Initiative in support of the law on Sacred Natural Sites of Indigenous Peoples No. 3835

On the occasion of the new Mayan cycle Oxlajuj B’aqtun

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Tz’ikin en el Calendario Maya. Iximulew 31 de marzo del 2012.
INTRODUCTION

The initiative of a Law on Sacred Places for Indigenous Peoples, which is presented in this historic document is the product of an extensive process of collective construction, in which ancestral spiritual leaders of different linguistic communities of Mayan, Xinka and Garifuna participated, was reviewed and agreed by the Commission for the definition of the Sacred Places, attached to the Peace Secretariat in coordination with the National Conference Oxlajuj Ajpop, the National Council for the Implementation of the Peace Accords, and the Ministries VCNAP Culture and Sports. Legislative work has been fundamental, both on the technical side, as in political lobbying, to make the passage of this initiative possible, work has been equally consistent and results concrete, particularly through the members MEP’s Commissions of Indigenous Peoples and Peace and Demining, as well as the Congress of the Republic.

The product of this process is that on June 17, two thousand eight, the honourable House of the Congress of the Republic met and referred to the Committees on Indigenous Peoples Peace and Demining, and Legislation and Constitutional. The initiative Act provides the adoption of Sacred Places Law of Indigenous Peoples, which has been identified by legislative direction 3835, for consideration and appropriate decision.

It is important to mention that the Constitution of the Republic of Guatemala is within the legal basis of this initiative, the Agreement on Identity and Rights of Indigenous Peoples, the Framework for Law of Peace Agreements, Decree No. 52-2005 of the Republic Congress, Convention 169 on Indigenous and Tribal Peoples in Independent Countries, the International Labour Organization VOIT-approved by the State of Guatemala, through Decree number 9-96 of the Congress of the Republic, and the Convention for the Protection of the World Cultural and Natural Heritage, in Article 5, paragraph d, of which Guatemala is a party.

The conclusion of this dynamic process based on consensus, led to the aforementioned organized expressions of Indigenous Peoples, to converge with the legislative work of the MEPs, who explained in his favourable opinion, that are considered appropriate that legislate on that special look that has been provided by the Constitution of the Republic as well as other instruments as identified in the body of this opinion, the Commissions of Indigenous and Peace and Demining estimate from issuing joint opinion, still the same positive or favourable, the initiative that approves the Sacred Places Law of Indigenous Peoples, identified with registration number 3835 of the legislative direction, with modifications to the draft decree, ranging themselves contained in this opinion, subjecting it to Honorable consideration of plenary, to merit their approval of the project in due course become the Republic Act.

Today more than ever, we are in a transcendental stage and ever closer to realizing the purpose of the initiative that seeks to guarantee the right historical, cultural and spiritual development of Indigenous Peoples, through the recognition, respect, dignity, use, conservation, management and access to sacred sites, built and natural, to Indigenous Peoples located on the national territory.
Delineation of an initiative that contains a draft decree approving the law of the sacred sites of Indigenous people

On June 17, two thousand eight, the honourable Plenary Congress met and referred to the Committees on People Indigenous Peace and Demining and Legislation and Constitutional, The proposed law provided for the adoption of Sacred Places Law of Indigenous Peoples, with Registration Number 3835 identified the Legislative Direction for consideration and appropriate decision.

I. Background

The initiative was presented by Mrs Rosa Elvira Zapeta Osorio and Ferdy Berganza, both members of the National Commission for Compliance Agreements CNAP-Paz, in the time the initiative was presented as well as by Mr Walter Felix, Otilia Lux de Cotí, Beatriz Canastuj Canastuj, Rodolfo Castanon, Eduardo Genis Quej Chen, Aníbal García, Domingo Solís Ico, Clemente Samines Chali, Pedro Simon Vasquez Pascual, Julio Felipe Tzul Tzul and other member whose signature is illegible. As can be inferred from reading the draft submitted to such committees, the initiative is to ensure the historical rights, cultural rights and Indigenous Peoples spiritual diversity within the Guatemala, through the recognition of the identity and dignity of culture, solidarity, harmony and equality in diversity.

