

CULTURAL PROPERTY

Agreements Between the UNITED STATES OF AMERICA and EL SALVADOR

Amending and Extending the
Memorandum of Understanding of
March 8, 1995

Effected by Exchange of Notes at
Washington March 7, 2000

and

Effected by Exchange of Notes at
San Salvador March 3 and 4, 2005

and

Effected by Exchange of Notes at
San Salvador February 24 and 25, 2010



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.”

EL SALVADOR

Cultural Property

*Agreements amending and extending the
Memorandum of Understanding of
March 8, 1995.*

*Effected by exchange of notes at
Washington March 7, 2000;*

Entered into force March 7, 2000.

*Effected by exchange of notes at
San Salvador March 3 and 4, 2005;*

Entered into force March 4, 2005.

*Effected by exchange of notes at
San Salvador February 24 and 25, 2010;*

Entered into force February 25, 2010.

The Department of State refers the Embassy of El Salvador to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of El Salvador done at Washington March 8, 1995 (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.

The Department proposes further that, pursuant to Article IV B of the MOU, the MOU be amended by replacing Article II with the attached Article II.

If the foregoing proposals are acceptable to the Government of the Republic of El Salvador, the Department of State proposes that this note, including the attached Article II, and the Embassy's note in reply, shall constitute an agreement to extend and amend the MOU, which shall enter into force on the date of your note in reply and shall be effective March 8, 2000.

ESL

Attachment:

As stated.

Department of State,

Washington, March 7, 2000.

ARTICLE II

- A. The Government of the Republic of El Salvador will use its best efforts to encourage long- and short-term loans, for research and scientific purposes, of its archaeological materials under circumstances in which such exchange does not jeopardize its cultural patrimony and when consistent with the responsibilities of the National Council for Culture and Art (CONCULTURA), as carried out in accordance with the Special Law for the Protection of Cultural Patrimony of El Salvador.
- B. Representatives of the Government of the United States of America will participate in joint efforts with representatives of the Government of the Republic of El Salvador to publicize and enforce this Memorandum of Understanding.
- C. The Government of the United States of America will continue to use its best efforts to facilitate technical assistance in cultural resource management and security to El Salvador, as appropriate under existing programs in the public and/or private sectors.
- D. Both countries 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 El Salvador, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training, and resources.
- E. The Government of the Republic of El Salvador will use its best efforts to systematically continue with the registration of cultural property as required by its law.
- F. The Government of the Republic of El Salvador will continue, and strengthen where possible, its efforts to educate the public regarding its 1993 Special Law and the importance of protecting archaeological sites.
- G. The Government of the Republic of El Salvador will continue to endeavor to strengthen technical and financial cooperation within Central America, and especially with immediately neighboring states, for the protection of the cultural patrimony of the region, and with international organizations as well.
- H. The Government of the Republic of El Salvador will use its best efforts to ensure the enforcement, interdiction, and prosecution of its illicit exports of archaeological materials and that records of arrests related to looters and the seizure of cultural property be made public.



EMBAJADA DE EL SALVADOR
2308 CALIFORNIA STREET, N.W.
WASHINGTON, D.C. 20008

La Embajada de la República de El Salvador saluda muy atentamente al Departamento de Estado y desea referirse a la nota del Departamento fechada 7 de marzo de 2000 relativa al Memorándum de Entendimiento entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de El Salvador Concerniente a la Imposición de Restricciones de Importación sobre Ciertas Categorías de Material Arqueológico Procedente de Culturas Prehispánicas de la República de El Salvador hecho en Washington el 8 de marzo de 1995 (en adelante “el MOU”).

La Embajada de la República de El Salvador, en nombre del Gobierno de la República de El Salvador, por el presente declara su aceptación de la prórroga del MOU por un período adicional de cinco años, así como la sustitución del Artículo II del MOU por el Artículo II adjunto a la nota mencionada anteriormente (que también se adjunta a la presente). Por lo tanto, esta nota y la nota del Departamento de Estado de 7 de marzo de 2000 constituyen un acuerdo para prorrogar y enmendar el MOU, que entrará en vigor en la fecha de la presente nota y será efectivo a partir del 8 de marzo de 2000.

La Embajada de la República de El Salvador aprovecha la oportunidad para renovar al Departamento de Estado las seguridades de su más alta consideración.

Anexo:

Como se indica



Washington, D.C.

