

CULTURAL PROPERTY

**Memorandum of Understanding
Between the
UNITED STATES OF AMERICA
and GUATEMALA**

Signed at Washington September 29, 1997

with

Appendix

and

Agreement Extending the Memorandum of Understanding
Effected by Exchange of Notes at
Washington September 20 and 23, 2002

and

Agreement Extending and Amending
the Memorandum of Understanding, as Extended
Effected by Exchange of Notes at
Guatemala August 23 and 24, 2007



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

GUATEMALA

Cultural Property

*Memorandum of understanding signed at Washington
September 29, 1997;*

Entered into force September 29, 1997.

With appendix.

And agreement extending the memorandum of understanding.

Effected by exchange of notes at Washington

September 20 and 23, 2002;

Entered into force September 23, 2002.

*And agreement extending and amending the memorandum of
understanding, as extended.*

Effected by exchange of notes at Guatemala

August 23 and 24, 2007;

Entered into force August 24, 2007.

**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 .

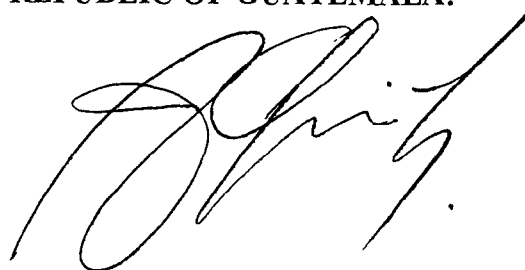
IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Memorandum of Understanding.

DONE at Washington, in duplicate, this *twenty-ninth* day of September, 1997, in the English and Spanish languages, both texts being equally authentic.

**FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:**

Joe R. Heath
Richard P. Kumble

**FOR THE GOVERNMENT OF THE
REPUBLIC OF GUATEMALA:**



MEMORÁNDUM DE ENTENDIMIENTO ENTRE
EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMÉRICA
Y
EL GOBIERNO DE LA REPÚBLICA DE GUATEMALA
RELATIVO A LA IMPOSICIÓN DE RESTRICCIONES DE IMPORTACIÓN
DE LOS MATERIALES U OBJETOS ARQUEOLÓGICOS DE LAS CULTURAS
PRECOLOMBIANAS DE GUATEMALA

El Gobierno de los Estados Unidos de América y el Gobierno de la República de Guatemala;

de conformidad con la Convención de 1970 de la UNESCO sobre las Medidas que deben adoptarse para Prohibir e Impedir la Importación, la Exportación y la Transferencia de Propiedad Ilícitas de Bienes Culturales, de la cual ambos países son Estados Partes;

Y

con el fin de reducir los incentivos para el saqueo de los materiales u objetos arqueológicos irremplazables que representan las culturas prehispánicas de Guatemala: el pueblo Maya de las tierras bajas del Petén y las culturas del Altiplano y de la Costa Sur;

Acuerdan:

ARTÍCULO I

A. El Gobierno de los Estados Unidos de América, de conformidad con las disposiciones de la Ley de Ejecución de la Convención de la Propiedad Cultural, restringirá la importación, a los Estados Unidos, de los materiales u objetos arqueológicos contenidos en la lista del Apéndice del presente Memorándum de Entendimiento (en lo sucesivo "la Lista de Designación"), a menos que el Gobierno de la Republica de Guatemala emita un certificado u otro documento que dé fe del hecho de que dicha exportación no viola sus leyes.

B. El Gobierno de los Estados Unidos de América ofrecerá el retorno al Gobierno de la República de Guatemala de cualquier material u objeto de la Lista de Designación decomisado por el Gobierno de los Estados Unidos de América.

C. Dichas restricciones a las importaciones cobrarán vigor en la fecha en que la Lista de Designación se haya publicado en el U.S. Federal Register, que es el órgano oficial del Gobierno de los Estados Unidos que brinda aviso público de manera justa.

ARTÍCULO II

A. Los representantes del Gobierno de los Estados Unidos de América participarán en esfuerzos conjuntos con los representantes del Gobierno de la República de Guatemala con el fin de divulgar este Memorándum de Entendimiento y las razones que lo motivan.

B. El Gobierno de los Estados Unidos de América hará sus mejores esfuerzos para facilitar asistencia técnica apropiada a Guatemala en el campo de la administración y seguridad de los recursos culturales, de conformidad con los programas existentes en los sectores públicos y/o privados.

C. Ambos gobiernos buscarán motivar a las instituciones académicas, no gubernamentales y otras organizaciones privadas a cooperar en el intercambio de conocimientos e información sobre el patrimonio cultural de Guatemala y a colaborar en la conservación y protección de dicho patrimonio cultural por medio de asistencia técnica, capacitación y recursos adecuados.