II. Legal

The Constitution of the Republic of Guatemala, enacted in 1985, in the third section develops it relates to Indian communities, specifically Article 66 establishes the existence of indigenous groups and regulates the promotion and respect of these to his cultural identity and forms of social organization.

The Agreement on Identity and Rights of Indigenous Peoples recognizes that Guatemala is characterized as multi-ethnic, multicultural and multilingual. In addition, with the approval of the Agreement given historical and current projection, identifying number III, spirituality embodied in the literal c) and temples, ceremonial centres and sacred sites in the literal d), as part of the cultural, natural, historical and spiritual heritage of Indigenous Peoples. It also recognizes the right of indigenous peoples to participate in the conservation and management of these places and the importance to respect the spiritual guides, as well as ceremonies and sacred places.

The Framework Law of Peace Agreements, Decree No. 52-2005 of the Congress, contains a set of commitments that State to which the government should monitor and promote the participation of indigenous peoples, the legal measures to ensure identification and declaration of indigenous sacred sites that are restored, protected and preserved.

Meanwhile, Convention 169 on Indigenous and Tribal Peoples in Independent countries of the International Labour Organization VOIT-approved by the State of Guatemala, through Decree 9-96 number of the Congress of the Republic of Guatemala, in Article2, stipulates that Governments have the responsibility of developing in with the participation of the peoples concerned, an action coordinated and systematic action to protect the rights of those peoples and to guarantee respect for their integrity b) promoting the full realization
of the social, economic and cultural inclusion of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions.

In article 4.1, the related instrument prescribes as special measures adopted as appropriate for safeguarding persons, institutions, property, labour, cultures and environment of the peoples concerned.

Also, the above Convention, Article 5, paragraph a) provides that:

must be recognized and protected values and social practices, cultural, religious and spiritual values of these peoples shall be taken into consideration as the nature of the problems face them both as groups and as individuals. In terms overall, the ILO Convention 169 provides that States must take measures to safeguard the goods, cultures and environment of indigenous peoples.

Meanwhile, the Convention concerning the Protection of World Heritage, Cultural and Natural Heritage, in Article 5, paragraph d, of which Guatemala State party states that in order to ensure protection and effective conservation and presentation of the most actively cultural and natural heritage sites on its territory and subject to conditions appropriate to each country, each of the States Parties to the instrument shall, wherever possible, take the appropriate legal, scientific, technical, administrative and financial measures necessary for identification, protection, conservation, presentation and rehabilitation of this heritage.

The proposal of Sacred Places Law is revised and agreed by the Commission for the definition of the Sacred Places, attached to the Peace Secretariat in coordination with the Conference Oxlajuj National Ajpop, filed on January 31, 2008 the Secretary of Peace SEPAZ and the National Council of the Peace Accords, CNAP; Similarly, it was agreed with the Ministry of Culture and Sports.

III. CONSIDERATIONS OF COMMITTEES
DICTAMINADORAS

The Commissions of Indigenous and Peace and Demining has, after several meetings, tried to provide an opinion in conjunction with the Committee on Legislation and Constitutional. Notwithstanding efforts was not possible, so that the two commissions indicated earlier decided to issue this opinion together.

For this, the commissions, ie commission on indigenous Peoples and Peace and Demining, we issued the opinion corresponding, for which we rely on the previous number 1-2008, approved by the honourable plenary on September 30, 2008, which provides: When an initiative to send two committees or more, and only one of them form an opinion on the time corresponds and presents, this initiative can be known by plenary with that single opinion.