7 de marzo de 2000

Artículo II

- A. El Gobierno de la República de El Salvador hará uso de sus mejores esfuerzos para estimular los préstamos de largo y corto plazo, para fines científicos y de investigación, de sus materiales arqueológicos bajo circunstancias en las cuales tal intercambio no haga peligrar su patrimonio cultural, y cuando sea compatible con las obligaciones del Consejo Nacional para la Cultura y el Arte (CONCULTURA), que se cumplan de acuerdo con la Ley Especial para la Protección del Patrimonio Cultural de El Salvador.
- B. Los representantes del Gobierno de los Estados Unidos de América participarán en un esfuerzo conjunto con los representantes del Gobierno de la República de El Salvador, para publicar y hacer cumplir este Memorándum de Entendimiento.
- C. El Gobierno de los Estados Unidos de América continuará haciendo uso de sus mejores esfuerzos para facilitar la asistencia técnica en la administración y seguridad de los recursos culturales a El Salvador, según proceda conforme a los programas existentes en los sectores públicos y/o privados.
- D. Ambos países se esforzarán por estimular a las instituciones académicas, instituciones no gubernamentales y otras organizaciones privadas para que cooperen en el intercambio de conocimientos e información acerca del patrimonio cultural de El Salvador y por colaborar en la preservación y protección de dicho patrimonio cultural, a través de la asistencia técnica apropiada, entrenamiento y recursos.
- E. El Gobierno de la República de El Salvador utilizará sus mejores esfuerzos para continuar sistemáticamente el registro de la propiedad cultural según lo estipulen sus leyes.
- F. El Gobierno de la República de El Salvador continuará y fortalecerá, donde sea posible, su esfuerzo de educar al público, en lo relativo a su Ley Especial de 1993 y a la importancia de proteger los sitios arqueológicos.
- G. El Gobierno de la República de El Salvador continuará en su tarea de fortalecer la cooperación técnica y financiera dentro de Centro América y especialmente con los Estados vecinos inmediatos, así como con organizaciones internacionales, para la protección del patrimonio cultural de la región.
- H. El Gobierno de la República de El Salvador utilizará sus mejores esfuerzos para asegurar el cumplimiento, la interdicción y el enjuiciamiento de las exportaciones ilícitas de materiales arqueológicos y para que se hagan públicos los registros de las detenciones relacionadas con los saqueadores y el embargo de la propiedad cultural.



EMBAJADA DE EL SALVADOR
2308 CALIFORNIA STREET, N.W.
WASHINGTON, D.C. 20008

The Embassy of the Republic of El Salvador presents its compliments to the Department of State and wishes to refer to the Department's note dated March 7, 2000, regarding the Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of El Salvador signed at Washington March 8, 1995 (hereinafter referred to as "the MOU").

The Embassy of the Republic of El Salvador, on behalf of the Government of the Republic of El Salvador, hereby states its acceptance of the extension of the MOU for an additional five-year period, as well as the replacement of Article II of the MOU with the Article II attached to the above-mentioned note (also attached hereto). Therefore, this note and the Department's note of March 7, 2000, constitute an agreement to extend and amend the MOU, which shall enter into force on the date of the present note and shall be effective as of March 8, 2000.

The Embassy of the Republic of El Salvador avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.

Attachment:

As stated.

Washington, D.C.
March 7, 2000.



ARTICLE II

- A. The Government of the Republic of El Salvador will use its best efforts to encourage long- and short-term loans, for research and scientific purposes, of its archaeological materials under circumstances in which such exchange does not jeopardize its cultural patrimony and when consistent with the responsibilities of the National Council for Culture and Art (CONCULTURA), as carried out in accordance with the Special Law for the Protection of Cultural Patrimony of El Salvador.
- B. Representatives of the Government of the United States of America will participate in joint efforts with representatives of the Government of the Republic of El Salvador to publicize and enforce this Memorandum of Understanding.
- C. The Government of the United States of America will continue to use its best efforts to facilitate technical assistance in cultural resource management and security to El Salvador, as appropriate under existing programs in the public and/or private sectors.
- D. Both countries 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 El Salvador, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training, and resources.
- E. The Government of the Republic of El Salvador will use its best efforts to systematically continue with the registration of cultural property as required by its law.
- F. The Government of the Republic of El Salvador will continue, and strengthen where possible, its efforts to educate the public regarding its 1993 Special Law and the importance of protecting archaeological sites.
- G. The Government of the Republic of El Salvador will continue to endeavor to strengthen technical and financial cooperation within Central America, and especially with immediately neighboring states, for the protection of the cultural patrimony of the region, and with international organizations as well.
- H. The Government of the Republic of El Salvador will use its best efforts to ensure the enforcement, interdiction, and prosecution of its illicit exports of archaeological materials and that records of arrests related to looters and the seizure of cultural property be made public.

