljuay, or Pan Ula Jaay in Maya language, is declared Cultural Heritage of the Nation	Primary
2005	Ministerial Agreement 122-20005	March 9th	March 21st	The old buildings of the train stations of the Coatepeque townships in Quetzaltenando are declared Historic and Cultural Heritage of the Nation	Primary
2005	Ministerial Agreement 124-2005	May 16th	April 6th	Radio Faro Cultural is declared Cultural Heritage of the Nation	Primary
2005	Congress Decree 42.2005	July 13th	August 12th	Radio Faro Cultural y Deportiva is declared Cultural Heritage of the Nation	Primary

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Year	Name/Number	Issued	Published	Contents	Source
2005	Ministerial Agreement 455-2005	August 1st	August 25th	Declares the old Catholic church and the train station of Chiquimula Cultural Heritage of the Nation	Primary
2005	Decree 52-2005	August 3rd	September 7th	Law of the Peace Agreements: Agreement on identity recognition of the indigenous peoples of Guatemala, their cultural rights and others	Araujo (2009), p 65-69
2005	Ministerial Agreement 493-2005	August 18th	September 5th	The Mayan ball game is declared Ancestral Cultural Heritage of the Nation	Primary
2005	Ministerial Agreement 589-2005	October 12th	October 24th	The building in 15th Ave. 3-37, zone 6 is declared Cultural Heritage of the Nation	Primary
2005	Ministerial Agreement 618-2005	October 21st	November 2nd	The area of the historic centre of the City of Retalhuleu, avenues 1-10 and streets 1-11 is declared Cultural Heritage of the Nation	Primary
2005	Ministerial Agreement 630-2005	October 25th	November 3rd	The ceremonial centre Pan Kosul the San Cristóbal Verapaz township of Alta Verapaz is declared Cultural, Natural Heritage and Sacred Place of the Nation	Primary
2005	Ministerial Agreement 642-2005	October 28th	November 3rd	The Convite los Fieros is declared Intangible Cultural Heritage of the Nation	Primary
2005	Ministerial Agreement 649-2005	October 31st	November 17th	The folkloric dance called "La Legión de los 24 Diablos" is declared Intangible Cultural Heritage of the Nation	Primary
2005	Ministerial Agreement 696-2005	November 21st	December 1st	The Covite of December 7th is declared Intangible Cultural Heritage of the Nation	Primary
2006	Ministerial Agreement 79-2006	February 17th	February 28th	The pictorial work of master Carlos Rigalt Anguiano is declared Cultural Heritage of the Nation	Primary
2006	Ministerial Agreement 96-2006	February 22nd	February 27th	All ceremonial clothing as well as all every-day clothing of men and women in indigenous communities and towns are declared Ancestral Cultural Heritage of the Nation	Primary

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Year	Name/Number	Issued	Published	Contents	Source
2006	Ministerial Agreement 237-2006	April 27th	May 8th	The ceremonial centre Chajompek next to the Chi Aj Xukub' Mountain and its surrounding areas are Cultural, Natural Heritage and Sacred Place of the Nation	Primary
2006	Ministerial Agreement 244-2006	April 27th	May 30th	The San José Tank in the Árboles avenue, 15th avenue between 5th and 7th street, zone 1 of Guatemala City is declared Cultural Heritage of the Nation	Primary
2006	Ministerial Agreement 276-2006	May 19th	May 31st	The church of the Antigua Tutuapa town of the Concepción Tutuapa township, San Marcos, is declared Cultural Heritage of the Nation	Primary
2006	Ministerial Agreement 291-2006	May 23d	June 12th	The Intangible Heritage Unit is created	Primary
2006	Congress Decree 25-2006, ratified by agreement 0578	August 8th, ratified september 14th	September 4th, ratification published April 11th 2007	Approves and ratifies the Convention for the Safeguarding of Intangible Cultural Heritage	Primary
2006	Agreement 0574	August 21st	March 23rd	UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions	Primary
2006	Ministerial Agreement 757-2006	November 3rd	November 28th	The Centenary Ideal Marimba Domingo Bethancourt of Quetzaltenango City is declared Cultural Heritage of the Nation	Primary
2007	Ministerial Agreement 69-2007	February 19th	March 5th	The Saach'ajom Mountain in the Chanyuc town of the San Pedro Carchá township, Alta Verapaz is declared Cultural and Natural Heritage of the Nation as well as Sacred Place for the Maya Q'echi Spirituality	Primary
2007	Ministerial Agreement 292-2007	May 2nd	May 14th	The aquatic procession of Jesus of San Juan Bautista Amatitlán is declared Intangible Cultural Heritage of the Nation	Primary
2007	Ministerial Agreement 586-2007	August 14th	August 22nd	The Popular University is declared Cultural Heritage of the Nation	Primary

APPENDIX A: CULTURAL HERITAGE LEGISLATION OF GUATEMALA

Year	Name/Number	Issued	Published	Contents	Source
2007	Ministerial Agreement 683-2007	September 19th	November 26th	The Calvario de Amatitlán Temple in 10th avenue 6-06. Amatitlán City National Hospital Quarter is declared Cultural Heritage of the Nation	Primary
2007	Ministerial Agreement 776-2007	October 26th	December 6th	The dance called "La Chatota y el Caballito" is declared Intangible Cultural Heritage of the Nation	Primary
2007	Ministerial Agreement 801-2007	November 7th	November 26th	The foods "chicken meat Jocón", Kaq ik, Pepián and Mole Plantains are declared Intangible Cultural Heritage of the Nation	Primary
2007	Ministerial Agreement 807-2007	November 8th	November 26th	The Calvario de la Paz Temple in diagonal 2, zone 4 of the Santa Cruz township of the Alta Verapaz Deparment r is declared Cultural Heritage of the Nation	Primary
2007	Ministerial Agreement 816-2007	November 16th, 2007	January 31st 2008	National Cultural and Sports Policies accepted "Culture, Development Motor"	Primary
2007	Congress Decree 64-2007, ratified with Agreement 0887	November 20th, ratified September 21st 2015	December 7th, ratification published March 4th 2016	Approves the Convention on the Protection of the Underwater Cultural Heritage	Primary
2007	Ministerial Agreement 877-2007	December 13th	January 4th 2008	Agrees to recognise the presence of of cultural expressions of Hindu, Chinese, and Afro-descendent cultural expressions in Izabal	Primary
2008	Government Agreement 27-2008	January 10th	January 11th	Internal Regulations for the Ministry of Culture and Sports	Primary
2008	Government Agreement 338-2008	May 30th	July 9th	Specifies and defines the museums under the Subsection of Museums and Cultural Centres of the General Direction of Cultural and Natural Heritgage	Primary
2008	Government Agreement 504-2008	August 18th		The procession of the Salesian School "Don Bosco" of the Guatemala township, Guatemala Department is declared Intangible Cultural Heritage of the Nation	Primary