Appreciate the commissions that the content of the project decree which has been presented as a bill does not infringe constitutional or legal provisions that may cause antinomies within the legal system. However, since it has received some comments on the draft decree, the same were discussed by the members of the commissions, which resulted in modifications to be made to project content decree that contained the initiative, these are presented in the draft and the decree is attached in the Report.
For these reasons and considering appropriate to legislate respect of a very special aspect that has been anticipated by the Political Constitution of the Republic as well as other instruments as identified in the body of this opinion, the Commissions Indigenous Peoples and Peace and Demining estimate from issuing a joint opinion, still the same POSITIVE or favourable, the bill that approves Sacred Sites Act of Indigenous Peoples, with registration number 3835 identified Direction Legislature, with modifications to the draft decree, ranging themselves contained in this opinion, subjecting it to the consideration of honourable plenary, to merit their approval of the project becomes timely in Republic Act.

ISSUED IN THE CHAMBER OF THE COMMISSION OF PEOPLES INDIAN CONGRESS OF THE REPUBLIC, IN THE CGUATEMALA CITY, NINETEEN DAY AUGUST, TWO THOUSAND NINE
POR LA COMISIÓN DE PUEBLOS INDÍGENAS

Diputado Rodolfo Moinés Gómez Fuentes
Presidente

Diputado Efraín Asis Chile

Diputada Beatriz Concepción Canestuj Canestuj

Diputado Juan Armando Chun Chanechavac

Diputado José Alfredo Cojí Chiray

Diputado Manuel Napselle García Guitá

Diputado Oscar Valentín Leal Saal

Diputada Olívia Inés Lux García

Diputado Clemente Samines Chall

Diputado Pedro Simón Pascual Vásquez

Diputada Rosa Elvira Zapata Osorio
POR LA COMISIÓN DE LA PAZ Y EL DESMÍNADO

Diputado Walter Rolando Félix López
Presidente

Diputada Rosa Emilia Zapata Coric
Vicepresidenta

Diputado Rodolfo Aníbal García Hernández

Diputada Otilia Inés Luís García

Diputado Gabriel Heredia Castro

Diputado Leonardo Gámez Curup

Diputado Armando Enrique Sánchez Gómez

Diputado Pedro Simón Pedraza Vásquez

Diputado Julio Felipe Tzul Tzul

Diputado Efrain Asij Chile

Diputado Rodolfo Martínez Escobedo
Secretario
THE CONGRESS OF THE REPUBLIC OF GUATEMALA

CONSiders:

That under the Constitution of the Republic of Guatemala, the State of Guatemala is obliged to protect its people and families, and its ultimate goal is the realization of the common good, so your duty is to ensure the people of the Republic of Guatemala’s life, liberty, justice, security, equality, peace and development. It also has to offer protection to ethnic groups and the state is obligated to recognize, respect and promote the different forms of existence, customs, traditions, forms of social organization, the use of indigenous clothing for indigenous men and women, and languages and dialects.

CONSiders:

That Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization (ILO), of which Guatemala is a party, states that governments have the responsibility for developing, with the participation of the peoples concerned, coordinated and systematic action with a view to protect the rights of these peoples and to guarantee respect for their integrity. So it is imperative to have measures to help ensure that members of indigenous communities possess the same rights and opportunities that national legislation grants to the other members of the population.

CONSiders:

That the Convention for the Safeguarding of the Intangible Heritage of the General Conference of the United Nations’ Educational, Scientific and Cultural Organization in 2003, approved medium by Guatemala, stipulates that Member States should take the necessary measures to ensure the safeguarding of cultural heritage present in its territory and in turn must identify and define the different elements thereof, with community participation, groups and other relevant non-governmental organizations, thereby ensuring access to the intangible cultural heritage, while respecting traditional uses for governing access to specific aspects of such heritage.

CONSiders:

Recently, the same Congress of the Republic of Guatemala, by Operative Paragraph Number 02-2006, recognized and recommended that relevant authorities will strictly control the sacred sites recognized by indigenous communities that are not intended for purposes that contradict or impede ceremonial functions that traditional indigenous communities perform on a regular basis in such holy places as part of their ancestral culture.
CONSIDERS:

That the Agreement on Identity and Rights of Indigenous Peoples, the State recognized the historical value and the protection of the temples and ceremonial centres as part of the cultural, historical, Mayan spiritual and other indigenous peoples, assuming that the Government is committed to jointly promote the organization’s spiritual rights, regulates access to ceremonial centres, guarantees the free circulation of indigenous spirituality within compliance of the conditions required by the spiritual guides.