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 085

The Embassy of the United States of America refers the Ministry of Foreign Affairs of the Government of the Republic of El Salvador to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of El Salvador done at Washington March 8, 1995 (hereinafter referred to as "the MOU") and subsequently extended for an additional five-year period effective March 8, 2000.

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

The Embassy, on behalf of the Department of State, proposes further that, pursuant to Article IV B of the MOU, the MOU be amended by replacing Article II with the attached Article II.

If the foregoing proposals are acceptable to the Ministry of Foreign Affairs of the Government of the Republic of El Salvador, the Embassy, on behalf of the Department of State, proposes that this note, including the attached Article II, and the Government of the Republic of El Salvador's note in reply, shall constitute an agreement to extend and amend the MOU, which shall enter into force on the date of your note in reply and shall be effective March 8, 2005.

Attachment – as stated

Embassy of the United States of America,

San Salvador, March 3, 2005.



Article II

- A. The Government of the Republic of El Salvador will use its best efforts to encourage long- and short-term loans, for research and scientific purposes, of its archaeological materials under circumstances in which such exchange does not jeopardize its cultural patrimony and when consistent with the responsibilities of the National Council for Culture and Art (CONCULTURA), as carried out in accordance with the Special Law for the Protection of Cultural Patrimony of El Salvador.
- B. The governments of the United States of America and the Republic of El Salvador will each endeavor to publicize and enforce this Memorandum of Understanding.
- C. The Government of the United States of America will continue to use its best efforts to facilitate technical assistance in cultural resource management and security to El Salvador, as appropriate under existing programs in the public and/or private sectors.
- D. Both countries 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 El Salvador, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training, and resources.
- E. The Government of the Republic of El Salvador will use its best efforts to continue with the systematic registration of cultural property as required by its law.
- F. Recognizing the need to engage the public in the protection of the national cultural heritage, the Government of the Republic of El Salvador will continue, and strengthen where possible, its efforts to educate the public regarding the importance of understanding and protecting archaeological sites, and the obligation of citizens to know and comply with the laws that protect and safeguard the cultural heritage.

G. Recognizing the benefits of intergovernmental and inter-institutional collaboration, the Government of the Republic of El Salvador will continue to endeavor to strengthen cooperation with international organizations and the other nations of Central America, especially with immediately neighboring states, in activities that foster the protection of the cultural patrimony of the region.

H. The Government of the Republic of El Salvador will use its best efforts to ensure the enforcement of its laws against illicit export, to continue the interdiction and prosecution of illicit exports of archaeological materials, to gather and manage data on incidents of looting, and to maintain and make public the records of arrests related to looters and the seizure of cultural property.

I. The Government of the Republic of El Salvador will use its best efforts to implement and publicize its national archaeological research strategy, which takes into account the interests, concerns, and priorities of the Government and its cultural authorities.

J. The Government of the Republic of El Salvador will undertake to review, revise where necessary, and publish a procedure by which qualified foreign archaeologists and other scholars may apply for permission to undertake field research in El Salvador, including explicit stipulation of any and all Government requirements, obligations, and conditions that might attach to such permissions.

K. The Government of the Republic of El Salvador will endeavor to become a Member State of ICCROM [International Centre for the Study of the Preservation and Restoration of Cultural Property], in order to contribute to and benefit from the community of nations committed to the conservation of their cultural heritage.



MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR, C. A.

Secretaría de Estado
DGAJDH/DNT/Nº 1416

El Ministerio de Relaciones Exteriores de la República de El Salvador, tiene el honor de acusar recibo a Nota Diplomática N° 085, de fecha 3 de marzo de 2005, la cual literalmente dice:

““ No. 085

La Embajada de los Estados Unidos de América saluda atentamente al Ministerio de Relaciones Exteriores de la República de El Salvador y hace referencia al Memorándum de Entendimiento entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de El Salvador referente a las Restricciones de Importación sobre Ciertas Categorías de Material Arqueológico de las Culturas Prehispánicas de la República de El Salvador, realizado en Washington el 8 de marzo de 1995 (de ahora en adelante “el MOU” por sus siglas en inglés) y subsecuentemente extendido para un período adicional de cinco años a partir del 8 de marzo de 2000.

