



SOCIETY FOR AMERICAN ARCHAEOLOGY

January 18, 2022

Cultural Heritage Center (ECA/P/C)
SA-5 Floor C2
U.S. Department of State
2200 C Street NW
Washington, D.C. 20522-05C2

Dear Members of the Cultural Property Advisory Committee:

On behalf of myself and the Society for American Archaeology (SAA), I strongly support the request of the Republic of Guatemala to extend its Memorandum of Understanding (MOU) with the United States Concerning the Imposition of Import Restrictions on Archaeological Objects and Materials under Article 9 of the UNESCO Convention and the Convention on Cultural Property Implementation Act (CPIA). This MOU is critical to the protection of Guatemala's irreplaceable cultural heritage.

I am an archaeologist with a degree from the Universidad de San Carlos de Guatemala (1987), and a Ph.D. from Vanderbilt University (1994). My archaeological field experience includes research in Chiapas, Mexico; El Salvador; the Maya lowlands of Guatemala; and the highlands and Pacific coast of Guatemala. Currently, I am an advisor to the Culture and Artistic Education Department in City Hall as well as a member of the City Hall Cultural Council. During the last decade, I directed a research project at Kaminaljuyu and established a public archaeology initiative to communicate archaeological knowledge to the local communities surrounding the site. I have participated as an ICOMOS expert for evaluations of World Heritage sites, and have been part of the expert panel to evaluate nominations to be submitted to UNESCO. My assistance provided to the field includes service in a number of boards linked to archaeology, such as the SAA, in supporting a number of initiatives to promote and protect Latin American cultural heritage.

Under the CPIA, the Cultural Property Advisory Committee must undertake a review of four determinations when considering a request by a State party to renew a Memorandum of Understanding imposing import restrictions on certain classes of looted cultural property. The first determination requires that the cultural patrimony of the requesting State party be in jeopardy from the pillage of its archaeological materials. Unfortunately, archaeological looting continues at sites in the Maya cultural area of Guatemala. There have been instances when recently-discovered sites have had to be left to the fate of looters, because of the lack of adequate infrastructure to protect them. The looters are only interested in extracting goods that can be sold later to private collectors. The major underlying problem is that the official institution

responsible for the care of Guatemala's archaeological heritage, Instituto de Antropología e Historia (IDAEH), a division of the Ministry of Culture and Sports, does not have the necessary resources to meet the needs of all of the nation's numerous archaeological sites. One element that has worsened the situation in recent years is that some parts of Petén, the northern territory where most of the Maya sites are located, are being used by drug traffickers, who have control of the trade routes used for transporting of illegal merchandise and migrants. The complexity of the problem is a major issue, as this area is essentially a no-man's land being used to facilitate the illicit traffic of archaeological objects, drugs, and migrants. The cultural heritage of Guatemala is still under threat.

The second determination requires that the requesting State party have taken measures to protect its own cultural patrimony. Despite its budget limitations, the Ministry of Culture and Sports, through the Department of Prevention and Control of Illicit Traffic, has made great efforts to address problems related to looting and illicit trafficking activities. It is relevant to highlight that this office has taken steps to recover pieces that were illegally abroad and has worked on the official procedures to return them to Guatemala. Here are a few examples: 22 pieces returned in 2017, including artifacts from the sites of Peru Waka' in northwest Petén, Aguateca, and Dos Pilas from southwest Petén (see Figure 1 of the accompanying attachment); 1042 pieces returned in 2019 (see Figure 2); and the most recent effort includes the Piedras Negras Stela 9 fragment, which was intended to be auctioned in France by the Millon auction house. The hard work of the Department of Prevention and Control of Illicit Traffic, together with the Ministry of Foreign Affairs and other offices, allowed this piece to be returned to Guatemala (Figure 3). Guatemala has also taken steps in terms of educating its public about the need to protect its heritage. In 2017, in partnership with UNESCO Guatemala, there was a national campaign against illicit trafficking in antiquities. You can access the information at <http://unesco Guatemala.org/cultura/campana-nacional-contra-el-trafico-ilicito-de-bienes-culturales/>

In another example, which comes from my research project in collaboration with IDAEH, was a public education initiative that involved the publication of a comic book (with a subsequent workshops that included a story teller) for public school children. The story was about a school girl who visited the Kaminaljuyu archaeological park and stole a figurine from an excavation. The girl falls asleep at the park and has a dream that she travels to the past. When she wakes up, she realizes that stealing the figurine was the wrong thing to do, and returns it to the archaeologists excavating at the park. This was done in collaboration with my colleague Melanie Forné (artist and archaeologist).

Given these and other efforts, it is clear that the government of Guatemala is taking the issue seriously, and is doing its best to deter looting.

The third determination requires that import restrictions on threatened materials into the U.S. be of substantial benefit in deterring looting and pillage. Though it is difficult to quantify the amount of archaeological materials being looted and trafficked out of the country, considering the above cases, it is critical to maintain the restrictions on the importation of archaeological pieces into the United States. There is no doubt that were the restrictions removed, it would result in a worsening of the situation. Maintaining them makes it more difficult for looters and

traffickers to extract pieces and ship illicitly-procured items. For this reason, the restrictions have a strong impact on the prevention of looting.

The fourth determination requires import restrictions to be “consistent with the general interest of the international community in the interchange of cultural property among nations for scientific, cultural, and educational purposes.” The general public in the United States, as well as U.S. academic institutions and museums, remains very interested in the Maya and their ancient culture. Guatemala has sought to facilitate this interest by engaging in extensive scientific and cultural exchange. There are a great many Maya artifacts in museum exhibits in the United States and Canada. Some of the latest examples include one at the Cincinnati Museum Center in 2020, which consisted of 300 original objects that detail life, religion, politics, and innovations of the Maya. This exhibit was previously presented at the Royal British Columbia Museum in Canada. Another exhibition is planned for 2022 at the New York Metropolitan Museum that will present several pieces on loan from the Guatemalan government. These initiatives indicate that there is an audience that wants to learn about the ancient Maya, that cultural institutions such as museums are interested in presenting a narrative of this millenary civilization, and that Guatemala is working to fill that demand. Further, if Guatemala can renew the agreement with the United States, the collaboration between the Ministerio de Cultura y Deportes and many United States academic institutions will continue. Most of the archaeological research projects in Guatemala are funded and directed by United States colleagues that collaborate with local archaeologists to investigate a number of sites and regions. Many of these projects document the systematic looting that takes place in the various sites where they are working. In addition to the documentation, conservation actions are being taken to protect and stabilize the buildings that have been looted.

The MOU and the import restrictions it contains are vital to the continuing efforts to protect Guatemala’s irreplaceable cultural heritage. Its renewal would ensure that those efforts are maintained. I urge the CPAC to recommend the extensión of the MOU with the Republic of Guatemala.

Sincerely

Barbara Arroyo