

No: 594

The Embassy of the United States of America refers the Ministry of Foreign Affairs and International Cooperation of the Government of the Kingdom of Cambodia to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Khmer Archaeological Material signed at Phnom Penh September 19, 2003 (hereinafter referred to as "the MOU"). The Embassy, on behalf of the Government of the United States of America, proposes that, pursuant to Article IV. B of the MOU, the MOU be extended for an additional five-year period.

The Embassy further proposes that, pursuant to Article IV. B of the MOU, the MOU be amended by replacing Article II with the attached revised Article II. The Embassy also proposes several changes in the wording of the MOU, including the title. A list of the proposed changes is also attached.

If the foregoing proposals are acceptable to the Ministry of Foreign Affairs and International Cooperation, 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 shall take effect on September 19, 2008.

Embassy of the United States of America

Phnom Penh, August 14, 2008.

Attachments:

As stated.

cc: Ministry for Foreign Affairs



United States of America-Kingdom of Cambodia Memorandum of Understanding  
Extension 2008  
Revised Article II

A. The Government of the Kingdom of Cambodia shall seek to expand the exchange of its archaeological material with U.S. institutions under circumstances that do not jeopardize its cultural patrimony, such as for temporary loans for exhibitions, including long-term loans whenever appropriate, and for other cultural, educational, and scientific purposes.

B. Representatives of the Governments of the United States of America and the Kingdom of Cambodia shall participate in efforts to publicize this Memorandum of Understanding and the reasons for it, particularly as they relate to the Bronze and Iron Ages.

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

D. Both Governments shall seek to encourage national and international institutions to promote archaeological research in Cambodia, and to further the interchange of knowledge about the archaeological heritage representing the Bronze Age through the Post-Angkorian Period.

E. The Government of the Kingdom of Cambodia shall continue to develop and promote professional training programs for archaeologists, museum staff, and institutional administrators responsible for cultural patrimony, to enhance the capabilities of the museums of Cambodia to care for and present their rich cultural heritage.

F. The Government of the Kingdom of Cambodia shall continue to use its best efforts to:

- create and implement management plans for archaeological sites that balance protection with sustainable use;
- secure museum collections and document/inventory standing archaeological remains;
- implement educational programs throughout the country to inform and engage its citizens in the protection of cultural resources, particularly those of the Bronze and Iron Ages;
- expand the Department of Patrimony Protection Police; and
- reduce corruption that undermines efforts to protect Cambodian cultural patrimony from pillage and illicit trafficking.

G. The Government of the Kingdom of Cambodia shall endeavor to enhance its collaborative efforts with the Government of the Kingdom of Thailand to control the illicit movement of Cambodian archaeological materials across their shared border.

H. The Government of the Kingdom of Cambodia shall report regularly to the Embassy of the United States of America on its efforts to safeguard its cultural patrimony from pillage.

KINGDOM OF CAMBODIA

Ministry of Foreign Affairs  
and International Cooperation



NATION – RELIGION – KING

N<sup>o</sup> 1346 MFA-IC/LCI

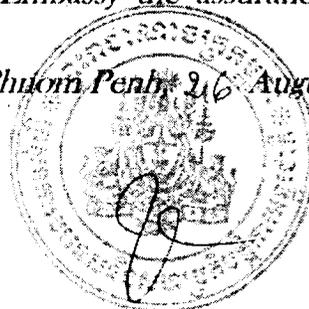
*The Ministry of Foreign Affairs and International Cooperation presents its compliments to the Embassy of the United States of America in Phnom Penh and has the honor to acknowledge receipt of the Embassy's Note No.594 dated 14 August 2008 regarding the Memorandum of Understanding between the Government of the Kingdom of Cambodia and the Government of the United States of America concerning the Imposition of Import Restrictions on Khmer Archaeological Materials into the United States of America signed on 19 September 2003 at Phnom Penh.*

*In this regard, the Ministry would like to inform the Embassy that the Government of the Kingdom of Cambodia **accepts the foregoing proposal** by the United States of America to **amend** the title, the Preamble, the Article 1 and the substitute new Article 2 of the MOU and to **extend** for the additional period of five years of the above-mentioned MOU.*

*The Ministry considers that the Embassy's Note and the present Ministry's Note shall constitute an agreement to amend and extend the said MOU, which shall enter into force on the date of the Ministry's note in reply and shall take effect on 19 September 2008.*

*The Ministry of Foreign Affairs and International Cooperation avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration*

*Phnom Penh, 26 August 2008*



*Embassy of the United States of America  
Phnom Penh*

## Amendments to the Memorandum of Understanding (2008)

### **TITLE**

Current – “Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Khmer Archaeological Material”

Delete – “...Khmer Archaeological Material”

Insert – “...*Archaeological Material from Cambodia from the Bronze Age through the Khmer Era*”

Amended Title – – “Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Archaeological Material from Cambodia from the Bronze Age through the Khmer Era”

### **PREAMBLE**

Current – “Desiring to reduce the incentive for pillage of certain categories of irreplaceable archaeological material representing the Khmer culture of Cambodia from approximately the 6th century through the 16th century A.D., and including objects comprised of stone, metal (mainly bronze), and ceramic;”

Delete – “the Khmer culture of Cambodia from approximately the 6th century through the 16th century A.D., and including objects comprised of stone, metal (mainly bronze), and ceramic;”

Insert – “a continuum of culture from the Bronze Age through the Khmer era;”

Amended paragraph – “Desiring to reduce the incentive for pillage of certain categories of irreplaceable archaeological material representing a continuum of culture from the Bronze Age through the Khmer era;”

## **ARTICLE I**

Current – “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 certain categories of Khmer archaeological material, identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the Kingdom of Cambodia issues a certification or other documentation which certifies that such exportation was not in violation of its laws.”

Delete – “Khmer”

No addition

Amended Article – “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 certain categories of archaeological material, identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the Kingdom of Cambodia issues a certification or other documentation which certifies that such exportation was not in violation of its laws.”

## **ARTICLE II**

Substitute new Article II (attached)