La Embajada, en nombre del Departamento de Estado, propone que, de acuerdo al Artículo IV A del MOU, éste sea extendido para un período adicional de cinco años.

La Embajada, en nombre del Departamento de Estado, propone que de acuerdo al Artículo IV B del MOU, se reforme el Artículo II del MOU, con el Artículo II Adjunto.

Si la propuesta adjunta fuera favorable para el Ministerio de Relaciones Exteriores de la República de El Salvador, la Embajada, en nombre del Departamento de Estado, propone que esta nota, incluyendo el Artículo II adjunto, conjuntamente con la nota de respuesta del Gobierno de la República de El Salvador, sean una extensión y enmienden el MOU, el cual deberá de entrar en vigencia el día de la nota de respuesta del Gobierno de El Salvador y será efectivo a partir del 8 de marzo de 2005.

Adjunto – lo mencionado

Embajada de los Estados Unidos de América,
San Salvador, 3 de marzo de 2005.””



MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR, C. A.

El Ministerio de Relaciones Exteriores tiene el honor de confirmar que la nota de Vuestra Embajada y la presente nota de respuesta, incluyendo el Artículo II adjunto son una extensión y enmienda al Memorándum de Entendimiento, el cual entrará en vigencia en la fecha de la presente nota, con aplicación a partir del 8 de marzo de 2005.

El Ministerio de Relaciones Exteriores de la República de El Salvador, reitera a esa Honorable Representación las seguridades de su más alta consideración y estima.

San Salvador, 4 de marzo de 2005.





MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR C. A.

Artículo II

- A. El Gobierno de la República de El Salvador hará uso de sus mejores esfuerzos para estimular los préstamos de largo y corto plazo, para fines científicos y de investigación, de sus materiales arqueológicos bajo circunstancias en las cuales tal intercambio no haga peligrar su patrimonio cultural, y cuando sea compatible con las obligaciones del Consejo Nacional para la Cultura y el Arte (CONCULTURA), que se cumplan de acuerdo con la Ley Especial para la Protección del Patrimonio Cultural de El Salvador.
- B. Los representantes del Gobierno de los Estados Unidos de América participarán en un esfuerzo conjunto con los representantes del Gobierno de la República de El Salvador, para publicar y hacer cumplir este Memorándum de Entendimiento.
- C. El Gobierno de los Estados Unidos de América continuará haciendo uso de sus mejores esfuerzos para facilitar la asistencia técnica en la administración y seguridad de los recursos culturales a El Salvador, según proceda conforme a los programas existentes en los sectores públicos y/o privados.
- D. Ambos países se esforzarán por estimular a las instituciones académicas, instituciones no gubernamentales y otras organizaciones privadas para que cooperen en el intercambio de conocimientos e información acerca del patrimonio cultural de El Salvador y por colaborar en la preservación y protección de dicho patrimonio cultural, a través de la asistencia técnica apropiada, entrenamiento y recursos.
- E. El Gobierno de la República de El Salvador utilizará sus mejores esfuerzos para continuar sistemáticamente el registro de la propiedad cultural según lo estipulen sus leyes.
- F. El Gobierno de la República de El Salvador continuará y fortalecerá, donde sea posible, su esfuerzo de educar al público, en lo relativo a su Ley Especial de 1993 y a la importancia de proteger los sitios arqueológicos.
- G. El Gobierno de la República de El Salvador continuará en su tarea de fortalecer la cooperación técnica y financiera dentro de Centro América y especialmente con los Estados vecinos inmediatos, así como con organizaciones internacionales, para la protección del patrimonio cultural de la región.
- H. El Gobierno de la República de El Salvador utilizará sus mejores esfuerzos para asegurar el cumplimiento, la interdicción y el enjuiciamiento de las exportaciones ilícitas de materiales arqueológicos y para que se hagan públicos los registros de las detenciones relacionadas con los saqueadores y el embargo de la propiedad cultural.



MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR C. A.

