CULTURAL PROPERTY

Memorandum of Understanding
Between the
UNITED STATES OF AMERICA
and HONDURAS

Signed at Tegucigalpa March 12, 2004

and

Agreement amending and extending the Agreement

Effected by Exchange of Notes at Tegucigalpa February 2 and 17, 2009

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."

HONDURAS

Cultural Property

Memorandum of understanding signed at Tegucigalpa March 12, 2004;
Entered into force March 12, 2004.
And agreement amending and extending the agreement effected
by exchange of notes at Tegucigalpa February 2 and 17, 2009;
Entered into force February 17, 2009; with effect from March 12, 2009.

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 .

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

DONE at Tegucigalpa, in duplicate, this 12th day of MARCH, 2004, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE REPUBLIC OF HONDURAS:

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

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

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, en la cual ambos países son Estados Partes; y

con el fin de reducir los incentivos para el saqueo de materiales arqueológicos irremplazables, representativos de las culturas precolombinas de Honduras;

Acuerdan:

ARTÍCULO I

A. El Gobierno de los Estados Unidos de América, de conformidad con las disposiciones de la Ley de Aplicación de la Convención de la Propiedad Cultural, restringirá la importación, a los Estados Unidos, de los materiales arqueológicos que figuren en una lista que será promulgada por el Gobierno de los Estados Unidos (en lo sucesivo "la Lista de Designación"), a menos que el Gobierno de la República de Honduras emita un certificado u otro documento que dé fe de que dicha exportación no contraviene sus leyes.

B. El Gobierno de los Estados Unidos de América ofrecerá el retorno al Gobierno de la República de Honduras de cualquier material de la Lista de Designación decomisado en favor del 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 oportuno.

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 Honduras 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 cuanto pueda para facilitar la asistencia técnica conveniente a Honduras en el campo de la administración y seguridad de los recursos culturales, de conformidad con los programas existentes en los sectores público y privado.

C. Ambos gobiernos procurarán motivar a las instituciones académicas, organismos no gubernamentales y otras organizaciones privadas a que cooperen en el intercambio de conocimientos e información sobre el patrimonio cultural de Honduras y colaboren en la conservación y protección del mismo por medio de la asistencia técnica, la capacitación y los recursos adecuados.

D. El Gobierno de la República de Honduras realizará cuanto pueda para permitir el intercambio de sus materiales arqueológicos precolombinos en circunstancias en las que el mismo no ponga en peligro su patrimonio cultural, como por ejemplo, en forma de préstamos temporales para exposiciones y estudios en el extranjero, y considerará la posible concesión en préstamos a largo plazo de dicho material a museos e instituciones académicas de los Estados Unidos para fines culturales, educativos y de investigación científica.

E. El Gobierno de la República de Honduras procurará elaborar programas de capacitación profesional para arqueólogos, personal de museos y administradores de las entidades públicas responsables del patrimonio cultural, y promover el establecimiento de museos en diversas localidades.

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 Honduras se empeñará en fortalecer la cooperación en la región Centroamericana para proteger el patrimonio cultural de la misma, reconociendo que las fronteras políticas y las fronteras culturales no coinciden; y procurará activamente la cooperación de los países que realicen importaciones considerables de objetos arqueológicos de Honduras para proteger su propiedad cultural.

G. El Gobierno de la República de Honduras hará cuanto pueda para elaborar un plan de administración priorizado para la protección efectiva de sus bienes culturales, y para continuar ejecutando sus planes para la formación de un registro nacional de yacimientos y objetos arqueológicos.

H. El Gobierno de la República de Honduras hará cuanto pueda para aplicar plenamente la Ley para la Protección del Patrimonio Cultural, Decreto 229-97, y otros decretos y medidas legislativas encaminados a mejorar la protección de su patrimonio arqueológico, y realizará cuanto pueda para colocar en aeropuertos y cruces fronterizos material informativo, como carteles y folletos, que expliquen las leyes que prohiben la excavación ilícita y el traslado y la venta de objetos arqueológicos.