D. El Gobierno de la República de Guatemala hará sus mejores esfuerzos para permitir el intercambio de sus materiales u objetos arqueológicos y etnológicos en circunstancias en las que dicho intercambio no ponga en peligro su patrimonio cultural, como por ejemplo en la forma de préstamos temporales para exposiciones y estudios en el extranjero, y para acelerar los procedimientos para exportar muestras con el fin de realizar investigación científica.

E. El Gobierno de la República de Guatemala buscará desarrollar programas de capacitación profesional para arqueólogos, etnólogos y personal de museos y administradores de las entidades públicas responsables del patrimonio cultural, y promover la creación de museos locales.

F. Ambos gobiernos están de acuerdo en que, para que las restricciones impuestas por los Estados Unidos a las importaciones logren impedir el saqueo, el Gobierno de la República de Guatemala se empeñará en fortalecer la

cooperación en la región Centroamericana para proteger el patrimonio cultural de la región, reconociendo el hecho de que las fronteras políticas y las fronteras culturales no coinciden; y buscará activamente la cooperación de países con importaciones significativas de objetos arqueológicos de Guatemala para proteger su propiedad cultural.

G. El Gobierno de la República de Guatemala hará sus mejores esfuerzos para desarrollar un plan de administración priorizado para la protección efectiva de sus bienes culturales; y para continuar ejecutando sus planes para el fortalecimiento del Registro de la Propiedad Arqueológica, Histórica y Artística.

H. El Gobierno de la República de Guatemala hará sus mejores esfuerzos para ejecutar plenamente la Ley para la Protección del Patrimonio Cultural de la Nación, Decreto 26-97 del Congreso de la República de Guatemala.

I. El Gobierno de la República de Guatemala hará sus mejores esfuerzos, por medio de la educación y la ejecución y aplicación de sus leyes, para mejorar la protección de su patrimonio arqueológico.

J. El Gobierno de la República de Guatemala, previo al vencimiento del período de cinco años del presente Memorándum de Entendimiento, emprenderá la evaluación de las mejoras logradas en general en los campos de la aplicación de la ley, el manejo de los recursos culturales, la educación, conservación, investigación y el sistema de museos nacionales.

ARTÍCULO III

Las obligaciones de ambos Gobiernos y las actividades que se lleven a cabo de conformidad con el presente Memorándum de Entendimiento quedan sujetas a las leyes y reglamentos de cada Gobierno, según proceda, incluyendo los que se refieren a la disponibilidad de fondos.

ARTÍCULO IV

A. Este Memorándum de Entendimiento entrará en vigor al momento de firmarse. Permanecerá vigente durante un período de cinco años, a menos que se prorrogue.

B. Este Memorándum de Entendimiento se puede enmendar por medio del intercambio de notas diplomáticas.

C. La vigencia de este Memorándum de Entendimiento estará sujeta a una revisión que se realizará con el fin de determinar, previo al vencimiento del período de cinco años de vida del Memorándum de Entendimiento, si se debe prorrogar.


EN FE DE LO CUAL firman este Memorándum de Entendimiento los suscritos, quienes están debidamente autorizados por sus respectivos Gobiernos para hacerlo.

HECHO en Washington, por duplicado, el *veinte nueve* día del mes de septiembre de mil novecientos noventa y siete, en inglés y en castellano; ambos textos son igualmente auténticos.

POR EL GOBIERNO DE LOS
ESTADOS UNIDOS DE AMÉRICA:

POR EL GOBIERNO DE LA
REPÚBLICA DE GUATEMALA:

John R. Huth
Frederic P. Kunkle



LIST OF DESIGNATED ARCHAEOLOGICAL OBJECTS AND MATERIALS FROM GUATEMALA

Pursuant to a Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Guatemala, the following contains descriptions of the archaeological objects and materials for which the United States imposes import restrictions under the Convention on Cultural Property Implementation Act (P.L. 97-446), the legislation enabling implementation of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The Designated List below subsumes all categories of Maya objects from the Petén Lowlands for which emergency import restrictions have been in place since 1991. With publication of the Designated List below, protection of the Petén Maya materials continues without interruption. The Designated List includes archaeological materials known to originate in Guatemala, ranging in date from approximately 12,000 B.C. to A.D. 1524, and including, but not limited to, objects comprised of ceramic, metal, stone, shell, and animal bone that represent cultures of the Maya of the Petén Lowlands and include, but are not limited to, the cultures of the Highlands and the Southern Coast.