- I. El Gobierno de la República de El Salvador hará cuanto pueda para poner en práctica su estrategia nacional de investigación arqueológica, y dar publicidad a la misma, la cual tiene en cuenta los intereses, las inquietudes y las prioridades del gobierno y de sus autoridades culturales.
- J. El Gobierno de la República de El Salvador se encargará de examinar, modificar cuando fuere necesario, y publicar un procedimiento mediante el cual los arqueólogos extranjeros calificados y otros estudiosos puedan solicitar permiso para realizar investigaciones arqueológicas en El Salvador, con estipulación explícita de todos los requisitos, las obligaciones, y condiciones oficiales que dichos permisos conlleven.
- K. El Gobierno de la República de El Salvador procurará llegar a ser Estado Miembro del ICCROM [Centro Internacional de Estudios para la Preservación y Restauración de los Bienes Culturales] a fin de contribuir a la comunidad de naciones comprometidas a la conservación de su patrimonio cultural y beneficiarse de ello.



MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR, C. A.

Secretary of State

DGAJDH/DNT/Nº 1416

The Ministry of Foreign Affairs of the Republic of El Salvador has the honor of acknowledging receipt of the Diplomatic Note No.085 dated March 3, 2005, which literally says:

“No. 085

The Embassy of the United States of America refers the Ministry of Foreign Affairs of the Government of the Republic of El Salvador to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of El Salvador done at Washington March 8, 1995 (hereinafter referred to as "the MOU") and subsequently extended for an additional five-year period effective March 8, 2000.

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

The Embassy, on behalf of the Department of State, proposes further that, pursuant to Article IV B of the MOU, the MOU be amended by replacing Article II with the attached Article II.

If the foregoing proposals are acceptable to the Ministry of Foreign Affairs of the Government of the Republic of El Salvador, the Embassy, on behalf of the Department of State, proposes that this note, including the attached Article II, and the Government of the Republic of El Salvador's note in reply, shall constitute an agreement to extend and amend the MOU, which shall enter into force on the date of your note in reply and shall be effective March 8, 2005.

Attachment – as stated

Embassy of the United States of America,
San Salvador, March 3, 2005.””



MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR, C. A.

The Ministry of Foreign Affairs has the honor to confirm that your note and this note in reply, including the annexed Article II constitute an extension and an amendment to the Memorandum of Understanding, which shall enter into force on the date of the present note, and shall be effective from March 8, 2005.

The Ministry of Foreign Affairs of the Republic of El Salvador, reiterates to that Honorable Representation the assurance of its highest consideration and respect.

San Salvador, March 4, 2005.





MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR C. A.

Article II

A. The Government of the Republic of El Salvador will use its best efforts to encourage long- and short-term loans, for research and scientific purposes, of its archaeological materials under circumstances in which such exchange does not jeopardize its cultural patrimony and when consistent with the responsibilities of the National Council for Culture and Art (CONCULTURA), as carried out in accordance with the Special Law for the Protection of Cultural Patrimony of El Salvador.

B. The governments of the United States of America and the Republic of El Salvador will each endeavor to publicize and enforce this Memorandum of Understanding.

C. The Government of the United States of America will continue to use its best efforts to facilitate technical assistance in cultural resource management and security to El Salvador, as appropriate under existing programs in the public and/or private sectors.

D. Both countries 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 El Salvador, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training, and resources.

E. The Government of the Republic of El Salvador will use its best efforts to continue with the systematic registration of cultural property as required by its law.

F. Recognizing the need to engage the public in the protection of the national cultural heritage, the Government of the Republic of El Salvador will continue, and strengthen where possible, its efforts to educate the public regarding the importance of understanding and protecting archaeological sites, and the obligation of citizens to know and comply with the laws that protect and safeguard the cultural heritage.

G. Recognizing the benefits of intergovernmental and inter-institutional collaboration, the Government of the Republic of El Salvador will continue to endeavor to strengthen cooperation with international organizations and the other nations of Central America, especially with immediately neighboring states, in activities that foster the protection of the cultural patrimony of the region.

H. The Government of the Republic of El Salvador will use its best efforts to ensure the enforcement of its laws against illicit export, to continue the interdiction and prosecution of illicit exports of archaeological materials, to gather and manage data on incidents of looting, and to maintain and make public the records of arrests related to looters and the seizure of cultural property.



MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR C. A.