CONSIDERS:

That the Law Framework Peace Accords, establishes standards and mechanisms that regulate and guide the process of compliance Peace agreements, commitments made by the State to ensure the rights of humans and of Indigenous Peoples.

THEREFORE:

In exercise of the powers that are discussed by sections 134 and 171, literal a) of the Political Constitution of the Republic of Guatemala.
LAW OF THE SACRED SITES OF INDIGENOUS PEOPLES

TITLE I

GENERAL PROVISIONS

CHAPTER I

BASIC RULES

Article 1. Purpose of the Law. The purpose of this act is to ensure the right historical, cultural and spiritual development of Indigenous Peoples, through the recognition, respect, dignity, use, conservation, management and access to sacred sites, built and natural, from Indigenous Peoples, located on the national territory.

Article 2. Scope. This law applies to sacred sites located throughout the territory of the Republic of Guatemala.

Article 3. Nature. This act, considering the cultural nature, under the Constitution of the Republic of Guatemala, the Agreement on Identity and Rights of Indigenous Peoples Indigenous (AIDPI) and the law framework from the Agreement on Peace.

Article 4. Principles. This act shall be governed by the principles of recognition, respect, dignity, purpose, respect for identity, culture, solidarity, harmony and equality in diversity.

Article 5. Legal Effects. This act shall have effect on all the sacred places, natural or constructed, which are currently located and which are located later in the whole country to the enactment of this Act, in accordance with the definitions as set out in Chapter II of Title I of the Act.
CHAPTER II
DEFINITIONS

Article 6. Definitions. For the purposes of this act the following definitions apply:

a) Indigenous Authorities: Persons who are recognized for their service and leadership, whose functions are to safeguard the balance of social, economic, cultural and spiritual from the community’s property and community, they are called and appointed by the population to satisfy common needs, using principles and values.

b) The Council: To refer hereafter to the National Sacred Places.

c) Spirit Guides, Chuch Qajaw or Ajq’ijab: People who know and practice the spiritual foundations, history and culture of indigenous peoples, witnessing with his life, his words and his actions. Fulfill roles as designated and accepted by the population and by the exercise of their calling, have the recognition as authorities in their community.

d) Sacred Places: Natural or constructed, considered confluence of cosmic energy for communication with the ancestors, are special places for practical training and spiritual, philosophical, scientific, technological or artistic for the members of Indigenous Communities.

e) Built Sacred Places: Ancient cities, temples, astronomical observation centres and spiritual, pyramids, carved natural stones and places where the remains of ancestors are located.

f) Sacred Natural Sites: The hills, valleys, mountains, volcanoes, caves, springs, caves, waterfalls, rivers, bends, ponds, lakes, cenotes, when declared as such.

g) Sacred objects or traditions: The books, manuscripts, images, sacred inscriptions, necklaces, icons in bulk or relief, prayers, chants, sacred dances, paintings and objects from spirituality, representing historical, spiritual, scientific, technological, artistic and social events Indigenous Peoples.

h) Spiritual or intangible heritage: Includes natural energy sites, which reveal the spiritual experience of Peoples Indigenous, such as prayers, songs, sacred dances, oral tradition, social facts and medicinal practices and cultural expressions that reveal the spiritual experience of indigenous peoples.

i) Tangible Heritage: Built heritage, carved or written, which reveals the origin, growth, expansion and political, economic, social and cultural development of Indigenous Peoples; these include images, necklaces, steles, manuscripts, sacred books and inscriptions and others.
j) **Protection of sacred places, objects and traditions:** The package that seeks to restore and conserve places, objects and sacred traditions, preventing spoilage or destruction from any cause, without involving restriction on the practice of the rights of Indigenous Peoples.

k) **Indigenous Peoples:** The indigenous peoples in the country, which descend from the populations which inhabited before 1524 and the establishment of present borders state, and that, whatever their legal status, retain their social, economic, cultural and political institutes or part of them.