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Year	Name/Number	Issued	Published	Contents	Source
2008	Government Agreement 560-2008	September 4th		The holy week in Guatemala is declared Intangible Cultural Heritage of the Nation	Primary
2009	Ministerial Agreement 104-2009	February 12th	February 26th	The departmental government building of Santa Cruz, Quiché is declared Cultural Heritage of the Nation	Primary
2009	Ministerial Agreement 239-2009	April 6th	August 22nd	The old quarters of Amatitlán are declared Cultural Heritage of the Nation	Primary
2009	Ministerial Agreement 525-2009	July 21st	August 5th	The communal non-declared property of the town Cojaj of the San Pedro Carchá township, Alta Verapaz Department is declared Cultural Heritage of the Nation	Primary
2009	Ministerial Agreement 526-2009	July 22nd	August 5th	The process of producing chocolate in the city of Mixco, Guatemala department, is declared Intangible Cultural Heritage of the Nation	Primary
2009	Ministerial Agreement 976-2009	December 12th	January 8th	The stewardships (mayordomía) of the Catholic Church of San Juan Chalmeco, Alta Verapaz Department are declared Intangible Cultural Heritage of the Nation	Primary
2010	Ministerial Agreement 346-2010	April 6th	May 5th	The association of San Marcos is declared Intangible Cultural Heritage of the Nation	Primary
2010	Ministerial Agreement 347-2010	April 7th	April 29th	The Covite of December 8th of the Chichicastenango Township, Quiché Department is declared Intangible Cultural Heritage of the Nation	Primary
2010	Ministerial Agreement 275-2010	March 22nd	March 25th	The "Huegla de Dolores" of San Carlos University is declared Intangible Cultural Heritage of the Nation	Primary
2010	Ministerial Agreement 532-2010	June 14th	July 19th	The Cobán folkloric national festival is declared Intangible Cultural Heritage of the Nation	Primary
2010	Government Agreement 242-2010	August 26th	August 30th	Creates the Viceministry of Cultural and Natural Heritage within the Ministry of Culture and Sports	Primary

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Year	Name/Number	Issued	Published	Contents	Source
2010	Ministerial Agreement 1126-2010	November 22nd	December 8th	Creates the Conservation and Rescue Department for Archaeological pre-Hispanic sites , instead of the national Tikal Project and the Petén Archaeological Sites Project	Primary
2011	Ministerial Agreement 362-2011	April 12th	April 18th	The funerary processions are declared Intangible Cultural Heritage of the Nation	Primary
2011	Ministerial Agreement 203-2011	February 24th	April 15th	The Kaminaljuyú Mounds and their surrounding archaeological sites are declared Untouchable Cultural Heritage of the Nation	Primary
2011	Ministerial Agreement 450-2011	May 12th	April 24th	The Boquicar Pile of the San Pedro Carchá township, Alta Verapaz and the cave that provides water to it are Cultural Heritage of the Nation	Primary
2011	Ministerial Agreement 620-2011	June 28th	April 11th	The Temple Chi Ixm of the Tactic Township, Alta Verapaz Department is declared Cultural Heritage of the Nation	Primary
2011	Ministerial Agreement 767-2011	August 11th	August 22nd	Declares maize (Zea mays L.) Cultural Heritage of the Nation	Primary
2011	Ministerial Agreement 1044-2011	October 18th	October 31st	The annual event held in Quetzaltenango "Umi'al Tinamit re Xelajuj No'j" is declared Intangible Cultural Heritage of the Nation	Primary
2011	Ministerial Agreement 1199-2011	December 19th	January 16th 2012	The campus of the San Carlos University is declared Cultural Heritage of the Nation	Primary
2011	Ministerial Agreement 1202-2011	December 20th	January 16th 2012	The process and traditional technique of creating momosteco ponchos is declared Cultural Heritage of the Nation	Primary
2012	Ministerial Agreement 23-2012	January 10th	February 20th	The chorus of the San Carlos University is declared Intangible Cultural Heritage of the Nation	Primary
2012	Ministerial Agreement 34-2012	January 11th	February 20th	The "Conquest of Guatemala" dance of the Rabinal township, Baja Verapaz Department is declared Intangible Cultural Heritage of the Nation	Primary

APPENDIX A: CULTURAL HERITAGE LEGISLATION OF GUATEMALA

Year	Name/Number	Issued	Published	Contents	Source
2012	Ministerial Agreement 110-2012	January 26th	February 2nd	A historiographic work is declared Cultural Heritage of the Nation	Primary
2012	Ministerial Agreement 459-2012	May 2nd	May 18th	The National Radio TGW is declared Cultural Heritage of the Nation	Primary
2012	Ministerial Agreement 718-2012	July 19th	August 2nd	Creates the Regional Museum "Mundo Maya"	Primary
2012	Ministerial Agreement 826-2012	August 22nd	August 27th	The Popol Vuh is declared Intangible Cultural Heritage of the Nation	Primary
2012	Ministerial Agreement 882-2012	September 7th	October 10th	The "Miguel Ángel Asturias" Cultural Centre is declared Cultural Heritage of the Nation	Primary
2012	Ministerial Agreement 933-2012	September 24th	November 5th	The "Rey Gitano" Circus of the López-López brothers is declared Cultural Heritage of the Nation	Primary
2012	Ministerial Agreement 983-2012	October 10th	November 5th	The old emblem of the Guatemalan Institute for Social Security is declared Intangible Cultural Heritage of the Nation	Primary
2012	Ministerial Agreement 1161-2012	December 5th	December 18th	The "praying to the Immaculate Conception of the Saint Francis Temple" is declared Intangible Cultural Heritage of the Nation	Primary
2012	Ministerial Agreement 1170-2012	December 12th	January 14th 2013	The ceramic-work, pottery, and craftwork of Santa Cruz Chinaulta are declared Intangible Cultural Heritage of the Nation	Primary
2012	Ministerial Agreement 1181-2012	December 14th	January 8th 2013	The Torito Dance of the Jacaltenango Township, Huehuetenango Department is declared Intangible Cultural Heritage of the Nation	Primary
2012	Ministerial Agreement 1203-2012	December 26th	January 10th 2013	The Clock of the municipal building tower of San Juan Sacatepéquez is declared Tangible Cultural Heritage of the Nation	Primary
2014	Ministerial Agreement 189-2014	March 5th	March 28th	The Civic Centre Historic Compound and its influence areas are declared Cultural Heritage of the Nation	Primary

