

**No. 50937. United States of America and Guatemala**

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON ARCHAEOLOGICAL OBJECTS AND MATERIALS FROM THE PRE-COLUMBIAN CULTURES OF GUATEMALA. WASHINGTON, 29 SEPTEMBER 1997 [*United Nations, Treaty Series*, vol. 2927, I-50937.]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT AMENDING AND EXTENDING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON ARCHAEOLOGICAL OBJECTS AND MATERIALS FROM THE PRE-COLUMBIAN CULTURES OF GUATEMALA (WITH ATTACHMENT). GUATEMALA, 23 AUGUST 2007 AND 24 AUGUST 2007

**Entry into force:** provisionally on 24 August 2007 by the exchange of the said notes

**Authentic texts:** English and Spanish

**Registration with the Secretariat of the United Nations:** United States of America, 18 June 2013

**N° 50937. États-Unis d'Amérique et Guatemala**

MÉMORANDUM D'ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DU GUATEMALA RELATIF À L'IMPOSITION DE RESTRICTIONS À L'IMPORTATION SUR LES OBJETS ET MATÉRIAUX ARCHÉOLOGIQUES PROVENANT DES CULTURES PRÉCOLOMBIENNES DU GUATEMALA. WASHINGTON, 29 SEPTEMBRE 1997 [*Nations Unies, Recueil des Traités*, vol. 2927, I-50937.]

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD MODIFIANT ET PROROGÉANT LE MÉMORANDUM D'ACCORD ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DU GUATEMALA RELATIF À L'IMPOSITION DE RESTRICTIONS À L'IMPORTATION SUR LES OBJETS ET MATÉRIAUX ARCHÉOLOGIQUES PROVENANT DES CULTURES PRÉCOLOMBIENNES DU GUATEMALA (AVEC PIÈCE JOINTE). GUATEMALA, 23 AOÛT 2007 ET 24 AOÛT 2007

**Entrée en vigueur :** provisoirement le 24 août 2007 par l'échange desdites notes

**Textes authentiques :** anglais et espagnol

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** États-Unis d'Amérique, 18 juin 2013

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**I**

No. 245

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Guatemala and has the honor to refer to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Guatemala Concerning the Imposition of Import Restrictions on Archaeological Objects and Materials from the Pre-Columbian Cultures of Guatemala signed at Washington September 29, 1997, as extended (hereinafter referred to as "the MOU").

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

The Embassy further proposes that, pursuant to Article IV. B of the MOU, the MOU be amended by deleting Article II and replacing it with the attached revised Article II.

If the foregoing proposals are acceptable to the Ministry of Foreign Affairs, the Embassy proposes that this note, including the attached revised Article II, and the Ministry's note in reply, shall constitute an agreement to amend and extend the MOU, which shall enter into force on the date of your note in reply and shall take effect on September 29, 2007.

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

Attachment:

As stated.

A handwritten signature in dark ink, appearing to be a stylized 'J' or 'G' followed by a flourish.

Embassy of the United States of America,  
Guatemala, 23 August 2007.

Revised Article II

- A. The Government of the United States of America and the Government of the Republic of Guatemala shall undertake efforts to publicize this Memorandum of Understanding and the reasons for it.
- B. The Government of the United States of America shall use its best efforts to provide technical support to the Republic of Guatemala in archaeological heritage management, border security, and other preventive activities, as appropriate through available programs in the public and/or private sectors.
- C. Both Governments shall continue to engage academic institutions, non-governmental institutions and other private organizations in the dissemination and appreciation of knowledge about the cultural patrimony of the Republic of Guatemala, and to collaborate in the protection of such cultural patrimony through appropriate management, conservation, and public awareness efforts.
- D. The Government of the Republic of Guatemala shall use its best efforts to facilitate the exchange of its archaeological objects and materials under circumstances that do not jeopardize its cultural patrimony, such as temporary loans for exhibition purposes and scientific examination.
- E. The Government of the Republic of Guatemala shall continue collaborating with communities to reduce the incentive for looting of archaeological sites through , monitoring and enforcement of existing laws.
- F. The Government of the Republic of Guatemala shall continue its progress on the registration of all known archaeological materials in the country, and vigorously promote compliance by private collectors with the national law requiring registration.
- G. The Government of the Republic of Guatemala shall undertake to mitigate damage to archaeological sites by reducing the use of fire and the presence of livestock in protected areas, and shall pursue non-destructive and sustainable methods of using archaeological resources for economic benefit.
- H. The Government of the Republic of Guatemala shall continue to play a leadership role within the Central American Region for the protection of the cultural patrimony of the region; and seek cooperation in protecting its cultural property with other countries that have a significant import trade in Guatemalan archaeological artifacts.
- I. In advance of the expiration of the five-year period of this Memorandum of Understanding, the Government of the Republic of Guatemala shall undertake an assessment with regard to improvements in broad areas such as law enforcement, cultural resource management, education, conservation, research, and the national museum system.

[TRANSLATION – TRADUCTION]<sup>1</sup>

II

MINISTERIO DE RELACIONES EXTERIORES  
REPÚBLICA DE GUATEMALA, C.A.

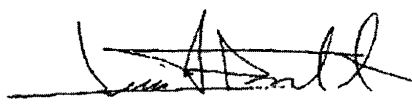

The Ministry of Foreign Affairs of the Republic of Guatemala presents its compliments to the Embassy of the United States of America to acknowledge receipt of note No. 245 dated on August 23, 2007 which literally states the following:

*[See note I]*

As a response, the Ministry of Foreign Affairs, on behalf of the Government of the Republic of Guatemala, is pleased to convey the Honorable Embassy of the United States of America that all terms of the proposal found on the transcribed note are accepted. Therefore, said note and the present one, including the attached revised Article II constitute an Agreement between both of our Governments to amend and extend the MOU which shall take effect on September 29, 2007.

The Ministry of Foreign Affairs of the Republic of Guatemala takes this opportunity to renew the Honorable Embassy of the United States of America the assurances of its highest and distinguished consideration.

Guatemala, August 24, 2007

  
  
**Luis Fernando Andrade Falla**  
Vice Ministro de Relaciones Exteriores

<sup>1</sup> Translation provided by the Government of the Republic of Guatemala – Traduction fournie par le Gouvernement de la République du Guatemala.