

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND
THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON
ARCHAEOLOGICAL MATERIALS FROM THE PRE-COLUMBIAN CULTURES AND CERTAIN
ECCLESIASTICAL MATERIAL FROM THE COLONIAL PERIOD OF COLOMBIA**

The Government of the United States of America and the Government of the Republic of Colombia (hereinafter the "Parties");

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 State Party; and

Desiring to reduce the incentive for pillage of categories of irreplaceable archaeological material representing the pre-Columbian cultures of Colombia and certain ecclesiastical ethnological material from the Colonial period of Colombia;

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 categories of Pre-Columbian archaeological material, ranging in date from approximately 1500 B.C. to A.D. 1530, including, but not limited to, objects generally associated with the Tairona, Sinú, Urabá, Quimbaya, Muisca, Calima, Malagana, Tolima, Tierradentro, Cauca, San Agustín, Tumaco, and Nariño cultures; and certain categories of ecclesiastical ethnological material from the Colonial Period ranging in date from approximately A.D. 1530 to 1830. All categories of such materials shall be identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), and their importation into the United States shall be restricted unless the Government of the Republic of Colombia issues a certification or other documentation which certifies that their exportation was not in violation of the laws of the Republic of Colombia.
- B. The Government of the United States of America shall offer for return to the Government of the Republic of Colombia any material on the Designated List forfeited to the Government of the United States of America.
- C. The 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. Representatives of the Government of the United States of America and representatives of the Government of the Republic of Colombia shall regularly publicize this Memorandum of Understanding and the reasons for it through available outlets of communication.
- B. The Government of the Republic of Colombia shall continue and expand its excellent *National Campaign against the Illicit Traffic of Cultural Property*, to educate the public about the importance of protecting Colombia's cultural heritage.

- 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 the Republic of Colombia, as appropriate under existing programs in the public and/or private sectors.
- D. Both Governments shall seek ways to cooperate in the enhancement and interchange of knowledge and information about the cultural patrimony of the Republic of Colombia, and to collaborate in the preservation and protection of such cultural patrimony through scholarly exchanges, research collaborations, technical assistance, and other efforts as appropriate.
- E. The Government of the Republic of Colombia shall use its best efforts to permit the exchange of its archaeological and ethnological materials under circumstances in which such exchanges does not jeopardize its cultural patrimony, such as temporary loans for purpose of their exhibition and study abroad.
- F. Both Governments agree that, in order for United States import restrictions to be most effective in reducing pillage, the Government of the Republic of Colombia shall endeavor to strengthen cooperation regionally and with other State Parties to the 1970 UNESCO Convention to mitigate pillage and illicit trafficking of cultural property.
- G. The Government of the Republic of Colombia shall continue efforts to register and inventory cultural property, with particular attention to the ecclesiastical materials in the stewardship of the Church. as a means of increasing the protection against pillage.
- H. The Government of the Republic of Colombia shall continue its best efforts to protect its archaeological and ethnological resources through the enhancement and enforcement of its cultural heritage protection laws.
- I. The Government of the Republic of Colombia shall use its best efforts to document, track, and publicize incidents of theft and looting, and promptly report them to national and international authorities.

ARTICLE III

The obligation 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 those governing the available 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. The Parties may agree to amend or extend this Memorandum of Understanding 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 Bogotá, in duplicate, this 15th day of March 2006, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:

Karen Hughes

UNDER SECRETARY OF STATE FOR
PUBLIC DIPLOMACY & PUBLIC AFFAIRS

FOR THE GOVERNMENT OF
THE REPUBLIC OF COLOMBIA

Elvira Cuervo de Jaramillo

MINISTER OF CULTURE

UNESCO Cultural Heritage Laws Database
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