### CHAPTER III

**SACRED PLACES**

**Article 7. Dignity of the Sacred Places.** The dignity of the Sacred Places and nature entails recover for spiritual, scientific, educational and social purposes and thereof, through the restoration, protection, preservation, promotion and proper administration of the Sacred Places by the Council.

**Article 8. Identification and Notification.** Spiritual guides or Chuch Qajaw o Ajq’ijab’, are responsible for promoting and facilitating information sites and found objects to be declared as sacred places and objects, reporting to the Council on the findings, thereby helping the Council to prepare the report and give the categories.

**Article 9. Declaration of sacred places and objects.** The declaration that a place or object is Sacred, will start by opening a file by the Council, which will be sent to a specialist to perform the respective technical and scientific studies, issuing an opinion on whether or not the requested declaratory and provisional application of protective measures, conservation and safeguards, restrictions and prohibitions, and other provisions that are subject to the sacred places and objects. The declaration must be issued by resolution to the effect that the Council will issue.
TITLE II
PROTECTION OF SACRED PLACES AND OBJECTS

CHAPTER I
GENERAL RULES OF PROTECTION

Article 10. Protection. The national interest to protect, conserve and safeguard the sacred places and objects of Indigenous Peoples is declared.

Article 11. Liability protection, conservation and preservation. The protection, conservation and protection of sacred places and objects for the State through the National Council of Sacred Places, except in cases referred to the second paragraph of Article 20 of this law.

Article 12. Prohibition. Prohibited are those acts committed against the sacred places and objects that tend to destroy, alter, damage them or disable them, and those acts against the practice of the spirituality of indigenous peoples. Those who violate this provision will have civil and criminal liability.

Article 13. Surveyors. The Council shall seek spirit guides or Chuch Qajaw Ayq’ijab’ associations or spiritual guides, check the accuracy of the reporting of acts that violate the sacred places or objects against the spirituality of Indigenous Peoples.

CHAPTER II
PROTECTION

Article 14. Notice discoveries. Notwithstanding regulated by specific laws of Cultural Heritage, whether prior or during the performance of a construction project, whether unitary or in series, discovered the existence of a place or object that can be declared as sacred the Council will require the appropriate authority to immediately suspend the project, in order to avoid possible destruction or alteration of sacred or take steps to avoid it in all or part of the authorized project.

Article 15. Construction projects adjacent to Sacred Places. When authorizing the construction, repair, remodeling, demolition, reconstruction or expansion of any kind in property situated on land adjacent to places declared sacred, the appropriate authority prior to granting construction license, shall require the Board of Sacred Places Indigenous Peoples, to rule on the request, so the Council to decide, indicating the conditions and mechanisms that must be observed to prevent their destruction or damage and ensure free access to the sacred place. The procedure shall be in accordance with the provisions of existing laws in this area, and in particular the provisions of Article 10 of the Law for the Protection of Cultural Heritage of the Nation.
Article 16. Exploration and Exploitation. In accordance with the Hydrocarbons Law, the development of oil operations, contractors, oil service contractors or subcontractors oil services should adopt and implement reasonable steps regarding reforestation and preservation of natural resources, sacred sites declared as such, and archaeological sites, as well as other areas of scientific, cultural and artistic, this provision extends to mining exploration activities.

CHAPTER III

PROTECTION OF SACRED OBJECTS

Article 18. Ward sacred objects. In the case that an object can be considered sacred, such situation shall be notified to the council, who have a specialized entity, state or private study and dictates the nature of it. In any case, the found object should stay in place where it was found, except that such action is left to ensure their protection, the case for which the Council shall provide the entity that is responsible for their care, according to the regulations of this Law.

The regulations of this law shall be contained relevant standards for the protection and preservation of the sacred objects.