I. El Gobierno de la República de Honduras hará cuanto pueda para educar e informar al público y a los escolares sobre la importancia del patrimonio cultural y su protección, facilitando y coordinando acciones entre las Secretarías en los Despachos de Educación y la de Cultura, Artes y Deportes y con otras instituciones afines al quehacer en pro de la protección del patrimonio cultural.

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

ARTÍCULO III

Las obligaciones de los dos Gobiernos y las actividades que se lleven a cabo de conformidad con el presente Memorándum de Entendimiento quedan sujetas al ordenamiento interno pertinente de cada Gobierno, incluidos 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 canje 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 del mismo, si se debe prorrogar.

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

HECHO en Tegucigalpa, por duplicado, el día 12 del mes de Marzo del año dos mil cuatro, en inglés y en español; ambos textos son igualmente auténticos.

POR EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMÉRICA:

POR EL GOBIERNO DE LA REPÚBLICA DE HONDURAS:

No. 54

The Embassy of the United States of America cordially salutes the Ministry of Foreign Affairs of the Government of the Republic of Honduras, and is pleased to refer to the proposal to extend the Memorandum of Understanding signed between the Government of the United States of America and the Government of the Republic of Honduras in the city of Tegucigalpa, Honduras, on the 12th day of March of 2004, concerning the Imposition of Import Restrictions on Archaeological Materials from the Pre-Columbian Cultures of Honduras.

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

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

If the foregoing proposals are acceptable to the Ministry of Foreign Affairs of the Republic of Honduras, the Embassy proposes that this Note. including the attached revised Article II, and the Ministry's affirmative Note in reply, shall constitute an

DIPLOMATIC NOTE

agreement to amend and extend the Memorandum of Understanding, which shall enter into force on the date of the Ministry's Note in reply and shall take effect on the 12th day of March of 2009.

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

Enclosures:
As stated.

Embassy of the United States of Ame

Tegucigalpa, February 2, 2009

Her Excellency

Licenciada Patricia Rodas,

Minister of Foreign Affairs of the Republic of Honduras,

Tegucigalpa

ENGLISH

[Textual changes or inclusions differing from 2004 MOU are underlined]

FINAL PROPOSED REVISIONS FOR ARTICLE II OF THE HONDURAS – UNITED STATES MOU

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 continue to use its best efforts to facilitate technical assistance to Honduras in cultural resource management and security, as requested, and as appropriate under existing programs in the public and/or private sectors.

C. Both Governments shall continue to encourage academic institutions, non-governmental institutions, and other organizations to cooperate in the interchange of knowledge about the cultural patrimony of Honduras.

D. The Government of the Republic of Honduras shall continue to develop and implement professional training programs for archaeologists, museum personnel, and public institution administrators responsible for cultural patrimony; to promote the viability of local museums; and to educate and inform the public about the importance of the country's cultural heritage and their role in its protection.

E. 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 continue to strengthen cooperation within Central America for the protection of the cultural patrimony of the region; and shall continue to seek the cooperation of countries with significant import trade in Honduran archaeological artifacts to protect its cultural property.

F. The Government of the Republic of Honduras shall continue its efforts to strengthen the national registry of archaeological sites, and an inventory of artifacts held in museums and private collections.

G. The Government of the Republic of Honduras shall continue to apply its best efforts to implement and enforce its Law for the Protection of the Cultural Patrimony (Decree 220-97), and other decrees and legislative measures designed to protect its archaeological heritage.

H. The Government of the Republic of Honduras, in advance of the expiration of the five-year period of this Memorandum of Understanding, shall assess its progress in broad areas noted in this Memorandum of Understanding, such as law enforcement, cultural

resource management, education, conservation, research, and the national museum system; and shall provide a report of this assessment to the United States.

