

CURRENT LEGISLATION IN RELATION TO FIGHT AGAINST THE ILLICIT TRAFFIC IN CULTURAL GOODS IN COLOMBIA

The cultural heritage began to have legal protection with Decree 448 of 1885, which determines the functions of the curator of the National Museum and prohibits taking objects owned by the museum. Law 48 of 1918 created the National Fine Arts Directorate, attached to the Ministry of Education, which had to ensure the improvement, conservation and decoration of public buildings and monuments.

The Political Constitution of Colombia of 1991 established the required precepts for the conservation of the cultural heritage, defining a responsibility shared with the State and the people, related to the protection of the cultural and natural riches of the Nation. It defines that property of public use, natural parks, communal lands of ethnic groups, lands of protection, archaeological heritage and other assets determined by law, are inalienable, imprescriptible and non-releasable.

Law 36 of 1936 approved the Agreement for the Protection of Artistic and Scientific Institutions and Historical Monuments.

Law 14 of 1936 cataloged as movable monuments a great diversity of goods from the pre-Columbian, colonial, the emancipation, The Republic and from all periods, as well as official and institutional libraries, the set of valuable private libraries, official and private national archives and collections of manuscripts of high historical significance; and declared natural movable wealth the rare and beautiful animal species.

Law 163 of 1959 considers movable monuments those enumerated in the Agreement of Montevideo. In addition to those of colonial and prehistoric origin, those that are linked to the struggle for Independence and the initial period of the organization of the Republic, so that patrimonial assets after the third decade of the twentieth century were not protected.

There are articles in Decree 2685 of 1999 of the customs legislation, among them, the article 297, related to the export of cultural heritage.

Decree 1719 of 2002 allows the importation of works of art in order to promote cultural exchange and to have mechanisms that facilitate artists to enter the country works for different purposes, all aimed at promoting and strengthening cultural activities. The film heritage begins to have legal protection as of Resolution 0963 of 2001, which declares national cultural interest as part of the cinematographic archives guarded by the Fundacion Patrimonio Fílmico Colombiano.

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Other rules relating to the protection of cultural property are Law 397 of 1997, known as the General Culture Law; the regulatory resolution N ° 0395 of 2006, which declares Goods of Cultural Interest of National Nature, some categories of movable goods produced between the time of the Colony and 1920.

Law 1185 of 2008, amends Law 397 of 1997; Decree 763 of 2009, regulates it regarding to the cultural heritage of physical nature, and the Resolution 0983 of 2010 establishes the technical and administrative guidelines for the application of Law 1185 and Decree 763. In the subchapter of "Legislación nacional "information is expanded on these standards.

TCPH SUPPORTS THE FIGHT AGAINST THE ILLICIT TRAFFIC OF CULTURAL GOODS IN COLOMBIA

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