

No. 50823. United States of America and Nicaragua

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF NICARAGUA CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON ARCHAEOLOGICAL MATERIAL FROM THE PRE-HISPANIC CULTURES OF THE REPUBLIC OF NICARAGUA. MANAGUA, 16 JUNE 1999 [United Nations, Treaty Series, vol. 2918, I-50823.]

EXCHANGE OF NOTES EXTENDING AND AMENDING THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF NICARAGUA CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON ARCHAEOLOGICAL MATERIAL FROM THE PRE-HISPANIC CULTURES OF THE REPUBLIC OF NICARAGUA (WITH ATTACHMENT). MANAGUA, 6 OCTOBER 2005 AND 18 OCTOBER 2005

Entry into force: 18 October 2005 by the exchange of the said notes, in accordance with their provisions

Authentic texts: English and Spanish

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Nº 50823. États-Unis d'Amérique et Nicaragua

ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DU NICARAGUA RELATIF À L'IMPOSITION DE RESTRICTIONS À L'IMPORTATION D'OBJETS ARCHÉOLOGIQUES PROVENANT DES CULTURES PRÉHISPANIQUES DE LA RÉPUBLIQUE DU NICARAGUA. MANAGUA, 16 JUIN 1999 [Nations Unies, Recueil des Traités, vol. 2918, I-50823.]

ÉCHANGE DE NOTES PORTANT PROROGATION ET MODIFICATION DE L'ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DU NICARAGUA RELATIF À L'IMPOSITION DE RESTRICTIONS À L'IMPORTATION D'OBJETS ARCHÉOLOGIQUES PROVENANT DES CULTURES PRÉHISPANIQUES DE LA RÉPUBLIQUE DU NICARAGUA (AVEC ANNEXE). MANAGUA, 6 OCTOBRE 2005 ET 18 OCTOBRE 2005

Entrée en vigueur : 18 octobre 2005 par l'échange desdites notes, conformément à leurs dispositions

Textes authentiques : anglais et espagnol

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : États-Unis d'Amérique, 22 mai 2013

[ENGLISH TEXT – TEXTE ANGLAIS]

I

No. 191

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of Nicaragua and refers to the Agreement between the Government of the United States of America and the Government of the Republic of Nicaragua concerning the imposition of import restrictions on archaeological material from the pre-Hispanic cultures of the Republic of Nicaragua done at Managua June 16, 1999 (hereinafter referred to as "the Agreement") and entered into force on October 20, 2000 (date of publication in the Federal Register, the official United States Government publication providing fair public notice) upon an exchange of Diplomatic Notes.

The Embassy, on behalf of the Government of the United States of America, proposes that, pursuant to Article IV A of the Agreement, the Agreement be extended for an additional five-year period.

The Embassy further proposes that, pursuant to Article IV B of the Agreement, the Agreement be amended by replacing Article II with the attached Article II.

If the foregoing proposals are acceptable to the Ministry of Foreign Relations of the Government of the Republic of Nicaragua, the Embassy proposes that this note, including the attached Article II, and the Government of the Republic of Nicaragua's note in reply, shall constitute an agreement to extend and amend the Agreement, which shall enter into force on the date of your note in reply and shall be effective October 20, 2005.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Relations the assurances of its highest consideration.

Attachment: Article II as stated.



Embassy of the United States of America,
Managua, October 6, 2005.

**(AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF NICARAGUA
CONCERNING
THE IMPOSITION OF IMPORT RESTRICTIONS ON
ARCHAEOLOGICAL MATERIAL FROM
THE PRE-HISPANIC CULTURES OF THE REPUBLIC OF NICARAGUA)**

ARTICLE II

A. The Government of the Republic of Nicaragua will use its best efforts to permit the exchange of its archaeological materials according to the procedures established by the National Legislature and under circumstances in which such exchange does not jeopardize its cultural patrimony.

B. Representatives of the Government of the United States of America will participate in joint efforts with representatives of the Government of the Republic of Nicaragua to publicize this Agreement.