The public is reminded that monumental and architectural sculpture, murals and stelae have been and continue to be restricted from importation under the 1972 Pre-Columbian Monumental or Architectural Sculpture or Murals Statute (19 USC 2091-2095).

Chronological Table

State	Substage	Dates
Preclassic Stage	Early Preclassic	2000/1500 B.C. - 600 B.C.
	Preclassic	600 B.C. - 400 B.C.
	Late Preclassic	400 B.C. - 250 A.D.
Classic Stage	Early Classic	250 A.D. - 550 A.D.
	Late Classic	550 A.D. - 900 A.D.
Postclassic Stage	Early Postclassic	900 A.D. - 1250 A.D.
	Late Postclassic	1250 A.D. - 1524 A.D.

- I. *Ceramic/Terracotta/Fired Clay* - A wide variety of decorative techniques are used on all shapes: fluting, gouged or incised lines and designs, modeled carving, and painted polychrome or bichrome designs of human or animal figures, mythological

scenes or geometric motifs. Small pieces of clay modeled into knobs, curls, faces, etc., are often applied to the vessels. Bowls and dishes may have lids or tripod feet.

A. Common Vessels

1. Vases (10 - 25 cm height)
2. Bowls (8 - 15 cm height)
3. Dishes and plates (27 - 62 cm diameter)
4. Jars (12.5 - 50 cm height)

B. Special Forms

1. Drums - polychrome painted and plain (35 - 75 cm height)
2. Figurines - human and animal form (6 - 15 cm height)
3. Whistles - human and animal form (5 - 10 cm height)
4. Rattles - human and animal form (5 - 7 cm height)
5. Miniature vessels (5 - 10 cm height)
6. Stamps and seals - engraved geometric design, various sizes and shapes.
7. Effigy vessels - in human or animal form (16 - 30 cm height)
8. Incense burners - elaborate painted, applied and modeled decoration in form of human figures (25 - 50 cm height)

II. *Stone (jade, obsidian, flint, alabaster/calcite, limestone, slate, and other)*

A. Figurines - human and animal (7 - 25 cm height)

B. Masks - incised decoration and inlaid with shell, human and animal faces (20 - 25 cm length)

C. Jewelry - various shapes and sizes.

1. Pendants
2. Earplugs
3. Necklaces

D. Tools and Weapons

1. Arrowheads (3 - 7 cm length)
2. Axes, adzes, celts (3 - 16 cm length)
3. Blades (4 - 15 cm length)
3. Chisels (20 - 30 cm length)

4. Spear points (3 - 10 cm length)
5. Eccentric shapes (10 - 15 cm length)
6. Grinding stones (30 - 50 cm length)

E. Vessels and Containers

1. Bowls (10 - 25 cm ht)
2. Plates/Dishes (15 - 40 cm diameter)
3. Vases (6 -23 cm height)

III. *Metal (gold, silver, or other) - Cast or beaten into the desired form, decorated with engraving, inlay, punctured design or attachments. Often in human or stylized animal forms.*

A. Jewelry - various shapes and sizes.

1. Necklaces
2. Bracelets
3. Disks
4. Earrings or earplugs
5. Pendants

B. Figurines (5 - 10 cm height)

C. Masks (15 - 25 cm length)

IV. *Shell - Decorated with cinnabar and incised lines, sometimes with jade applied.*

A. Figurines - human and animal (2 - 5 cm height)

B. Jewelry - various shapes and sizes.

1. Necklaces
2. Bracelets
3. Disks
4. Earrings or earplugs
5. Pendants

C. Natural Forms - often with incised designs, various shapes and sizes.

V. *Animal Bone - Carved or incised with geometric and animal designs and glyphs.*

A. Tools - various sizes.

1. Needles
2. Scrapers

B. Jewelry - various shapes and sizes.

1. Pendants
2. Beads
3. Earplugs

The Department of State refers 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 done at Washington on September 29, 1997 (hereinafter referred to as "the MOU").

The Department proposes that, pursuant to Article IV A of the MOU, the MOU be extended for an additional five-year period.

If the foregoing proposal is acceptable to the Government of the Republic of Guatemala, the Department of State proposes that this note and the Embassy's note in reply, shall constitute an agreement to extend the MOU, which shall enter into force on the date of your note in reply and shall be effective September 29, 2002.

Department of State,

Washington, September 20, 2002

DHF



Embajada de Guatemala
Washington, D.C.