I. Both Governments shall continue to encourage Honduran and U.S. museums and academic institutions to collaborate in ways they deem beneficial, such as traveling exhibits and long term loans of objects, to the extent permitted by the laws of both countries, and under circumstances in which such exchange does not jeopardize the cultural patrimony of either country.

J. The Government of the Republic of Honduras shall continue to endorse and support the Inter-Institutional Commission for the protection of cultural patrimony; and shall engage agencies and institutions with responsibilities that might affect the cultural heritage, such as the departments of public works, transportation, and housing.

U.S. Department of State
Office of Language Services
Translating Division

03-2009-0468-3
Spanish/English
GPG/ME

TRANSLATION

Ministry of Foreign Relations of the Republic Of Honduras

Embassy of the United States of America
Tegucigalpa

No. 21-DT

Tegucigalpa, February 17, 2009

The Ministry of Foreign Relations of the Republic of Honduras has the honor to confirm receipt of U.S. Embassy note No. 54 of February 2, 2009, regarding extension of the 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 Materials from the Pre-Columbian Cultures of Honduras, signed March 12, 2004.

The Ministry of Foreign Relations informs the Embassy that it accepts extension of the aforementioned Memorandum for an additional five-year period.

The Ministry of Foreign Relations accepts the amendment to Article IV(B) by deleting Article II and replacing it with revised Article II.

The Ministry of Foreign Relations confirms to the Embassy of the United States of America that the foregoing is acceptable to the Government of the Republic of Honduras and that your note and this reply shall constitute an agreement between the two governments, which will become effective on March 12, 2009.

[Complimentary close]

[Initials]

[Seal]

SECRETARIA DE RELACIONES EXTERIORES
DE LA REPUBLICA DE HONDURAS

NOTA VERBAL No.21-DT

La Secretaría de Relaciones Exteriores de la República de Honduras, tiene el honor de dirigirse a la Honorable Embajada de los Estados Unidos de América, en ocasión de avisar recibo de la Nota No. 54 de fecha 2 de febrero del presente año, referente a la prórroga del Memorandum de Entendimiento firmado entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de Honduras sobre la Imposición de Restricciones a la Importación de Materiales u Objetos Arqueológicos de las Culturas Precolombinas de Honduras, suscrito el 12 de marzo de 2004.

La Secretaría de Relaciones Exteriores, comunica a esa Honorable Embajada, su conformidad a la prórroga del citado Memorandum por un período adicional de cinco años.

La Secretaría de Relaciones Exteriores, acepta la enmienda al Artículo IV.B mediante la eliminación del Artículo II y reemplazarlo por el Artículo II modificado.

La Secretaría de Relaciones Exteriores, confirma a la Honorable Embajada de los Estados Unidos de América, que lo que antecede es aceptable por el Gobierno de la República de Honduras y que su Nota y esta respuesta, constituirán un acuerdo entre ambos Gobiernos, el cual entrará en vigor el 12 de marzo de 2009.

La Secretaría de Relaciones Exteriores, aprovecha la oportunidad para reiterar a la Honorable Embajada de los Estados Unidos de América, las muestras de su más alta y distinguida consideración.

Tegucigalpa, M.D.C., 17 de febrero de 2009

Honorable
Embajada de los Estados
Unidos de América
Ciudad

CULTURAL PROPERTY

Agreement Between the
UNITED STATES OF AMERICA
and HONDURAS

Amending and Extending
Memorandum of Understanding of
March 12, 2004
As Amended and Extended

Effected by Exchange of Notes at
Washington March 7, 2014

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."

HONDURAS

Cultural Property

Agreement amending and extending memorandum of
understanding of March 12, 2004,
as amended and extended.
Effected by exchange of notes at Washington March 7, 2014;
Entered into force March 7, 2014; with effect from March 12, 2014.

The Department of State refers the Embassy of Honduras to the *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* signed at Tegucigalpa, March 12, 2004, as amended and extended via exchange of diplomatic notes in 2009 (hereinafter referred to as "the MOU").