Article 19. Registry. The Register of Places, Objects and Sacred Tradition, as a dependency of the Council will be created. The registry is intended to, registration, entry and cancellation of places, objects and declared sacred traditions and others specified in the regulations of this law.

For registration purposes, and in cases not specified in this Act, apply the rules contained in Book IV of the Civil Code.

The registration system of places, objects and sacred traditions will be in constant coordination with the Ministry of Culture and Sports.
TITLE III

MANAGEMENT OF SACRED PLACES AND OBJECTS,

ACCESS AND SACRED PLACES

CHAPTER I

ADMINISTRATION OF SACRED PLACES

Article 20. Form and scope of government. The administration of the Sacred Places will be in charge of the Council of Sacred Places, which will coordinate management standards with the Ministry of Culture and Sports. In cases where a Sacred Place is on property owned by individuals or municipalities will coordinate with these matters related to the conservation and protection of the declared site as sacred.

In cases where the declared sacred places are part of the Cultural Heritage of the Nation, their administration will be coordinated by the Ministry of Culture and Sports and the National Sacred Places.

CHAPTER II

ACCESS TO SACRED SITES AND

CONTACT WITH SACRED OBJECTS

Article 21. Access to the Sacred Places. Is guaranteed, without limitation, free access to the Sacred Places located on land owned by the State. In the case where the Sacred Places are located on land owned by private or municipal, the access to them will be coordinate with the owners.

Archaeological studies and research carried out in sacred places may not limit the access and practice of the spirituality of Indigenous Peoples. While these studies and investigations are performed, the guides and sacred sites users can access them without restriction, unless the board determines that the preservation of the Sacred Places compromised and/or physical safety of users run some kind of danger.

Article 22. Restrictions on access. It prohibits access to sacred sites and contact people with sacred objects, when such acts profane, denature, destroy, undermine or violate the dignity of the same.
TITLE IV
NATIONAL COUNCIL OF SACRED PLACES AND THEIR BODIES

CHAPTER I
NATIONAL COUNCIL OF SACRED SITES

Article 23. Creation. To implement the purpose of this Act, National Council of Sacred Places is established, as decentralized state entity with legal personality and its own assets. It shall have the powers and duties assigned to this law, its rules.

Article 24. National Council Bodies Sacred Places. The organs of the National Sacred Places:

a) Main Board in conjunction with the Minister of Culture and Sports
b) Board of Directors
c) Advice Linguistic Communities
d) Executive Secretariat

Article 25. Main Board and Minister of Culture and Sports. The Main Board together with the Minister of Culture and Sports are the ultimate authority of the National Sacred Places.

Article 26. Major Integration Council. The Main Board integrates with 52 representatives in total, so:

1. 24 representatives, following one from each linguistic community, which includes those of Maya, Garifuna and Xinca.

2. 28 representatives appointed in direct proportion to the number of population of each language community, as follows:

   a. 8 of the K'iche' linguistic community;
   b. 5 of the Q'eqchi' linguistic community;
   c. 5 of the Kaqchikel linguistic community;
   d. 4 of the Mam linguistic community;
   e. 1 of the Achi linguistic community;
   f. 1 of the Chuj linguistic community;
   g. 1 of the Ixil linguistic community;
   h. 1 of the Poqomchi' linguistic community;
   i. 1 Q'anjob'al linguistic community;
   j. 1 Tz'utujil linguistic community.
Each linguistic community shall designate its representatives, taking into account experience, testimony, and capacity of the representative to designate contributions on the theme of the Sacred Places.

**Article 27. Major Powers of the Council.** The Main Board, together with the Minister of Culture and Sports, for the purposes of this Act, shall have the following powers:

a) To comply with each of the provisions referred to in this Act and its regulations, as well as the set of laws of the Republic of Guatemala and competence that relate to the theme of this law.
b) To issue operating manuals for their internal structure.
c) To propose and adopt rules and procedures for declaring a or object as sacred.
d) To approve work plans and budget of income and expenses entity.
e) To issue the provisions required and necessary for the proper functioning of the institution.
f) To approve policies for the conservation, promotion, custody and management of sacred places and objects of indigenous peoples, as well as the repatriation of sacred objects, when appropriate.
g) To establish the different types of management of sacred places and objects, taking into account their location.
h) To elect, from among its members, the Board of Directors.
i) Any other arising from the implementation of this law.

