

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 (with appendix). Washington, 29 September 1997

Entry into force: *29 September 1997 by signature, in accordance with article IV*

Authentic texts: *English and Spanish*

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

**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 (avec appendice). Washington, 29 septembre 1997

Entrée en vigueur : *29 septembre 1997 par signature, conformément à l'article IV*

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]

**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**

The Government of the United States of America and the Government of the Republic of Guatemala;

Acting pursuant to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, to which both countries are States Party; and

Desiring to reduce the incentive for pillage of irreplaceable archaeological objects and materials representing the prehispanic cultures of Guatemala: the Maya of the Peten Lowlands and the cultures of the Highlands and the Southern Coast;

Have agreed as follows:

ARTICLE I

A. The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act, will restrict the importation into the United States of the archaeological objects and materials listed in the Appendix to this Memorandum of Understanding (hereafter "Designated List") unless the Government of the Republic of Guatemala issues a certification or other documentation which certifies that such exportation was not in violation of its laws.

B. The Government of the United States of America shall offer for return to the Government of the Republic of Guatemala any object or material on the Designated List forfeited to the Government of the United States of America.

C. Such import restrictions will become effective on the date the Designated List is published in the U.S. Federal Register, the official United States Government publication providing fair public notice.

ARTICLE II

A. The representatives of the Government of the United States of America will participate in joint efforts with representatives of the Government of the Republic of Guatemala to publicize this Memorandum of Understanding and the reasons for it.

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

C. 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 Guatemala, and to collaborate in the

preservation and protection of such cultural patrimony through appropriate technical assistance, training and resources.

D. The Government of the Republic of Guatemala will use its best efforts to permit the exchange of its archaeological objects and materials and ethnological materials under circumstances in which such exchange does not jeopardize its cultural patrimony, such as temporary loans for exhibition purposes and study abroad, and to expedite procedures for the export of samples for scientific research.

E. The Government of the Republic of Guatemala will seek to develop professional training programs for archaeologists, ethnologists, and museum staff and public institution administrators responsible for cultural patrimony, and to promote the establishment of local museums.

F. Both Governments agree that, in order for United States import restrictions to be fully successful in thwarting pillage, the Government of the Republic of Guatemala will endeavor to strengthen cooperation within the Central American Region for the protection of the cultural patrimony of the region, recognizing that political boundaries and cultural boundaries do not coincide; and will actively seek the cooperation of countries with significant import trade in Guatemalan archaeological artifacts in protecting its cultural property.

G. The Government of the Republic of Guatemala will use its best efforts to develop a prioritized management plan for the effective protection of its cultural resources; and to continue to carry out its plans for the strengthening of the Registry of Archaeological, Historical, and Artistic Properties.

H. The Government of the Republic of Guatemala will apply its best efforts to fully implement the Law for the Protection of National Cultural Patrimony, Decree 26-97 of the Congress of the Republic of Guatemala.

I. The Government of the Republic of Guatemala will use its best efforts, through education and implementation and enforcement of its laws, to improve protection of its archaeological patrimony.

J. The Government of the Republic of Guatemala, in advance of the expiration of the five year period of this Memorandum of Understanding, will 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.

ARTICLE III

The obligations of both Governments and the activities carried out under this Memorandum of Understanding shall be subject to the laws and regulations of each Government, as applicable, including the availability of funds.

ARTICLE IV

A. This Memorandum of Understanding shall enter into force upon signature. It shall remain in force for a period of five years, unless extended.

B. This Memorandum of Understanding may be amended through an exchange of diplomatic notes.

C. The effectiveness of this Memorandum of Understanding will be subject to review in order to determine, before the expiration of the five year period of this Memorandum of Understanding, whether it should be extended .