C. The Government of the United States of America will use its best efforts to facilitate technical assistance to Nicaragua in cultural resource management and security of archaeological materials, under existing programs in the public and/or private sectors in the United States.

D. Both Governments will seek to encourage academic institutions, non-governmental institutions, and other private organizations to cooperate in the interchange of knowledge and information about the cultural patrimony of Nicaragua, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training, and resources.

E. The Government of the Republic of Nicaragua will seek to develop professional training programs for archaeological and museum staff and public institution administrators responsible for cultural patrimony, and the Government of the United States of America shall provide information on request regarding sources of assistance and expertise available through existing programs.

F. While enforcing the existing laws, the Nicaraguan authorities shall endeavor to undertake a comprehensive review of the laws governing the discovery, use, transfer, and protection of archaeological resources and materials, and clarify and strengthen them where necessary. As a priority measure, the Government of Nicaragua shall review, revise, and institute sentencing guidelines and penalties, to ensure that crimes against the cultural heritage are investigated, prosecuted, and adjudicated consistently and predictably.

G. Both Governments agree that, in order for United States import restrictions to be fully successful in thwarting pillage, the Government of the Republic of Nicaragua will intensify its efforts to prevent the illegal sale and export of archaeological objects, especially at ports of transit and shipment; and endeavor to strengthen cooperation within Central America, and especially with neighboring states, for the protection of the cultural patrimony of the region.

H. The Government of the Republic of Nicaragua agrees that it will inform the Government of the United States of America annually of steps it has taken toward meeting the terms of this Agreement.

[SPANISH TEXT – TEXTE ESPAGNOL]*

II



Ministerio de Relaciones Exteriores

Nota No. MRE/DOSTAJI/478/18/08

EL MINISTERIO DE RELACIONES EXTERIORES DE LA REPUBLICA DE NICARAGUA, Dirección General de Soberanía, Territorio y Asuntos Jurídicos Internacionales, saluda muy atentamente a la Honorable Embajada de los Estados Unidos de América, en ocasión de referirse a la Nota Verbal No. 191 de esa Embajada del 6 de octubre de 2005, que transcribe a continuación:

"La Embajada de los Estados Unidos de América presenta sus saludos al Ministerio de Relaciones Exteriores de la República de Nicaragua y se refiere al Acuerdo entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de Nicaragua con relación a la Imposición de restricciones a las importaciones de bienes arqueológicos de las culturas pre-Hispánicas de la República de Nicaragua hecho en Managua el 16 de junio, 1999 (que desde ahora será referido como "el Acuerdo") y que fue efectivo el 20 de octubre de 2000 (fecha de publicación en el Registro Federal, publicación oficial del Gobierno de los Estados Unidos que provee anuncios públicos accesibles a todos,) después de un intercambio de Notas Diplomáticas.

La Embajada, en nombre del Gobierno de Estados Unidos de América, propone que, basados en el Artículo IV A del Acuerdo, éste sea extendido por un periodo adicional de cinco años.

La Embajada propone además que, basado en el Artículo IV B del Acuerdo, éste sea enmendado al sustituir el Artículo II del Acuerdo por el Artículo II adjunto.

Si la presente propuesta es aceptable para el Ministerio de Relaciones Exteriores de la República de Nicaragua, la Embajada propone que esta Nota, incluyendo el adjunto Artículo II, y la Nota de contestación del Ministerio de Relaciones Exteriores de la República de Nicaragua, constituyan un convenio para extender y enmendar el Acuerdo, el cual, deberá ser confirmado en la fecha en que se reciba su Nota de contestación, que deberá ser efectiva el 20 de octubre de 2005.

La Embajada de los Estados Unidos de América aprovecha la oportunidad para renovar al Ministerio de Relaciones Exteriores de la República de Nicaragua las seguridades de su más alta consideración.

**A LA HONORABLE
EMBAJADA DE LOS ESTADOS UNIDOS DE AMERICA
CIUDAD**

* Published as submitted – Publié tel que soumis.