**Article 28. Board.** The Board is comprised of 7 persons. Organized as follows:

a) Nab'e K'amal B'e / Chairman, who shall be the legal representative of the Council.
b) Ukab 'K'amal B'e / Vice
c) scribe / Secretary
d) Ajpwaq / Treasurer
e) Nab'e Ajtaqo'n / Vocal 1°
f) Ukab 'Ajtaqo'n / Vocal 2°
g) Rox Ajtaqo'n / Vocal 3°

The Minister of Culture and Sports shall not hold the position of Chairman of the Board.

The organization and functions of the Board shall be regulated in the rules of this law.

**Article 29. Powers of the Board.** The functions of the Board include:

a) Convene and chair meetings of the Main Board, whether regular or special.
b) Being the link with the other organs of the National Sacred Places and the State agencies, private institutions and national and international cooperation related to the Sacred Places.
c) To propose, for approval, the Main Board of the annual work plan of the institution, as well as plans for medium and long term.
d) Select the person to direct the Executive Secretariat.

e) Delegate representation in the Executive Secretariat.

f) Any other law that apply.

**Article 30. Linguistic Communities Council.** The Council is made up of linguistic communities’ spiritual guides Chuch Qajaw o Ajq'ijab', from the municipalities located within the geographic area of the linguistic community, according to the number of population. The Council advises the Principal for the conservation, protection and management of places, objects and sacred traditions declared in their community.

**Article 31. The Council of linguistic communities.** The Linguistic Communities Council has the following powers:

a) appoint their representatives to the Council of Major;
b) comply with each of the provisions referred to herein;
c) implement the provisions issued by the Principal, in the scope of this Act, and,
d) advise the Board of Principal.

**Article 32. Integrating Linguistic Communities Council.** The Linguistic Communities Council is comprised of 13 representatives, who shall be appointed from among the spiritual leaders, Chuch Qajaw o Ajq'ijab', that make the language community. In Regulation of this law, the respective mechanisms will be established.

**Article 33. Meetings.** The Main Board shall meet regularly every three months and extraordinarily when convened by the Board or when two-thirds of the total number of members of the Main Board request to do so.

The Board shall hold regular meetings twice a month and extraordinarily when Nab'e K'amal B'e / Chairman of the Council considering that there are urgent matters to know.

**Article 34. Convening meetings.** Invitations to meetings of the various Councils will be made by the Executive Secretary and shall specify the agenda to deal with, the place, date and specific time to perform the same.

**Article 35. Quorum.** Quorum shall exist for the development of the sessions, with the presence of half plus one of the members of the respective Council.

The person in charge of the Executive Secretariat will participate in meetings with voice but no vote.

**Article 36. Mechanisms decision.** Each of the members of the various Councils has the right to vote. Priority will be seeking consensus to make decisions of any kind, it is not met, and they will opt for the vote to be valid the decisions taken half plus one of those present.
**Article 37. Term expires.** The members of the various Councils referred to this Act shall hold office for four years.

**Article 38. Diets.** The members of the various Councils shall be entitled to be reimbursed for their participation in regular and special meetings.

**Article 39. Heritage.** The heritage of the National Sacred Places is comprised as follows:

a) An annual contribution will be allocated in the Budget Act of Revenue and Expenditures within the budget allocated to the Ministry of Culture and Sports.
b) The contributions of national and international entities.
c) Income earned by any other legal means.

The Ministry of Finance shall make the appropriate accounting and budgetary transfers.

