

No. 51175*

**United States of America
and
Honduras**

Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Honduras concerning the imposition of import restrictions on archaeological material from the pre-Columbian cultures of Honduras. Tegucigalpa, 12 March 2004

Entry into force: *12 March 2004 by signature, in accordance with article IV*

Authentic texts: *English and Spanish*

Registration with the Secretariat of the United Nations: *United States of America, 20 August 2013*

Note: *See also annex A, No. 51175.*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**États-Unis d'Amérique
et
Honduras**

Mémorandum d'accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République du Honduras concernant l'imposition de restrictions à l'importation d'objets archéologiques provenant des cultures pré-colombiennes du Honduras. Tegucigalpa, 12 mars 2004

Entrée en vigueur : *12 mars 2004 par signature, conformément à l'article IV*

Textes authentiques : *anglais et espagnol*

Enregistrement auprès du Secrétariat des Nations Unies : *États-Unis d'Amérique, 20 août 2013*

Note : *Voir aussi annexe A, No. 51175.*

** Numéro de volume RTNU n'a pas encore été établie pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF HONDURAS
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS
ON ARCHAEOLOGICAL MATERIAL FROM
THE PRE-COLUMBIAN CULTURES OF HONDURAS**

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

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 representing the Pre-Columbian cultures of Honduras;

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, shall restrict the importation into the United States of the archaeological material identified on a list to be promulgated by the United States Government (hereafter "Designated List") unless the Government of the Republic of Honduras 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 Honduras any material represented on the Designated List forfeited to the Government of the United States of America.

C. Such import restrictions shall 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 shall participate in joint efforts with representatives of the Government of the Republic of Honduras 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 facilitate technical assistance to Honduras in cultural resource management and security, as appropriate under existing programs in the public and/or private sectors.

C. Both Governments shall 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 Honduras, 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 Honduras shall use its best efforts to permit the exchange of its Pre-Columbian archaeological material under circumstances in which such exchange does not jeopardize its cultural patrimony, such as temporary loans for exhibition purposes and study abroad; and will consider long-term loans of such material to U.S. museums and academic institutions for cultural, educational and scientific purposes.

E. The Government of the Republic of Honduras shall seek to develop professional training programs for archaeologists and museum personnel 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 Honduras shall 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 shall actively seek the cooperation of countries with significant import trade in Honduran archaeological artifacts in protecting its cultural property.

G. The Government of the Republic of Honduras shall use its best efforts to develop a prioritized management plan for the effective protection of its cultural resources; and to continue progress in the development of a national registry for sites and artifacts.

H. The Government of the Republic of Honduras shall apply its best efforts to fully implement its Law for the Protection of the Cultural Patrimony, Decree 229-97, and other decrees and legislative measures to improve protection of its archaeological heritage; and shall use its best efforts to place informational material such as signs and brochures at airports and border crossings that explain the laws prohibiting illicit excavation, and the removal and sale of artifacts.

I. The Government of the Republic of Honduras shall use its best efforts to educate and inform the public and school children about the importance of cultural heritage and its protection by facilitating and coordinating actions between the Ministries of Education and Culture, Arts and Sports, and other institutions involved in activities to protect cultural patrimony.

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

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 shall 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 .