The Department, 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 Department further proposes that, pursuant to Article IV.B of the MOU, the MOU be amended as follows:

1) The title be deleted and replaced with the following: "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 and Ecclesiastical Ethnological Material from the Colonial Period of Honduras" to reflect the inclusion of certain ethnological material to be protected under the MOU.

2) Preamble, paragraph 3 be deleted and replaced with the following: "Desiring to reduce the incentive for pillage of irreplaceable archaeological material representing the pre-Colombian cultures and ecclesiastical ethnological material representing the Colonial period of Honduras."

3) Article I.A be deleted and replaced with the following: "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 and ethnological 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."

4) Article II would be replaced with the enclosed revised Article II.

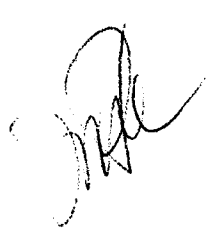
If the foregoing proposal is acceptable to the Ministry, the Department proposes that this note, including the enclosed revised Article II, and the Ministry's note in reply, shall constitute an agreement to amend and extend the MOU, which shall enter into force on the date of the Ministry's note in reply and shall take effect on March 12, 2014.

Enclosure:

As stated.

Department of State,

Washington, March 7, 2014



Revised Article II

A. The Government of the United States of America and the Government of the Republic of Honduras shall undertake efforts to publicize this Memorandum of Understanding and the reasons for it, including on the internet and in other media.

B. The Government of the Republic of Honduras shall work to register its cultural patrimony by:
   1. Continuing its progress on the registration of all known archaeological and ethnological material throughout the country;
   2. Using its best efforts to register all known archaeological sites in the country; and
   3. Using its best efforts to digitize the results of the registration program, including photo documentation of ecclesiastical material.

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 Honduras, as requested, and 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 and the potential for the destruction of cultural property by development.

D. Both Governments shall use their best efforts to facilitate the exchange of their cultural property, under circumstances that do not jeopardize their cultural patrimony, such as temporary and long-term loans to museums and educational institutions for exhibition purposes and scientific examination, including through considering streamlining the approval process for such loans and standardizing the fees for such loans.

E. The Government of the Republic of Honduras shall use its best efforts to coordinate intra-governmental efforts in protecting its cultural property, including by continuing to endorse and support the Inter-Institutional Commission [for the protection of cultural patrimony]; and shall engage agencies and institutions with responsibilities that might affect the cultural patrimony, such as the departments of public works, transportation, and housing; and by cooperating with agencies that monitor drug trafficking.

F. The Government of the Republic of Honduras shall continue its enforcement of existing laws protecting cultural property, with an emphasis on prosecution of crimes against cultural patrimony, in order to reduce the incentive for looting of archaeological sites and ethnological material and shall use its best efforts to monitor the damage to historical and archaeological sites due to development and overuse.

G. In order to assist in the recovery of pillaged cultural property, the Government of the Republic of Honduras 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. 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 continue to strengthen cooperation within Central America for the protection of the cultural property of the region; and shall continue to seek the cooperation of countries with significant import trade in Honduran archaeological and ethnological objects to protect its cultural property.

I. Both Governments shall continue to encourage academic institutions, non-governmental institutions, citizen's groups, and other organizations to cooperate in the research and interchange of knowledge about the full range of the cultural patrimony of Honduras.

J. The Government of the Republic of Honduras shall continue: to develop and implement professional training programs for archaeologists, museum personnel, and public

institution administrators responsible for cultural patrimony; to promote the viability of local museums; and to educate and inform the public about the importance of the country's cultural heritage and its role in its protection, particularly in light of new laws that directly or indirectly affect cultural patrimony.