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Year	Name/Number	Issued	Published	Contents	Source
2014	Ministerial Agreement 246-2014	March 28th	April 16th	The Double Marimba with tecomate resonance boxes of the Guatemalan Authors and Composers Association is declared Cultural Heritage of the Nation	Primary
2014	Ministerial Agreement 554-2014	July 14th	August 20th	A research unit is created in the Ministry of Culture and Sports	Primary
2015	Agreement	September 21st	March 4th	Ratifies the Convention on the Protection of the Underwater Cultural Heritage	Primary
2015	Ministerial Agreement 948-2015	November 2nd	November 2nd	Cultural, Sports and Leisure policies were approved	Primary
2015	Ministerial Agreement 1199-2015	December 28th	January 5th 2016	The religious pilgrimage to Esquipulas is declared Intangible Cultural Heritage of the Nation	Primary

APPENDIX B: CULTURAL HERITAGE LEGISLATION OF EL SALVADOR

Year	Name/Number	Issued	Published	Contents	Source
1883	Ministry of Governance and Promotion, Executive Power Decree	October 9th	October 16th	Establishes a National Museum	Primary
1884	Public announcement	May 26th	May 29th	The museum calls for object donations	Primary
1902	November 9th	September 12th		Regulations for the Scientific, Agricultural and Industrial Museum	Primary
1903	Legislative Decree	March 14th	March 21st	Prohibits the exportation of archaeological and antique objects	Primary
1928				A History Department is created within the National Museum, possibly managing the archaeological collections	Valdivieso 2013, 78-79
1941	Public Instruction Secretariat	April 5th	April 26th	Internal Regulations for the National Museum	Primary
1941	Executive Agreement	November 20th		National Folklore Research and Traditional Salvadoran Art Committee Created	Boggs(1954)
1947	Legislative Decree 133	May 22nd	May 29th	Tazumal is declared a historic national monument	Primary
1950	Constitution	September 7th	September 9th	Declares that the artistic, historic, and archaeological riches of the country belong to the state and is subject to special conservation laws	Primary
1950	Executive Power, Decree 3	September 9th	September 9th	New regulations for the National Museum	Primary
1952				April 16th: the "Stanley Boggs" Tazumal Site Museum was opened	Secretary of Culture official website: http://www.cultura.gob.sv/parque-arqueologico-tazumal/
1962				October 9th: The National Anthropology Museum "David J. Guzmán" is moved to its current location in San Benito	Escamilla
1962	Constitution			Declares that the artistic, historic, and archaeological riches of the country belong to the state and is subject to special conservation laws	Primary

APPENDIX B: CULTURAL HERITAGE LEGISLATION OF EL SALVADOR

Year	Name/Number	Issued	Published	Contents	Source
1975	Decree 308	July 8th	July 18th	Declares Ciudad Vieja, also knwon as El Molino, a national historic site	Primary
1977				The state bought the area of the Casa Blanca archaeological site	Secretary of Culture official website: http://www.cultura.gob.sv/parque-arqueologico-casa-blanca/
1980	Decree 318 of the revolutionary junta	July 10th	July 10th	Declares the National Palace of El Salvador a national monument	Primary
1983	Constitution	December 15th	December 16th	Declares that the artistic, historic, and archaeological riches of the country belong to the state and is subject to special conservation laws	Primary
1985	Decree 36	May 8th	May 22nd	Creates the Ministry of Culture and Communications	Primary
1985	Decree 17	May 30th	June 3rd	Allows the Ministry of Finance to allocate budget to the Ministry of Culture and Communications	Primary
1985	Decree 65	September 25th	October 17th	Sections from other ministries are transferred to the Ministry of Culture and Communications	Primary
1986				An earthquake damages the National Anthropology Museum "David J. Guzmán", forcing it to close until 1991	Escamilla
1987	Decree 816	November 12th	November 20th	Provisional Law for Safeguarding the Assets that form Part of the Salvadoran Cultural Heritage	Primary
1988	Decree 37	June 15th	August 12th	Regulations for the Ministry of Culture and Communications	Primary
1989	Decree 4	August 22nd	August 22nd	Abolishes the Ministry of Culture and Communications	Primary
1991	Ministry of Education, Decree 55	September 20th	November 4th	Creates the National Council for Culture and Art (CONCULTURA)	Primary
1991				October 9th: the World Heritage Convention is accepted	WH website
1993	Legislative Decree 513	April 22nd	May 26th	"Special Protection Law for the Cultural Heritage of El Salvador"	Primary