- I. The Government of the Republic of El Salvador will use its best efforts to implement and publicize its national archaeological research strategy, which takes into account the interests, concerns, and priorities of the Government and its cultural authorities.
- J. The Government of the Republic of El Salvador will undertake to review, revise where necessary, and publish a procedure by which qualified foreign archaeologists and other scholars may apply for permission to undertake field research in El Salvador, including explicit stipulation of any and all Government requirements, obligations, and conditions that might attach to such permissions.
- K. The Government of the Republic of El Salvador will endeavor to become a Member State of ICCROM [International Centre for the Study of the Preservation and Restoration of Cultural Property], in order to contribute to and benefit from the community of nations committed to the conservation of their cultural heritage.

No. 076

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of El Salvador and has the honor to refer the Ministry to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of El Salvador (hereinafter referred to as "the MOU") signed and entered into force in the city of Washington, D.C. on the 8th day of March of 1995, and amended and extended in 2000 and 2005 through exchanges of diplomatic notes.

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 period of five years, ending on March 8, 2015, unless both parties shall agree to extend and/or modify it.

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 revised text of Article II (attached).

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 affirmative 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 which shall take effect on March 8, 2010.

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 El Salvador, the assurances of its highest and most distinguished consideration.

Attachment: As stated.

Embassy of the United States of America,
San Salvador, February 24, 2010.



ENGLISH

PROPOSED REVISED TEXT OF ARTICLE II OF THE EL SALVADOR – UNITED STATES MOU

[Public Awareness / Outreach]

A. Representatives of the Government of the United States of America and representatives of the Government of the Republic of El Salvador shall regularly publicize this Memorandum of Understanding and the reasons for it through available outlets of communication.

B. Recognizing the need to engage the public in the protection of the national cultural heritage, the Government of the Republic of El Salvador shall continue its efforts to educate the public regarding the importance of understanding and protecting archaeological sites, and to acknowledge citizens that protect and safeguard the cultural heritage, including through digital/online methods.

C. The Government of the Republic of El Salvador shall use its best efforts to place at airports and border crossings informational material such as signs and brochures that explain the laws prohibiting illicit excavation, and the removal and sale of cultural heritage artifacts, whether or not obtained from illicit excavations.

D. Both governments shall endeavor to permit the exchange of Pre-Columbian archaeological material under circumstances in which such exchange does not jeopardize the cultural patrimony of El Salvador, such as through temporary loans for exhibition purposes and study abroad, to benefit the people of both countries, including persons of Salvadoran heritage currently living in the United States of America.

[Collaboration / Interchange]

E. Both countries shall endeavor to encourage academic institutions, non-governmental institutions, and other organizations to cooperate in the interchange of knowledge about the cultural patrimony of El Salvador, as appropriate under existing programs in the public and/or private sectors, including professional and academic exchanges.

F. Recognizing the benefits of intergovernmental collaboration, the Government of the Republic of El Salvador shall continue to endeavor to strengthen cooperation with other nations of Central America in activities that foster the protection of the cultural patrimony of the region; and shall actively seek such cooperation with all countries that engage in significant import trade in materials of Salvadoran origin.

[Protection / Conservation]

G. The Government of the United States of America acknowledges the efforts of the Government of the Republic of El Salvador in the creation of the Secretariat of Culture and encourages its continued dedication of public funds for the purpose of protecting the cultural patrimony of El Salvador.

H. The Governments of the United States of America and the Republic of El Salvador recognize the importance of a national Salvadoran inventory of cultural property; and the Government of the Republic of El Salvador shall use its best efforts to continue the systematic registration of cultural property as required by its law.

[Law Enforcement]

I. The Government of the Republic of El Salvador shall use its best efforts to ensure the enforcement of its laws against illicit export and sale, including online, of archaeological materials; to explore additional means of reporting and recording looting incidents; and to continue the interdiction and prosecution of illicit exports of archaeological materials.



MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR C. A.

SECRETARIA DE ESTADO

DGAJ/DNT/CB/Nº 339

EL MINISTERIO DE RELACIONES EXTERIORES DE LA REPÚBLICA DE EL SALVADOR, tiene el honor de acusar recibo a Nota Diplomática Nº 076 de fecha 24 de febrero de 2010, la cual literalmente dice:

"No. 076

La Embajada de los Estados Unidos de América saluda atentamente al Ministerio de Relaciones Exteriores de la República de El Salvador y tiene el honor de referir al Ministerio al Memorándum de Entendimiento entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de El Salvador concerniente a la Imposición de Restricciones de Importación sobre Ciertas Categorías de Material Arqueológico procedente de Culturas Pre-Hispánicas de la República de El Salvador (de aquí en adelante "el MOU"), suscrito y entrado en vigor en la ciudad de Washington, D.C. el 8 de marzo de 1995, y enmendado y prorrogado en 2000 y 2005 por medio de intercambios de notas diplomáticas.