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

EMBAJADA DE HONDURAS
EN ESTADOS UNIDOS DE AMÉRICA

DS/032/EHW/2014 Washington, D.C. March 7, 2014

The Embassy of Honduras received the diplomatic note dated March 7, 2014 which states:

"The Department of State refers the Embassy of Honduras to the *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* signed at Tegucigalpa, March 12, 2004, as amended and extended via exchange of diplomatic notes in 2009 (hereinafter referred to as "the MOU").

The Department, 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 Department further proposes that, pursuant to Article IV.B of the MOU, the MOU be amended as follows:

1) The title be deleted and replaced with the following: "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 and Ecclesiastical Ethnological Material from the Colonial Period of Honduras" to reflect the inclusion of certain ethnological material to be protected under the MOU.

2) Preamble, paragraph 3 be deleted and replaced with the following: "Desiring to reduce the incentive for pillage of irreplaceable

archaeological material representing the pre-Colombian cultures and ecclesiastical ethnological material representing the Colonial period of Honduras."

3) Article I.A be deleted and replaced with the following: "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 and ethnological 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."

4) Article II would be replaced with the enclosed revised Article II.

If the foregoing proposal is acceptable to the Ministry, the Department proposes that this note, including the enclosed 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 March 12, 2014.

Enclosure:

As stated."

The Embassy of Honduras, with due authorization from the Secretary of Foreign Relations and External Cooperation of the Republic of Honduras, accepts the proposal made by the United States of America and accepts that these notes, including the attached revised Article II, constitute an agreement to amend and extend the 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 signed at Tegucigalpa, and shall take effect on March 12, 2014.

The Embassy of Honduras avails itself of the opportunity to reiterate the assurances of its distinguished consideration.

Revised Article II

A. The Government of the United States of America and the Government of the Republic of Honduras shall undertake efforts to publicize this Memorandum of Understanding and the reasons for it, including on the internet and in other media.

B. The Government of the Republic of Honduras shall work to register its cultural patrimony by:

1. Continuing its progress on the registration of all known archaeological and ethnological material throughout the country;
2. Using its best efforts to register all known archaeological sites in the country; and
3. Using its best efforts to digitize the results of the registration program, including photo documentation of ecclesiastical material.

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 Honduras, as requested, and 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 and the potential for the destruction of cultural property by development.

D. Both Governments shall use their best efforts to facilitate the exchange of their cultural property, under circumstances that do not jeopardize their cultural patrimony, such as temporary and long-term loans to museums and educational institutions for exhibition purposes and scientific examination, including through considering streamlining the approval process for such loans and standardizing the fees for such loans.

E. The Government of the Republic of Honduras shall use its best efforts to coordinate intra-governmental efforts in protecting its cultural property, including by continuing to endorse and support the Inter-Institutional Commission [for the protection of cultural patrimony]; and shall engage agencies and institutions with responsibilities that might affect the cultural patrimony, such as the departments of public works, transportation, and housing; and by cooperating with agencies that monitor drug trafficking.

F. The Government of the Republic of Honduras shall continue its enforcement of existing laws protecting cultural property, with an emphasis on prosecution of crimes against cultural patrimony, in order to reduce the incentive for looting of archaeological sites and ethnological material and shall use its best efforts to monitor the damage to historical and archaeological sites due to development and overuse.

G. In order to assist in the recovery of pillaged cultural property, the Government of the Republic of Honduras 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. 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 continue to strengthen cooperation within Central America for the protection of the cultural property of the region; and shall continue to seek the cooperation of countries with significant import trade in Honduran archaeological and ethnological objects to protect its cultural property.

I. Both Governments shall continue to encourage academic institutions, non-governmental institutions, citizen's groups, and other organizations to cooperate

in the research and interchange of knowledge about the full range of the cultural patrimony of Honduras.

J. The Government of the Republic of Honduras shall continue: to develop and implement professional training programs for archaeologists, museum personnel, and public institution administrators responsible for cultural patrimony; to promote the viability of local museums; and to educate and inform the public about the importance of the country's cultural heritage and its role in its protection, particularly in light of new laws that directly or indirectly affect cultural patrimony.

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