APPENDIX B: CULTURAL HERITAGE LEGISLATION OF EL SALVADOR

Year	Name/Number	Issued	Published	Contents	Source
1993				Joya de Cerén Archaeological Site inscribed in the World Heritage List	WH website
1996	Decree 29	March 28th	April 15th	Regulations for the Special Protection Law for the Cultural Heritage of El Salvador	Primary
1996	Education Ministry, Decree 34	April 29th	April 30th	Reforms Decree 55 of 1991	Primary
1997	Executive Agreement 16-0129	March 10th		Recognises the Houses of Culture	Primary
2001				October 9th: The National Anthropology Museum "David J. Guzmán" reopens	Escamilla
2002				August 22nd: Casa Blanca archaeological site was inaugurated	Secretary of Culture official website: http://www.cultura.gob.sv/parque-arqueologico-casa-blanca/
2005	Agreement 16/0132	August 12th	September 2nd	Declares Salvadoran sign language a cultural good	Primary
2005	Decree 92 (Ministry of Education)	September 23rd	October 17th	Makes CONCULTURA an decentralised unit within the Ministry of Education	Primary
2009	Decree 8	June 24th	June 25th	Abolishes CONCULTURA and creates the Secretary of Culture	Primary
2010				The Secretary of Culture releases the Institutional Strategic Plan for 2010-2014	Primary
2012	Agreement 2014/2012, Decree 16 (Legislative Assembly)	February 14th and June 7th	July 10th	Ratifies the Convention for the Safeguarding of Intangible Cultural Heritage	Primary
2012	Agreement 597/2012, Decree 17 (Legislative Assembly)	April 19th and June 7th	July 10th	Ratifies the Convention on the Protection and Promotion of the Diversity of Cultural Expressions	Primary
2013				The Secretary of Culture releases a Public Cultural Policy for 2014-2024	Primary
2014	Decree 716	June 20th	July 14th	Includes Salvadoran sign language into the Special Protection Law for the Cultural Heritage of El Salvador	Primary
2014	Decree 783	August 22nd	September 9th	Declares the "Day of the Lanterns" intangible cultural heritage	Primary

APPENDIX B: CULTURAL HERITAGE LEGISLATION OF EL SALVADOR

Year	Name/Number	Issued	Published	Contents	Source
2015	Legislative Decree 981	April 16th	May 11th	Declares the Park Juan Manuel Rodríguez, or Centenario Park a historic site	Primary
2015	Legislative Decree 982	April 16th	May 11th	Declares the Gualcho Hacienda a historic site	Primary
2015	Legislative Decree 983	April 16th	May 11th	Declares the place where the "Casco de la Hacienda Espíritu Santo" is a historic site	Primary
2015	Legislative Decree 984	April 16th	May 11th	Declares the "Children's Amusement Park" a historic site	Primary

APPENDIX C: CULTURAL HERITAGE LEGISLATION OF HONDURAS

Year	Name/Number	Issued	Published	Contents	Source
1845	Agreement 4	January 28th 1845		The antique monuments of the Copán valley are to be conserved	Primary (UNESCO Cultural Heritage Law Database)
1874	Agreement	December 28th		Orders the delimitation of Copán and a report on the status and conservation measures for the monument	Primary (UNESCO Cultural Heritage Law Database)
1889	Agreement	July 24th		A national museum in Copán is funded, to be managed by the society created by E.W. Perry	Primary (UNESCO Cultural Heritage Law Database), de la Borbolla and Rivas 1953, 17
1891	Agreement	July 20th		Agreement between the Government and the Peabody Museum, making it to be the only body allowed to explore and conduct excavations for 10 years, keeping half of the excavated material	Primary (UNESCO Cultural Heritage Law Database)
1892		March 4th		Instructions for the representative of the government in the archaeological and ethnological works at Copán carried out by the Peabody Museum	
1898	Decree 198, legislative decree 10	March 15th 1898		A national museum was to be funded with a collection gathered by local authorities. Any objects that could be useful for the museum were not to be exported.	de la Borbolla and Rivas 1953, 19 and 32-33
1900	Contract celebrated between the Peabody Museum and the Government of Honduras	February 21st		Contract that once again allows the Peabody Museum to be the exclusive institution with rights to excavate Copán and other territories, keeping half of the materials.	Primary (UNESCO Cultural Heritage Law Database)
1900	Disapprobation of the contract celebrated between the Peabody Museum and the Government of Honduras February 21st of 1900	March 20th		Cancels the contract signed one month prior	Primary (UNESCO Cultural Heritage Law Database)

APPENDIX C: CULTURAL HERITAGE LEGISLATION OF HONDURAS

Year	Name/Number	Issued	Published	Contents	Source
1900	Law	April 4th		Protects the archaeological monuments of the country, prohibiting the export of archaeological objects, excavations without a permit, and establishing sanctions for the destruction of monuments	de la Borbolla and Rivas 1953, 19-20
1917	Provisional regulations for the exploration, excavation and study of the existing ruins of the Republic	June 27th		Regulations for exploring, excavating and studying ruins in Honduras, requiring prior permission from the state, reports before and after the activities, strict vigilance, and other procedures.	Primary (UNESCO Cultural Heritage Law Database)
1924	Decree 34	November 22nd		Declares the ruins of former settlements property of the stat that cannot be alienated	Primary (UNESCO Cultural Heritage Law Database)
1932, 1934 (Ávalos)				September 15th: the National Museum is inaugurated	de la Borbolla and Rivas 1953, 13, Ávalos (2004)
1934	Legislative Decree 138	March 22nd		Creates the National Archaeological Commission	Primary (UNESCO Cultural Heritage Law Database)
1936	Constitution			Declares the artistic and historic riches of the country, the ruins of old settlements, the archaeological objects, the places of natural beauty or places with historic or artistic value part of the national treasure. These cannot be alienated. Proclaims a registry of this national treasure, securing its custody and establishing necessary penal actions.	Primary (UNESCO Cultural Heritage Law Database)
1940				March 15: the Copán Museum was inaugurated	
1946	Agreement 257	September 4th		Creates the Museum of Colonial Art	Primary (UNESCO Cultural Heritage Law Database)
1947	Public Education Codex, chapter XXXI			Authorises the state to establish organisms for restoration, conservation, and study of heritage, populations, places of natural beauty, and museum organisation.	Primary (UNESCO Cultural Heritage Law Database)
1952	Agreement 245	July 22nd		Creates the National Institute of Anthropology and History, provides it with five sections, objectives and a directive body.	Primary (UNESCO Cultural Heritage Law Database)

