

## **AGREEMENT FOR THE PROTECTION, CONSERVATION, RECOVERY AND RETURN OF STOLEN OR ILLEGALLY EXPORTED OR TRANSFERRED ARCHAEOLOGICAL, ARTISTIC, HISTORICAL AND CULTURAL PROPERTY BETWEEN THE REPUBLIC OF HONDURAS AND THE REPUBLIC OF PERU**

The Republic of Honduras and the Republic of Peru, hereinafter “the Parties”;

Bearing in mind the serious harm to the two parties resulting from the theft of and illegal trafficking in objects pertaining to their cultural heritage, both in terms of the loss of cultural property and the damage to archeological sites and areas and other places of historical or cultural interest;

Recognizing the importance of protecting and conserving their cultural heritage, in accordance with the principles and standards of the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illegal Import, Export and Transfer of Ownership of Cultural Property and the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage, and the 1976 San Salvador Convention on the Defense of Archeological, Historic and Artistic Heritage of the American Nations;

Convinced that the cooperation between the two Parties for the recovery of stolen cultural property or illegally imported, exported or transferred is an efficient mean to protect and recognize the right of the original ownership right of each Party on its respective cultural property;

Motivated by the desire to establish common rules to facilitate the recovery of such property, when stolen or illegally exported, as well as its protection and conservation;

Recognizing that the cultural heritage of each country is unique and belongs to the country, and cannot be the object of trade;

Have agreed the following:

### **ARTICLE 1**

The parties will prohibit, using all appropriate means, the entry into the Parties' respective territories of cultural property, originating in the other Party's territory, referred to in this Agreement, and which have been stolen or illegally exported.

The cultural property, referred to in this Agreement, will require an authorization from the competent authority from the corresponding Party to be exported.

The authorities of the country, to which the cultural property is intended to be imported from the other Party State, without the corresponding authorization, will seize such property and inform the other Party through the diplomatic or consular authorities.

## **ARTICLE 2**

For the effects of this Agreement, cultural, archeological, artistic and historic property will have the following meaning:

- a) Art objects and artifacts of the Pre-Hispanic Cultures from the Parties', including architectonic elements, sculptures, ceramics, metalwork, textile and other vestiges of human activity, or fragments thereof;
- b) Collections and rare examples of museum interest or pertaining to the area of zoology, botany, mineralogy, anatomy and objects of paleontological interest, classified or not;
- c) Art objects and religious artifacts from the pre-Colombian, colonial and republican eras of the two countries or fragments of thereof;
- d) Property related to history, including history of science and technology, military history and social history, and the lives of national leaders, think-tanks and artists, as well as events of national importance;
- e) Products of excavations (whether authorized or clandestine), or of archaeological discoveries;
- f) Elements from artistic or historical monuments or archaeological sites that have been dismembered;
- g) Documents from the official archives of the central, state or municipal governments or their agencies, in accordance with the legislation of each Party or documents more than 50 years old that are the property of such governments or of religious organizations on behalf of which the two governments are authorized to act;

- h) Antique objects, such as coins, inscriptions and engraved seals, more than one hundred years old or of the period determined by the internal legislation of each Party,
- i) Property of artistic interest, such as pictures, paintings and drawings produced entirely by hand on any support and in any material, original works of statuary art and sculpture in any material, or original engravings, prints and lithographs, original artistic assemblages and montages in any material.
- j) Historic and incunabulum manuscripts, books, document and publication of historic, artistic, scientific or literary interest, whether singly or in collections;
- k) Postage, revenue and similar stamps, singly or in collections,
- l) Archives, including phonographic, photographic and cinematographic materials;
- m) Furniture and/or furnishing and work equipment, including musical instruments of historic and cultural interest, more than 100 years old;
- n) Ethnological materials, classified or not, including materials of ethnic groups of the Amazon in danger of extinction;
- o) The underwater cultural heritage;
- p) Archeological human remains, whether complete or fragmented.

Are also included cultural and documental property of private ownership that each Party considers necessary due to its special characteristics, and which are duly registered and classified by the respective competent Cultural Authority.

### **ARTICLE 3**

1. At the request of one of the Parties, the other Party will use all the legal means available to recover and return, from their territory, the cultural, archaeological, artistic and historical property that has been stolen, exported or illegally transferred from the territory of the requesting Party, according to its regulation and the international covenants in force.

2. The request for recovery or return of specific cultural, archaeological, artistic and historical property shall be formalized through diplomatic procedures.
3. The expenses related to the recovery or return of the property referred in the previous article, will be paid by the requesting Party.

#### ARTICLE 4

1. Each one of the Parties shall provide information to the other Party about the theft of cultural, archaeological, artistic and historical property, as well as of the methodology used, when there a reason to believe that such objects have probably become part of the international trade.
2. With this purpose, and based on the police investigation conducted for this effect, enough descriptive information shall be provided to the other Party to allow it to identify the objects as well as those who perpetrated the theft, sale, illegal export/import and/or related criminal conduct, as to establish the *modus operandi* used by the criminals.
3. Likewise, the Parties will disseminate to their respective customs authorities and port, airport and border point police authorities, information related to the archaeological, artistic, historical and cultural property that has been stolen or become subject of illicit trafficking, as to facilitate the identification of such property and the taking of the appropriate preventive and punitive measures.
4. The Parties shall exchange scientific, legal and bibliographic information regarding the actions taken to restitute or return the cultural property stolen, or illicitly exported. Also, cooperation with third countries, for the corresponding actions on this matter.
5. The Parties commit to use all the available means, including raising awareness among the citizens to stop illegal import and export, theft, illegal excavation and illegal trade of cultural property.
6. The Parties will also promote and facilitate the development of courses, workshops and other training programs for their respective specialists, focused on identifying the cultural property of each Party.

## **ARTICLE 5**

The Parties shall exempt from customs duties and other taxes any archaeological, artistic, historical and cultural properties that are recovered and returned pursuant to this agreement.

## **ARTICLE 6**

This Agreement may be amended by mutual consent of the Parties, at the request of any one of the Parties. Such modifications can be made official through the exchange of notes through diplomatic channels or by any other procedure that the Parties may agree.

## **ARTICLE 7**

This Agreement shall enter into force upon the diplomatic communication of the Parties and compliance of the internal legal requirements. This Agreement is of indefinite duration, except if one of the Parties communicates by written notice to the other Party, with a prior notification of one year, its intention of terminating it.

Signed in the City of Tegucigalpa, M.D.C., on March 7, 2007, in two original and equally authentic copies

For the Government of Honduras

For the Government of Peru

Milton Jimenez Puerto  
Secretary of State  
for Foreign Affairs

Gustavo Antonio Otero  
Extraordinary and Plenipotentiary  
Ambassador