N-31 No. 000750

La Embajada de la Republica de Guatemala ante el Gobierno de los Estados Unidos de América, saluda muy atentamente al Departamento de Estado y tiene el honor de acusar recibo de su Nota Diplomática de fecha veinte de septiembre de dos mil dos, misma que hace referencia al Memorándum de Entendimiento entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de Guatemala relativo a la imposición de restricciones de importación a los materiales u objetos arqueológicos de las culturas precolombinas de Guatemala, suscrito en Washington el veintinueve de septiembre de mil novecientos noventa y siete, en lo sucesivo, "el Memorándum", que en sus partes conducentes dice lo siguiente:

"El Departamento de Estado hace referencia al Memorándum de Entendimiento entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de Guatemala relativo a la imposición de restricciones de importación a los materiales u objetos arqueológicos de las culturas precolombinas de Guatemala, suscrito en Washington el 29 de septiembre de 1997, en lo sucesivo, "el Memorándum".

El Departamento propone que, conforme al párrafo A del artículo IV del Memorándum, éste sea prorrogado por un periodo adicional de cinco años.

Si la propuesta anterior resulta aceptable para el Gobierno de la República de Guatemala, el Departamento de Estado propone que la presente nota y la nota de respuesta de la Embajada constituyan el acuerdo de prorrogar el Memorándum, que entrará en vigor en la fecha de su nota de respuesta y regirá a partir del 29 de septiembre de 2002."

La Embajada de la República de Guatemala tiene a honra comunicar al Departamento de Estado que la propuesta mencionada anteriormente es aceptable para el Gobierno de Guatemala, y confirma que su Nota Diplomática anteriormente transcrita y esta Nota Diplomática de respuesta deberán formalizar el acuerdo entre los Gobiernos de Estados Unidos de América y la República de Guatemala, mismo que se perfecciona en esta misma fecha y cuyo plazo comenzará a correr a partir del veintinueve de septiembre de dos mil dos.

La Embajada de la República de Guatemala aprovecha esta oportunidad para reiterarle al Departamento de Estado las muestras de la más alta y distinguida consideración.

Embajada de la Republica de Guatemala

Washington, veintitrés de septiembre de 2002





TRANSLATION

**Embassy of Guatemala
Washington, D.C.
[Stamp]**

No. N-31/000730

The Embassy of the Republic of Guatemala in the United States of America presents its compliments to the Department of State and has the honor to acknowledge receipt of its diplomatic note dated September 20, 2002, referring 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 Archeological Objects and Materials from the Pre-Columbian Cultures of Guatemala done at Washington on September 29, 1997 (hereinafter referred to as "the MOU"), the pertinent parts of which read as follows:

[The Spanish translation of the above-mentioned United States Embassy note of September 20, 2002, agrees in all substantive respects with the original English text.]

The Embassy of the Republic of Guatemala has the honor to inform the Department of State that the above-mentioned proposal is acceptable to the Government of Guatemala and hereby confirms that its diplomatic note, transcribed above, and this diplomatic note in reply shall constitute an agreement between the Governments of the

United States of America and the Republic of Guatemala, which shall enter into force on this date and be effective beginning September 29, 2002.

[Complimentary close]

Embassy of the Republic of Guatemala

Washington, September 23, 2002

[Initialed]

[Embassy stamp]

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.



DIPLOMATIC NOTE

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, consisting of a stylized, cursive 'A' 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.

**MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE GUATEMALA, C.A.**

II-5
741-97
(EMM/gb)

El Ministerio de Relaciones Exteriores de la República de Guatemala saluda a la Embajada de los Estados Unidos de América para acusar recibo de su nota No. 245 fechada el 23 de agosto de 2007 que literalmente dice lo siguiente:

"La Embajada de los Estados Unidos de América presenta sus atentos saludos al Ministerio de Relaciones Exteriores de la República de Guatemala y tiene el honor de referirse al Memorando de Entendimiento entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de Guatemala relativo a la Imposición de Restricciones de Importación de los Materiales u Objetos Arqueológicos de las Culturas Precolombinas de Guatemala, firmado en Washington, el 29 de septiembre de 1997, con sus prórrogas (en adelante denominado el ME).

La Embajada, en nombre del Gobierno de los Estados Unidos de América, propone que, conforme al Artículo IV .A del ME, éste se prorrogue por cinco años más.

La Embajada propone también que, conforme al artículo IV .B del ME, el ME sea enmendado mediante la eliminación del Artículo II, reemplazándolo con el Artículo II modificado que se adjunta.