La Embajada, en nombre del Gobierno de los Estados Unidos de América, propone que, conforme al Artículo IV A del MOU, el MOU se prorrogue por un periodo adicional de cinco años, hasta el 8 de marzo de 2015, a menos que ambas Partes acuerden prorrogarlo y/o enmendarlo.

La Embajada propone además que, conforme al Artículo IV B del MOU, el MOU sea enmendado mediante la eliminación de Artículo II, y reemplazarlo con el Artículo II modificado (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 afirmativa del Ministerio, constituyan un acuerdo para enmendar y prorrogar el MOU, el cual entrara en vigor en la fecha de la Nota de respuesta del Ministerio y surtirá efecto el 8 de marzo de 2010.



MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR C. A.

La Embajada de los Estados Unidos de América aprovecha la oportunidad para renovar al Ministerio de Relaciones Exteriores de la República de El Salvador, las seguridades de su más alta y distinguida consideración.

Adjunto: lo mencionado.

Embajada de los Estados Unidos de América,
San Salvador, 24 de febrero de 2010.”

El Ministerio de Relaciones Exteriores, tiene el honor de confirmar que la nota de Vuestra Embajada y la presente de respuesta, incluyendo el Artículo II adjunto, son una extensión y enmienda al Memorándum de Entendimiento, el cual entrará en vigencia en la fecha de la presente nota, con aplicación a partir del 8 de marzo de 2010.

El Ministerio de Relaciones Exteriores de la República de El Salvador, reitera a esa Honorable Representación las seguridades de su más alta consideración y estima.

Antiguo Cuscatlán, 25 de febrero de 2010.





MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR C. A.

ARTÍCULO II

[Información al público / Divulgación]

A. Los representantes del Gobierno de la República de El Salvador y del Gobierno de los Estados Unidos de América harán publicidad regularmente del presente Memorando de Entendimiento y de sus fines a través de los medios de información disponibles.

B. Reconociendo que es necesario involucrar al público en la protección del acervo cultural de la nación, el Gobierno de la República de El Salvador continuará la labor de educar al público sobre la importancia de comprender y proteger los sitios arqueológicos, y de reconocer a los ciudadanos que protejan y salvaguarden el acervo cultural, inclusive por la vía digital o Internet.

C. El Gobierno de la República de El Salvador hará lo posible por colocar material informativo en los aeropuertos y cruces fronterizos, por ejemplo rótulos y folletos, que expliquen las leyes que prohíben las excavaciones ilícitas así como la sustracción y venta de objetos arqueológicos, independientemente de si estos han sido obtenidos o no de excavaciones ilícitas.

D. Ambos Gobiernos procurarán permitir el intercambio de objetos arqueológicos precolombinos bajo circunstancias en las cuales tal intercambio no haga peligrar el patrimonio cultural de El Salvador, tales como préstamos temporales para fines de exhibiciones e investigaciones en el extranjero, que beneficien a la gente de ambos países, incluyendo a personas de herencia salvadoreña viviendo en los Estados Unidos de América.

[Colaboración / Intercambio]

E. Los dos países procurarán alentar a las instituciones académicas, no gubernamentales y a otras entidades, a cooperar en el intercambio de conocimientos sobre el patrimonio cultural de El Salvador, como corresponda conforme a los programas vigentes en los sectores público y privado, incluidos los intercambios profesionales y académicos.



MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR C. A.

F. Al reconocer los beneficios de la colaboración entre los Gobiernos, el Gobierno de la República de El Salvador seguirá procurando fortalecer la colaboración con las otras naciones de Centroamérica en la protección del patrimonio cultural de la región, y buscará activamente la cooperación de todos los países que estén involucrados en un significativo comercio de importación de materiales de origen salvadoreño.

[Protección / Conservación]

G. El Gobierno de los Estados Unidos de América reconoce los esfuerzos efectuados por el Gobierno de la República de El Salvador para el establecimiento de la Secretaría de Cultura de la Presidencia y alienta a que continúen dedicándose fondos públicos para proteger el patrimonio cultural de El Salvador.

H. Los Gobiernos de los Estados Unidos de América y de la República de El Salvador reconocen la importancia de un inventario nacional del patrimonio cultural salvadoreño; y el Gobierno de la República de El Salvador continuará el registro sistemático de los bienes culturales, como lo requiere su legislación.

