

AGREEMENT BETWEEN  
THE UNITED STATES OF AMERICA AND THE REPUBLIC OF GUATEMALA  
FOR THE RECOVERY AND RETURN OF STOLEN  
ARCHAEOLOGICAL, HISTORICAL AND CULTURAL PROPERTIES

The United States of America and the Republic of Guatemala,

Recognizing the importance of protecting the cultural heritage of the Americas,

Desiring to encourage the protection, study and exhibition of properties of archaeological, aesthetic, historical, or cultural importance, and

Desiring to increase the cooperation between their respective law enforcement authorities for the recovery and return of objects of outstanding artistic or historic merit when stolen,

Have agreed as follows:

**Article I**

1. The Parties undertake individually and, as appropriate, jointly

(a) to facilitate the circulation and exhibition in both countries of archaeological, historical and cultural properties in order to enhance the mutual understanding and appreciation of the artistic and cultural heritage of the two countries;

(b) to deter illicit excavations of archaeological sites and the theft of archaeological, historical or cultural properties; and

(c) to stimulate the discovery, excavation, preservation and study of archaeological sites and materials by qualified scientists and scholars.

2. As used in this Agreement, "archaeological, historical and cultural properties" mean:

(a) Art objects and artifacts of the pre-Columbian culture of the two countries, including architectural features, sculptures, pottery pieces, metalwork, textiles and other vestiges of human activity, or fragments thereof;

(b) Art objects and religious artifacts of the colonial periods of the two countries, or fragments thereof; and

(c) Documents from official archives of national, state or municipal governments or their instrumentalities for the period prior to 1920; that are, pursuant to the laws of the respective Parties, the property of national, state, or municipal governments or their instrumentalities.

**Article II**

1. Each Party shall inform the other of thefts of archaeological, historical, or cultural properties of which it has knowledge when it has reason to believe that the objects stolen are likely to be introduced into international trade. In doing so, it shall furnish sufficient descriptive information to enable the other Party to identify the objects. Upon receipt of such information, the other Party, through its customs organization or otherwise as appropriate and with the assistance of the informing Party, shall take such actions as may be lawful and practicable to detect the entry of such objects into its territory and to locate such objects within its territory. If the other Party locates objects which appear to meet the description of those reported stolen, it shall provide the informing Party with all available information concerning their location and the steps which would have to be taken to secure their return, assuming that it can be demonstrated that they have been stolen.

2. At the request of the other Party, each Party shall employ the legal means at its disposal to recover and return from its territory stolen archaeological, historical and cultural properties that have been removed from the territory of the requesting Party.

3. Requests for the recovery and return of specific archaeological, historical and cultural properties shall be made through diplomatic channels. The requesting Party shall furnish expeditiously, at its expense, documentation and other evidence necessary to establish its claim to such properties.

4. If the requested Party obtains the necessary legal authorization, it shall return the requested archaeological, historical or cultural properties to the persons designated by the requesting Party. If, however, it fails to achieve such authorization, it shall use its best efforts to protect the legal rights of the requesting Party and facilitate its bringing a private action for return of the property.

5. The Parties, through the posting of signs, distribution of pamphlets or such other means as either may select, shall endeavor fully to inform persons entering or leaving their territories of laws of each of the Parties with respect to archaeological, historical or cultural properties and of any specific procedures or requirements established by the Parties in relation thereto.

### **Article III**

All expenses incident to the return and delivery of archaeological, historical or cultural properties shall be borne by the requesting Party.

### **Article IV**

This Agreement shall enter into force upon exchange of diplomatic notes indicating that each Party has complied with the requirements of its domestic law. It may be terminated by either of the Parties thirty days after that Party transmits written notice of intention to terminate to the other Party.

Done at Washington, this 21st day of May, 1984, in the English and Spanish languages, both texts being equally authentic.

For the Government of the United States of America: GEORGE P. SHULTZ

For the Government of the Republic of Guatemala: FERNANDO ANDRADE DIAZ-DURAN