APPENDIX C: CULTURAL HERITAGE LEGISLATION OF HONDURAS

Year	Name/Number	Issued	Published	Contents	Source
1953	Agreement 1374 of the National Institute of Anthropology and History	November 26th		Recognises the regulations for the Pro-Conservation, Defence, and Restoration Association of the Historic and Artistic Treasures of the Nation	Primary (UNESCO Cultural Heritage Law Database)
1956	Decree-Law 204	February 1st		Organic Law of the National Institute of Anthropology and History	Primary (UNESCO Cultural Heritage Law Database)
1956	Decree-Law 246	June 12th	June 14th	Places all national museums, monuments, and traditional places in the National Institute of Anthropology and History	Primary (UNESCO Cultural Heritage Law Database)
1966	Decree 8	February 24th		Regulations for the protection of the artistic, historic and archaeological riches of the country due to their ongoing destruction	Primary (UNESCO Cultural Heritage Law Database)
1968	Decree 118	October 16th		New Organic Law of the National Institute of Anthropology and History, making it an autonomous institution, changes its name to Honduran Institute of Anthropology and HIstory	Primary (UNESCO Cultural Heritage Law Database)
1970				A house of culture was established in Choluteca	de Quesada 1977
1975	Decree 234	June 23rd		Creates a Secretary of State within the Culture, Tourism, and Information Dispatch, giving it cultural responsibilities	Primary (UNESCO Cultural Heritage Law Database)
1975	Decree 665	August 16th		Separates the Information Office from the Secretary of State, changing its name to Secretary of Culture and Tourism	Primary (UNESCO Cultural Heritage Law Database)
1979				Ratifies the World Heritage Convention	World Heritage Website
1979				The Villa Roy Republican History Museum is inaugurated	
1980				Copán is included in the World Heritage List	World Heritage Website
1982				Río Plátano Biosphere Reserve is included in the World Heritage List	World Heritage Website

APPENDIX C: CULTURAL HERITAGE LEGISLATION OF HONDURAS

Year	Name/Number	Issued	Published	Contents	Source
1982	Constitution, decree 131	January 11th		Declares the anthropological, archaeological, historic, and artistic riches of the country as part of the national treasure. This treasure is to be safeguarded by a law and by the Hondurans. Native cultures, folk expressions, popular art and handicrafts are also to be preserved.	Primary (UNESCO Cultural Heritage Law Database)
1982	Agreement 185	June 24th		Declares Copán and its surrounding areas a National Monument	Primary (UNESCO Cultural Heritage Law Database)
1982	Agreement 315	December 6th	August 25th 1983	Regulations for the Secretary of Culture and Tourism	Primary (UNESCO Cultural Heritage Law Database)
1984	Decree 81-84	May 30th		Law for the Protection of the Cultural Heritage of the Nation	Primary (UNESCO Cultural Heritage Law Database)
1989				July 11th: the Museum of the Honduran Man is inaugurated	
1992	Agreement 114			Reforms the regulations for the Secretary of Culture and Tourism	Primary (UNESCO Cultural Heritage Law Database)
1993				Tourism is separated from the Secretary of Culture and Tourism, which becomes the Secretary of Culture	Hernán Mejía 2004, 16
1994				The Museum of Anthropology and History is inaugurated	
1994	Agreement 397	September 21st		Replaces the Secretary of Culture with the Secretary in the Dispatch of Culture and Arts, provides it with objectives, a administrative structure and procedures	Primary (UNESCO Cultural Heritage Law Database)
1997	Decree 220-97	December 17th	February 21st 1998	Law for the Protection of the Cultural Heritage of the Nation	Primary (UNESCO Cultural Heritage Law Database)
1997				Adds sports to the Secretary in the Dispatch of Culture and Arts, changing its name to Secretary of State in the Dispatch of Culture, Arts and Sports.	Hernán Mejía 2004, 16
1999				First Great Discussion on Culture	Hernán Mejía 2004
2002				National Plan of Culture	Hernán Mejía 2004
2003				Museum of the Honduran Air	

APPENDIX C: CULTURAL HERITAGE LEGISLATION OF HONDURAS

Year	Name/Number	Issued	Published	Contents	Source
2006				July 24th: ratifies the Convention for the Safeguarding of Intangible Cultural Heritage	UNESCO website
2006				Museum of National Identity	
2014	PCM 001-2014	February 3rd	February 22nd	The Executive Section for Culture and Arts is created	Primary

APPENDIX D: CULTURAL HERITAGE LEGISLATION OF NICARAGUA

Year	Name/Number	Issued	Published	Contents	Source
1843	Executive Decree	August 18th		Organises economic societies for the country and appoints them with the establishment of a museum	Primary
1868	Agreement	December 26th		Decrees that the state is to organise an archaeological group that gives notice of antique monuments and ruins	Primary
1878	Decree	March 6th		Regulations for the executive power, includes amongst its functions to "construct, conserve and repair national monuments and public buildings" and "the creation and direction of public libraries, teaching newsletters, museums, and scientific and literary academies	Primary
1894	Public Instruction Fundamental Law	October 11th		Has amongst its dispositions to create a natural history and antiquities museum	Primary
1900				The National Museum is inaugurated	Astorqui 1994, 8
1939	Constitution	Approved March 22nd	March 23rd	All artistic or historic riches belong to the nation and are under special state protection. The state may prohibit its export and decree legislation for its defence and conservation	Primary
1940				The house where the poet Rubén Darío was born is bought by the state and declared a national monument	Red Nacional de Museos 2008, 28
1941	Decree 142	July 25th	August 9th	Establishes archaeological, historic, or artistic monuments as property of the state	Martínez 2008, 13