[Aplicación de la ley]

I. El Gobierno de la República de El Salvador hará lo posible por asegurar que se cumplan sus leyes contra la exportación y venta ilícitas, incluso por Internet, de materiales del patrimonio arqueológico; por estudiar otros medios para reportar y registrar los incidentes de expoliación, y por seguir impidiendo y enjuiciando las exportaciones ilícitas de materiales arqueológicos.



MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR C. A.

SECRETARY OF STATE

DGAJ/DNT/CB/Nº 339

The Ministry of Foreign Affairs of the Republic of El Salvador has the honor of acknowledging receipt of the Diplomatic Note Nº 076 dated february 24, 2010, which literally says:

""No. 076

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of El Salvador and has the honor to refer the Ministry to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Pre-Hispanic Cultures of El Salvador (hereinafter referred to as "the MOU") signed and entered into force in the city of Washington, D.C. on the 8th day of March of 1995, and amended and extended in 2000 and 2005 through exchanges of diplomatic notes.

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 period of five years, ending on March 8, 2015, unless both parties shall agree to extend and/or modify it.

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 revised text of Article II (attached).

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 affirmative 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 which shall take effect on March 8, 2010.



MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR C. A.

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 El Salvador, the assurances of its highest and most distinguished consideration.

Attachment: As stated.

Embassy of the United States of America,
San Salvador, February 24, 2010.””

The Ministry of Foreign Affairs has the honor to confirm that your note and this in reply, including the annexed Article II, constitute an extension and an amendment to the Memorandum of Understanding, which shall enter into force on the date of the present note, and shall be effective from March 8, 2010.

The Ministry of Foreign Affairs of the Republic of the El Salvador, reiterates to that Honorable Representation the assurance of its highest consideration and respect.

Antiguo Cuscatlán, February 25, 2010





MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR C. A.

ARTICLE II

[Public Awareness I Outreach]

A. Representatives of the Government of the United States of America and representatives of the Government of the Republic of El Salvador shall regularly publicize this Memorandum of Understanding and the reasons for it through available outlets of communication.

B. Recognizing the need to engage the public in the protection of the national cultural heritage, the Government of the Republic of El Salvador shall continue its efforts to educate the public regarding the importance of understanding and protecting archaeological sites, and to acknowledge citizens that protect and safeguard the cultural heritage, including through digital/online methods.

C. The Government of the Republic of El Salvador shall use its best efforts to place at airports and border crossings informational material such as signs and brochures that explain the laws prohibiting illicit excavation, and the removal and sale of cultural heritage artifacts, whether or not obtained from illicit excavations.

D. Both governments shall endeavor to permit the exchange of Pre-Columbian archaeological material under circumstances in which such exchange does not jeopardize the cultural patrimony of El Salvador, such as through temporary loans for exhibition purposes and study abroad, to benefit the people of both countries, including persons of Salvadoran heritage currently living in the United States of America.

[Collaboration / Interchange]

E. Both countries shall endeavor to encourage academic institutions, non-governmental institutions, and other organizations to cooperate in the interchange of knowledge about the cultural patrimony of El Salvador, as appropriate under existing programs in the public and/or private sectors, including professional and academic exchanges.



MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE EL SALVADOR C. A.

F. Recognizing the benefits of intergovernmental collaboration, the Government of the Republic of El Salvador shall continue to endeavor to strengthen cooperation with other nations of Central America in activities that foster the protection of the cultural patrimony of the region; and shall actively seek such cooperation with all countries that engage in significant import trade in materials of Salvadoran origin.

[Protection / Conservation]

G. The Government of the United States of America acknowledges the efforts of the Government of the Republic of El Salvador in the creation of the Secretariat of Culture and encourages its continued dedication of public funds for the purpose of protecting the cultural patrimony of El Salvador.

H. The Governments of the United States of America and the Republic of El Salvador recognize the importance of a national Salvadoran inventory of cultural property; and the Government of the Republic of El Salvador shall use its best efforts to continue the systematic registration of cultural property as required by its law.

[Law Enforcement]

I. The Government of the Republic of El Salvador shall use its best efforts to ensure the enforcement of its laws against illicit export and sale, including online, of archaeological materials; to explore additional means of reporting and recording looting incidents; and to continue the interdiction and prosecution of illicit exports of archaeological materials.