Si las anteriores propuestas son aceptables para el Ministerio de Relaciones Exteriores, la Embajada propone que esta nota, junto con el Artículo II modificado adjunto y la nota de respuesta del Ministerio, constituyan un acuerdo para enmendar y prorrogar el ME, el cual entrará en vigor en la fecha de su nota de respuesta y surtirá efecto el 29 de septiembre de 2007.

**HONORABLE
EMBAJADA DE LOS ESTADOS UNIDOS DE AMÉRICA
CIUDAD DE GUATEMALA**

**MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE GUATEMALA, C.A.**

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

Adjunto:

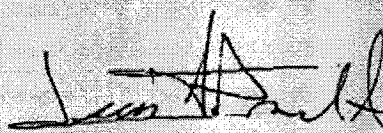
Lo indicado.

Embajada de los Estados Unidos de América,
Guatemala, 23 de agosto de 2007.*

En respuesta, el Ministerio de Relaciones Exteriores, en nombre del Gobierno de la República de Guatemala, se complace en comunicar a la Honorable Embajada de los Estados Unidos de América que todos los términos de la propuesta que se encuentran en la nota transcrita son aceptados. Por consiguiente, dicha nota y la presente, incluyendo el Artículo II enmendado adjunto, constituyen un Acuerdo entre ambos Gobiernos para enmendar y prorrogar el Memorandum de Entendimiento el cual surtirá efecto el 29 de Septiembre de 2007.

El Ministerio de Relaciones Exteriores de la República de Guatemala aprovecha la oportunidad para renovar a la Honorable Embajada de los Estados Unidos de América, el testimonio de su más alta y distinguida consideración.

Guatemala, 24 de agosto de 2007



Luis Fernando Andrade Falla
Viceministro de Relaciones Exteriores



Memorandum de Entendimiento entre la República de Guatemala y los Estados Unidos de América

Extensión 2007

Artículo II Revisado

- A. El Gobierno de la República de Guatemala y el Gobierno de los Estados Unidos de América se comprometerán a divulgar el presente Memorandum de Entendimiento y las razones del mismo.
- B. El Gobierno de los Estados Unidos de América continuará realizando sus mejores esfuerzos para suministrar apoyo técnico a la República de Guatemala en la gestión del patrimonio arqueológico, la seguridad fronteriza y otras actividades de prevención, según corresponda, a través de los programas vigentes en los sectores público y privado.
- C. Ambos gobiernos continuarán sumando la participación de instituciones académicas, instituciones no gubernamentales y otras organizaciones del sector privado en la divulgación y la valoración del conocimiento sobre el patrimonio cultural de la República de Guatemala, y colaborando en la protección de dicho patrimonio mediante iniciativas pertinentes para la gestión, la conservación y la sensibilización al público.
- D. El Gobierno de la República de Guatemala continuará haciendo lo que esté a su alcance para facilitar el intercambio de objetos y materiales arqueológicos en circunstancias que no pongan en peligro su patrimonio cultural, en calidad de préstamos temporales para fines de exposición y examen científico.
- E. El Gobierno de la República de Guatemala continuará trabajando con las comunidades en aras de reducir el incentivo para el saqueo de los sitios arqueológicos mediante vigilancia y aplicación de las leyes vigentes.
- F. El Gobierno de la República de Guatemala proseguirá realizando avances en el registro de todos los materiales arqueológicos conocidos en el país, y propiciando decididamente el cumplimiento de la ley nacional que estipula el registro por parte de coleccionistas privados.
- G. El Gobierno de la República de Guatemala se compromete a mitigar el daño a los sitios arqueológicos mediante la reducción del uso del fuego y la presencia de ganado en zonas protegidas, y aplicará métodos no destructivos y sostenibles al utilizar los recursos arqueológicos para beneficio económico.
- H. El Gobierno de la República de Guatemala seguirá desempeñando una función de liderazgo en la Región de América Central para la protección del patrimonio cultural de la región; y continuará buscando cooperación a fin de proteger su propiedad cultural con otros países que mantienen relaciones comerciales de importación considerables en artefactos arqueológicos guatemaltecos.
- I. Con anterioridad al vencimiento del período quinquenal de este Memorandum de Entendimiento, el Gobierno de la República de Guatemala llevará a cabo una evaluación con respecto a las mejoras en zonas amplias como cumplimiento de la

ley, gestión de los recursos culturales, educación, conservación, investigación y el sistema nacional de museos.

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

Courtesy Translation

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:

*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.

HONORABLE
EMBASSY OF THE UNITED STATES OF AMERICA
GUATEMALA CITY



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

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

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
Viceministro de Relaciones Exteriores

United States of America-Republic of Guatemala Memorandum of Understanding

Extension 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.