APPENDIX D: CULTURAL HERITAGE LEGISLATION OF NICARAGUA

Year	Name/Number	Issued	Published	Contents	Source
1944	Decree 328, reformed by legislative decree 92 MG	September 9th, reform approved January 22nd 1948	September 21st, reform published February 11th 1948	The church of Zaragoza of León city, the parish of Subtiaba in León city, the Concepción church of the El Viejo city and the Guadalupe church of Granada are declared national historic monuments	National Assembly 2013
1946	Legislative Decree 475	October 21st	november 15th	The temple of Guadalupe, León, is declared a national historic monument	National Assembly 2013
1948, 1950	Constitutions	Approved January 21st 1948, November 1st 1950	January 22nd 1948, November 6th 1950	The cultural treasure of the Nation is under protection and care of the state. Any archaeological, artistic, or historic riches are part of that treasure and its export is not allowed.	Primary
1960	Law	March 4th		The Museum and Archives of Rubén Darío are created	Red Nacional de Museos 2008, 19
1962		November 24th		The law on the Museum and Archives of Rubén Darío is reformed	Red Nacional de Museos 2008, 19
1967				The Gregorio Aguilar Barea Archaeological Museum is created	Red Nacional de Museos 2008, 10
1967				Researchers at the Autonomous university of Nicaragua discover the Ruins of León Viejo	Red Nacional de Museos 2008, 17
1967	Decree 1348	July 14th	August 5th	Archaeological explorations are declared of national interest, and a commission is created to find the León Viejo Site	Martínez 2008, 31, 32-33
1972				December 23rd: an earthquake destroyed the National Museum	Cháves 1994, 24
1974	Constitution	Approved March 14th	April 24th	The cultural treasure of the Nation is under protection and care of the state. Any archaeological, artistic, or historic riches are part of that treasure and its export is not allowed.	Primary
1979	Law that Creates the Ministries of the State	July 20th		Creates the Ministry of Culture	Primary

APPENDIX D: CULTURAL HERITAGE LEGISLATION OF NICARAGUA

Year	Name/Number	Issued	Published	Contents	Source
1979	Decree 101	September 22nd	September 26th	Law for the Protection of the Artistic, Cultural, and Historic Heritage of the Nation	Primary
1979				December 17th: accepts the World Heritage Convention	World Heritage Website
1982	Decree 1142	November 22nd	December 2nd	Law for the Protection of the Cultural Heritage of the Nation	Primary
1983	Decree 1237	April 12th		Reforms for the Law for the Protection of the Cultural Heritage of the Nation, mainly on the penal actions	Primary
1986	Constitution	November 19th	January 5th 1987	The state protects the archaeological, historic, linguistic, cultural and artistic heritage of the nation	Primary
1988	Decree 327	April 6th		Creates a new Ministry of Education that assumes the functions of the former Ministry of Education and of the Ministry of Culture together	Primary
1988	Law 40	July 2nd		Establishes the municipalities as the basic administrative unit of the country, autonomous and able to create their own regulations	Primary
1989	Decree 427	March 30th	April 3rd	Creates the Institute of Culture, integrating six institutes under it and giving it functions	Primary
1989	Decree 428	March 30th	April 3rd	Creates the National Culture Council	Primary
1990	Decree-Law 4-90	April 25th		Makes the Nicaraguan Institute of Culture a decentralised unit of the state	Primary
1990	Decree 527		August 23rd	The Inmaculada Concepción de María historical fort site is declared historic heritage	Red Nacional de Museos 2008, 31
1993	Law 167	December 17th	May 31st 1994	Declares the Ruins of León Viejo historical cultural heritage of the Nation	Martínez 2008, 31 and 33

APPENDIX D: CULTURAL HERITAGE LEGISLATION OF NICARAGUA

Year	Name/Number	Issued	Published	Contents	Source
1994				October 29th: The new building of the Ometepe Museum is inaugurated	Red Nacional de Museos 2008, 33
1994				The Ministry of Education changes its name to the Ministry of Education, Culture and Sports	
1997	Law 261, reforming Law 40 of 1988 that established municipalities as the administrative base of the country	August 22nd	August 26th	Amongst the functions of the municipalities, includes protecting the various types of heritage and preserving the cultural identity.	Primary
1997	Decree	August 22nd	August 29th	Creates the National Museum of Nicaragua	Primary
1997	Law 281	December 10th	January 28th 1998	Declares the Totogalpa Parrish Historic Heritage	Primary
1998			June 3rd	Places the INC as a de-centralised unit under the Ministry of Education, Culture and Sports	
2000				September: the museum of the Solentiname Archipelago is inaugurated	Red Nacional de Museos 2008, 32
2000	Law 333	February 15th	March 21st 2000	Law for the protection and promotion of the works, assets and image of the poet Rubén Darío and declaration of his work and assets as cultural, artistic and historic heritage of the nation	Martínez 2008, 25-26
2000	Decree 43-2000	May 26th	October 6th	Regulations for Law 333 of 2000	Martínez 2008, 63-68
2000				The Ruins of León Viejo are inscribed in the World Heritage List	Primary, Martínez 2008, 31
2001	Law 385	March 19th	April 17th	Reforms Law 167 of 1993, delimitating the area of León Viejo, delegating an updated master plan to the INC, and granting a special budget to the site	Martínez 2008, 32 and 34
2002	Decree 20-2002	February 20th	April 11th	Integrates the Cultural Coordination Council and provides it with certain attributes	Primary
2003				February 15th: the Auka Tangni Museum is created	Red Nacional de Museos 2008, 30

APPENDIX D: CULTURAL HERITAGE LEGISLATION OF NICARAGUA

Year	Name/Number	Issued	Published	Contents	Source
2004				January 14th: the Municipal Museum of Ticuantepe is created	Red Nacional de Museos 2008
2005	Decree 5-2005	January 26th	January 28th	Reforms Decree 427 of 1989	Primary
2005				January 19th: the Chagüitillo pre-Columbian Museum is created	Red Nacional de Museos 2008, 29
2005	Decree 4378		November 7th	Approves the Convention for the Safeguarding of Intangible Cultural Heritage	INC, Catálogo de Bienes Culturales Tradicionales de Carazo y Rivas 2012, 9
2005				December: Mi Museo, a private museum, is inaugurated	Red Nacional de Museos 2008
2006				The ministry of Education, Culture and Sports changes its name back to the Ministry of Education	
2006		February 14th		Ratifies the Convention for the Safeguarding of Intangible Cultural Heritage	UNESCO Intangible Heritage website
2007				GRUN cultural policies	Primary
2007				March 31st: El Ceibo Numismatic Museum is inaugurated	Red Nacional de Museos 2008
2008	Decree 5436		August 9th	Approves the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions	INC, Catálogo de Bienes Culturales Tradicionales de Carazo y Rivas 2012, 9
2011	Administrative Disposition 71-23-08-2011	Approved August 23rd	September 16th	Approves cultural policies for the autonomous regions	Primary
2011				León Cathedral is inscribed in the World Heritage List	Primary
2014	Law 886	October 31st	November 12th	Declares the Garífuna Culture intangible cultural heritage of the nation	Primary