**Article 40. Executive Secretariat.** The Executive Secretariat is responsible for operationalizing the decisions of the Council of Principal. Organizational structure will have to be approved by the Board, in a way that enables them to achieve their goals efficiently. Will be in charge of a Secretary or Secretary, who shall be appointed by the Board, prior to the selection process.

Its functions are:

a) To represent the Council legal as expressly authorized.
b) Be responsible for implementing the annual work plan approved by the Council on the proposal of Main Board.
c) Implement activities to ensure compliance with the provisions of this Act, its regulations and other guidelines issued by the Main Board or the Board.
d) Assist the Board of Directors keeping track of records and measures taken by the central organs that make up the Council.
e) Convene, at the request of the Board, at regular and special meetings.
f) Participate in meetings of the Main Board and the Board, with voice but no vote.
g) To hire experts to conduct research and studies relating to the places, traditions and sacred objects.
h) Appoint and remove the administrative staff.
i) To represent the issues and legal scope delegated the Board.
j) All other functions inherent to the position.
Article 41. Basic Requirements for Secretary or Executive Secretary. For the position of Secretary and Executive Secretary of the Council, shall have the following profile:

a) Being a Guatemalan.
b) Being a descendant of one of the Indigenous Peoples, have knowledge and experience of spirituality and worldview thereof.
c) Speak an indigenous language.
d) Be professional technical and management experience to the position.

**TITLE V**

**TRANSITIONAL AND FINAL**

**Article 42. Supplementary.** To resolve issues not covered by this Act may apply additionally other applicable laws, provided they are not contrary to the spirit and content of this Law

**Article 43. Sacred Sites declared by the Ministry of Culture and Sports.** Sacred places declared prior to the effective date of this Act by the Ministry of Culture and Sports shall retain such a statement, the National Council of Sacred Places, immediately after assuming office, shall recognize and operate on them in the manner set this Act.

**Article 44. Integration of the first Board of Directors.** Linguistic communities whose task integrate Major Council shall appoint the members as provided in Article 26 of this Law, within fifteen working days of the effective date of this decree.

The Minister of Culture and Sports summon membership Principal Council within thirty days of the enactment of this Act.

**Article 45. First Council of Major.** The Ministry of Culture and Sports will be responsible for installing the first Main Board referred this law.

**Article 46. Executive Secretary.** The Board of Directors shall convene a special meeting, the public competition to select the first Executive Secretary of the Council, to the effect that his appointment comes into effect within thirty days after the inauguration of the Council.

**Article 47. Extraordinary powers of the Board.** The Board of the Council shall approve the Manual and salaries and formulate the draft general budget of income and expenses in a period not exceeding two months.

**Article 48. Continuity of service.** The services are under the responsibility of the Ministry of Culture and Sports statement regarding shrines continue paying for it, until such time that the National Sacred Places is integrated and organized in accordance with this Law

The cooperation agreements signed with national and international institutions and international law that Guatemala has approved and ratified, related to the conservation,
restoration and protection of sacred sites, retain their full force. The National Council of Sacred Places should take into account this provision, in order to make it enforceable.

**Article 49. Labor liabilities.** The payment of employee liabilities corresponding to the staff of the Directorate General of Cultural and Natural Heritage of the Ministry of Culture and Sports, shall be paid in accordance with the relevant law, the Ministry of Finance shall provide within the budget of the Ministry of culture and Sport the funds necessary to comply with this provision.

**Article 50. Regulation.** The Ministry of Culture and Sports, at the behest of the National Sacred Places, shall propose to the President of the Republic on the draft regulations of this Act within two months after the inauguration of the same. The President of the Republic, based on the draft regulations received, shall issue, within thirty days, the relevant Regulations.

**Article 51. Effectiveness.** This Decree shall enter into force eight days after its publication in the Official Journal.

GO TO THE EXECUTIVE FOR AUTHORIZATION, PROMULGATION AND PUBLICATION.

GIVEN AT THE PALACE OF THE LEGISLATIVE, IN GUATEMALA CITY, THE NINETEEN DAY OF AUGUST, TWO THOUSAND NINE.