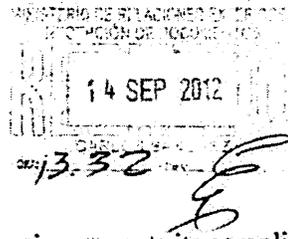


No. 333



The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations 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 amended and 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 as follows:

- 1) The title of the MOU be amended to read: "Memorandum of Understanding Between the Government of the United States of America and the Government of

DIPLOMATIC NOTE

the Republic of Guatemala Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures and Ecclesiastical Ethnological Material from the Conquest and Colonial Periods of Guatemala” to reflect the broader scope of ethnological materials to be protected under the MOU as hereby amended and extended.

2) The third paragraph of the Preamble to the MOU be amended to read:
“Desiring to reduce the incentive for pillage of irreplaceable archaeological objects representing the pre-Colombian cultures and ecclesiastical ethnological materials representing the Conquest and Colonial periods of Guatemala.”

3) Article I.A of the MOU be amended to read: “The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act (“the Act”), will restrict the importation into the United States of certain categories of pre-Columbian archaeological objects and Conquest and Colonial period ecclesiastical ethnological materials to be listed on a Designated List as provided by the Act 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.”

- 4) Article II would be replaced with the attached revised Article II.

If the foregoing proposal is 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 the Ministry's note in reply and shall take effect on September 29, 2012.

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.



Embassy of the United States of America,

Guatemala City, September 13, 2012.

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 Republic of Guatemala shall continue its progress on the registration of all known archaeological and ethnological material in the country, and work to digitize the Registry in the form of a searchable database.
- C. The Government of the United States of America shall use its best efforts to facilitate technical assistance in cultural resource management and security to Guatemala, as appropriate under existing programs in the public and/or private sectors, particularly recognizing the increasing destabilizing influence of drug traffickers in the Central American region.
- D. The Government of the Republic of Guatemala shall use its best efforts to facilitate the exchange of its cultural property under circumstances that do not jeopardize its cultural patrimony, such as temporary and long-term loans to museums and educational institutions for exhibition purposes and scientific examination.

- E. The Government of the Republic of Guatemala shall use its best efforts to coordinate intra-governmental efforts in protecting its cultural property, including by forming an inter-agency commission to combat the looting of archaeological and ethnological sites and by cooperating with agencies that monitor drug trafficking.
- F. The Government of the Republic of Guatemala shall continue its enforcement of existing laws protecting cultural property, with an emphasis on prosecution of crimes against cultural property, in order to reduce the incentive for looting of archaeological sites and ethnological material.
- G. In order to assist in the recovery of pillaged cultural property, the Government of the Republic of Guatemala shall use its best efforts to report thefts of archaeological and ethnological cultural property to proper national and international authorities as soon as feasible.
- H. The Government of the Republic of Guatemala shall continue to work with other countries in the Central American region to protect the cultural patrimony of the region. The Government of the Republic of Guatemala shall seek further cooperation in protecting its cultural property with other countries having an import trade in Guatemalan archaeological and ethnological material.

I. In advance of the expiration of the five-year period of this Memorandum of Understanding, the Government of the Republic of Guatemala shall inform the United States of the steps it has taken towards meeting the terms of this Memorandum of Understanding.



TRANSLATION

[Protocol Office stamp dated September 28, 2012]
154000896512
[initialed: PAS]

Republic of Guatemala
Ministry of Foreign Relations

II-5
File No. 741-97
EOB/gb.

Guatemala City, September 25, 2012

Embassy of the United States of America
Guatemala City

The Ministry of Foreign Relations of the Republic of Guatemala presents its compliments to the Embassy of the United States of America and acknowledges receipt of its note No. 333 of September 13, 2012, which reads as follows:

[See U.S. Text.]

In reply, the Ministry of Foreign Relations, on behalf of the Republic of Guatemala, has the honor to inform the Embassy of the United States of America that all the terms of the above proposal are hereby accepted and that the Embassy's note and this note, including the attached revised Article II, shall constitute an agreement between our two governments to amend and extend the Memorandum of Understanding, which shall enter into force on September 29, 2012.

[Complimentary close.]

[Initialed]
[Ministry stamp]