APPENDIX E: CULTURAL HERITAGE LEGISLATION OF COSTA RICA

Year	Name/Number	Issued	Published	Contents	Source
1887	Agreement 69	May 4th		The National Museum was established	
1888	Law 5	January 28th		Organic regulations for the National Museum	Primary
1920		April 13th		The Church of Orosi is declared national heritage	
1923	Law 14	September 14th		Prohibits illegal excavations	
1938	Law 7	September 28th	October 6th	Improves Law 14 of 1923, claims state ownership of the archaeological assets, provides regulations for their declaration, registry and transfer to the National Museum. Regulations on excavations.	Primary
1938	Law 14	October 6th	December 20th	Regulations for the Law on the Control of the Exploitation and Commerce of Archaeological Relics	Primary (UNESCO Cultural Heritage Law Database)
1949	Constitution	November 7th		Includes a clause on the "cultural objectives" of the Republic, that include protecting the natural beauties and conserving and developing the historic and artistic heritage	Primary (UNESCO Cultural Heritage Law Database)
1953	Law 1542	March 7th		Appoints the National Museum with conducting research	Ministry of Culture and Youth 2011, 64
1971	Law 4711	January 13th		Accepts the Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private works	
1971	National Assembly Decree	July 5th	July 17th	Creates the Ministry of Culture, Youth and Sports	Primary (UNESCO Cultural Heritage Law Database)
1972	Decree 5118	November 13th	November 28th	Creates a National Commission on Historic Commemorations	Primary (UNESCO Cultural Heritage Law Database)
1973	Law 5300	August 13th		Guayabo is declared a national monument	
1973	Law 5397	August 11th		Attributions regarding heritage ownership and declaration, prohibits heritage demolition	Primary
1974	5619	December 4th	December 14th	The "Juan Santamaría" Museum is created	Primary (UNESCO Cultural Heritage Law Database)

APPENDIX E: CULTURAL HERITAGE LEGISLATION OF COSTA RICA

Year	Name/Number	Issued	Published	Contents	Source
1976	Law 5980	October 26th	December 24th	World Heritage Convention	World Heritage Website
1977				August 23rd: World Heritage Convention ratified	
1977	Law 6091		October 7th	The Costa Rican Art Museum is created	Primary (UNESCO Cultural Heritage Law Database), Costa Rican Art Museum pamphlet
1979				The Archaeological, Historic, and Cultural Research and Conservation Centre was created	Ministry of Culture and Youth 2011, 75
1979				November 21st: the regulations for the National Commission on Historic Commemorations are approved	Primary (UNESCO Cultural Heritage Law Database)
1979	Law 6360	August 20th		OAS Convention on the Protection of the Archaeological, Historical and Artistic Heritage of the American Nations	
1981	National Assembly Decree 6519	April 2nd (Assembly), April 23rd (presidency)		Reforms the regulations of the "Juan Santamaría" Museum, and changes its name to "Historic Cultural Museum Juan Santamaría"	Primary (UNESCO Cultural Heritage Law Database)
1981	Law 6703	December 18th (Assembly),- December 28th (presidency)	January 19th 1982	Protects archaeological heritage and creates the National Archaeology Commission. Includes considerations on ownership, excavation procedures, and sanctions.	Primary (UNESCO Cultural Heritage Law Database)
1983	Executive Decree 14844-C			Community museums are created	
1983				The Talamanca Range is inscribed in the World Heritage List	World Heritage Website
1984	15889-C			Creates a Commission for Costa Rican Archaeological Expositions, whose role is to coordinate archaeological expositions	Primary (UNESCO Cultural Heritage Law Database)
1986	Executive Decree 17338-C	December 11th		The building that houses the Costa Rican Art Museum is declared historic architectonic immovable heritage	Costa Rican Art Museum pamphlet

APPENDIX E: CULTURAL HERITAGE LEGISLATION OF COSTA RICA

Year	Name/Number	Issued	Published	Contents	Source
1989	Decree 19016-C		June 12th	Regulations for the National Archaeology Commission	Primary (UNESCO Cultural Heritage Law Database)
1991	Decree 27486-C			El Farallón is declared a national monument	
1994	Decree 231643	April 8th		The Regional Guanacaste Museum is created	Guanacaste Regional Museum pamphlet
1995	Law 7526, adhered through executive decree 24729	July 5th, adhesion issued October 9th	Adhesion published November 14th	Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property	Primary
1995	Law 7555	September 26th (Assembly), September 27th (presidency)	October 20th	Law for the Historic Architectonic Heritage of Costa Rica	Primary
1997				Cocos Island National park is inscribed in the World Heritage List	World Heritage Website
1998		June 3rd		The Convention for the Protection of Cultural Property in the Event of Armed Conflict	
1998	Decree 27486-C		December 17	Declares the Farallón Site a National Monument	Ministry of Culture and Youth 2011, 69
1999	Executive Decree 28174	October 12th	October 19th	Specific regulations for the necessary Procedures of Archaeological Studies	Primary (UNESCO Cultural Heritage Law Database)
1999				The Area de Conservación Guanacaste is inscribed in the World Heritage List	World Heritage Website
2000	Executive Decree 28089			The General Museums Section was abolished and its responsibilities are transferred to the National Museum	
2001	Decree 29908C 2001			The Agua Caliente Site is declared a national monument	Ministry of Culture and Youth 2011, 69
2002	Law 8282	June 6th	August 7th 2003	Approves the Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict	Primary
2005	Executive Decree 327-49-C	March 14th	November 14th	Regulations for the Law for the Historic Architectonic Heritage of Costa Rica	

APPENDIX E: CULTURAL HERITAGE LEGISLATION OF COSTA RICA

Year	Name/Number	Issued	Published	Contents	Source
2005		November 25th		The Boyero and Oxcart Tradition is declared by the UNESCO as a Masterpiece of Oral and Intangible Heritage of Humanity	
2006				Ratifies the Convention for the Safeguarding of Intangible Cultural Heritage	
2007	Executive Decree 33596-C		March 8th	Reforms to the regulations of the Law for the Historic Architectonic Heritage of Costa Rica	
2014				The Precolumbian Chiefdom Settlements with Stone Spheres of the Diquís are inscribed in the World Heritage List	World Heritage Website

APPENDIX F: CULTURAL HERITAGE LEGISLATION OF PANAMA

Year	Name/Number	Issued	Published	Contents	Source
1904	Law 52	May 20th	June 6th	State designates money for museums	Primary
1908	Law 3	September 26th		Allocates budget for National Museum	Primary
1908	Law 61	December 3rd		Conservation for San Lorenzo and other relics	Primary
1912	Law 12			Conservation for Old Panama	Primary
1916	Law 8	October 23rd	November 6th	National Museum is reorganized, schedules established, new place	Primary
1924	Law 46	December 2nd	January 13th 1925	Natá Church budget allocation	Primary
1926	Law 35	November 30th		Parita Church declared national historic monument, budget allocation	Primary
1926	Law 69	December 23rd	January 7th 1927	Portobelo budget allocation and appointing of a guard	Primary
1928	Law 56	November 23rd	December 5th	San Felipe Church declared national historic monument, budget allocation	Primary
1932	Law 38	December 23rd	December 27th	Authorization to the executive organ for buying the "Arce Chato"	Primary
1937	Law 29	January 25th	February 5th	San Francisco Church declared Historic Monument	Primary
1938	Law 32	November 8th	November 18th	Atanasio Church declared Historic Monument	Primary
1941	Law 67	June 11th		Monuments and archaeological objects protected	Primary
1941	Law 68	June 11th		National Monuments listed	Primary
1946	Law 47	August 24th	October 2nd	Organic Law of Education, CONAMOH created	Primary
1954	Law 23	October 19th	February 2nd 1955	Parish Church of Santa Librada declared national historic monument	Primary
1960	Law 86	November 22nd		Includes folklore in live shows	Primary
1962	Decree 87	March 21st	June 13th	Regulations for CONAMOH	Primary

APPENDIX F: CULTURAL HERITAGE LEGISLATION OF PANAMA

Year	Name/Number	Issued	Published	Contents	Source
1968	Law 3	January 23rd	February 1st	House of Francisco Morazán declared historic monument, budget allocation	Primary
1969	Cabinet Decree 292	September 4th	September 9th	House-Museum Manuel Zárate declared national monument	Primary
1970	Cabinet Decree 77	April 17th	April 23rd	Decree on heritage use for tourism and Portobelo, coordinating Commission for preservation and utilization of Monumental, HIstoric and Artistic Heritage	Primary
1970	Cabinet Decree 118	April 17th	May 11th	National Museum director removed from the Commission	Primary
1970	Cabinet Decree 144	June 2nd	June 9th	National Culture and Sports institute created	Primary
1974	Law 63	June 6th	June 25th	Created the National Culture Institute	Primary
1976	Law 91	December 22nd	January 12th 1977	Regulations for Portobelo, Old Panama and Casco Antiguo	Primary
1977	Law 9	October 27th	April 7th 1978	Approves the World Heritage Convention	Primary
1977	Law 10	October 27th	January 11th 1978	Approves the San Salvador Convention	Primary
1980	Law 27	September 3rd	September 9th	Cristo-a-orillas-del-mar Church declared Historic Monument	Primary
1980	Law 28	September 17th	September 17th	Santa Ana Church declared Historic Monument	Primary
1980	Law 55	December 31st	January 13th 1981	Mateo Iturride house declared Historic Monument	Primary
1982	Law 14	May 5th	May 5th	Measures on the Custody, Conservation, and Administration of the Historic Heritage of the Nation	Primary
1983	law 7	March 24th	March 24th	The Museum of the Panamanian Man is renamed Museo Reina Torres de Araúz	Primary
1984	Law 18			Santa Ana Park declared historic monument	Primary

APPENDIX F: CULTURAL HERITAGE LEGISLATION OF PANAMA

Year	Name/Number	Issued	Published	Contents	Source
1984	Law 19	October 9th	October 9th	La Garita, Petroglyphs of Nancito, Cerro la Valeria and Santa Lucía River, Catholic Remedios church declared historic monuments	Primary
1984	Law 27	October 22nd	October 22nd	Folk conservation measures	Primary
1984	Law 54			Juan Demóstenes School declared Historic monument	Primary
1986	Law 26	December 30th	December 30th	Santo Tomas Hospital and its gardens declared Historic Monument	Primary
1990	Resolution 75	December 13th	December 13th	Regulations on housing in San Felipe, Casco Antiguo	Primary
1992	Law 27	December 12th	December 17th	Veraguas Regional Museum created	Primary
1994	Law 7	May 19th	May 19th	Los Santos Regional Museum created	Primary
1995	Law 30	December 29th		Funds for Old Panama stipulated	Primary
1996	Law 37	May 22nd		6 national monuments declared	Primary
1997	Decree-law 9			Expansion of Conservation District of Casco Antiguo, value of the site	Primary
1997	Resolution 44	May 28th	May 28th	Expansion of permitted number of inhabitants in Casco Antiguo	Primary
1998	Executive Decree 84	April 14th	April 14th	Casco Antiguo Commission	Primary
1998	Law 57	July 27th	August 4th	Presidente Porras School declared Historic Monument	Primary
1999	Decree 94			Regulations for Old Panama	Primary
2000	Executive Decree 192	November 20th	November 24th	Creates an Restoration and Value-placing office for Casco Antiguo	Primary
2003	Law 58	August 7th	August 12th	Modifies the heritage law of 1982	Primary
2004	Executive Decree 51	April 22nd	April 29th	Approves the proceedings and regulations for Casco Antiguo	Primary
2011	Executive Decree 119			World Heritage National Commission is created	Primary

APPENDIX F: CULTURAL HERITAGE LEGISLATION OF PANAMA

Year	Name/Number	Issued	Published	Contents	Source
2012	Executive Decree 1366			Modifies regulations related to Portobelo	Primary
2014	Law 30			Allocates funds for Portobelo	Primary