CULTURAL PROPERTY

Memorandum of Understanding between the
UNITED STATES OF AMERICA
and CYPRUS

Signed at Washington July 16, 2002

and

Agreement Amending the
Memorandum of Understanding

Effected by Exchange of Notes at Washington
August 17, 2006

and

Agreement Amending the
Memorandum of Understanding

Effected by Exchange of Notes at Washington
July 3 and 6, 2007

with

Attachment

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."

CYPRUS

Cultural Property

Memorandum of understanding signed at Washington July 16, 2002;
Entered into force July 16, 2002.
And agreement amending the memorandum of understanding.
Effected by exchange of notes at Washington August 17, 2006;
Entered into force August 17, 2006.
And agreement amending the memorandum of understanding.
Effected by exchange of notes at Washington July 3 and 6, 2007;
Entered into force July 6, 2007;
With effect from July 16, 2007.
With attachment.

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF CYPRUS CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON PRE-CLASSICAL AND CLASSICAL ARCHAEOLOGICAL OBJECTS

The Government of the United States of America and the Government of the Republic of Cyprus;

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 States Party; and

Desiring to reduce the incentive for pillage of irreplaceable archaeological objects and materials representing the Pre-classical and Classical periods of Cypriot history,

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 ("the Act"), will restrict the importation into the United States of certain categories of Pre-classical and Classical archaeological objects to be listed on a Designated List as provided by the Act, unless the Government of the Republic of Cyprus issues a certification or other documentation which certifies that such exportation was not in violation of its laws.

B. Such import restrictions will 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.

C. The Government of the United States of America shall offer for return to the Government of the Republic of Cyprus any object of the type described on the Designated List forfeited to the Government of the United States of America.

ARTICLE II

A. Representatives of the Government of the United States of America and representatives of the Government of the Republic of Cyprus will take appropriate steps to publicize this Memorandum of Understanding.

B. Both Governments agree that, in order for United States import restrictions to be fully successful in deterring pillage, the Government of the Republic of Cyprus will seek similar cooperation from countries with significant import trade in Cypriot archaeological artifacts and will strengthen enforcement of its own cultural heritage protection laws.

C. The Government of the Republic of Cyprus will systematically continue to conduct the inventory of cultural resources in museums, ecclesiastical buildings, private collections and archaeological sites. Every effort should be made to engage all Cypriots in this effort.

D. The Government of the Republic of Cyprus will make every effort to discourage pillage of cultural resources, and the unauthorized export of such material, through public education programs, including posting appropriate

signage at airports, hotels, museums, and other public areas that draw attention to this Memorandum of Understanding and to the cultural heritage protection laws of Cyprus, and introducing initiatives in support of the importance of protecting and preserving the cultural heritage into schools and to the general public.

E. The Government of the Republic of Cyprus will use its best efforts to develop a prioritized management plan for the effective protection of its cultural resources, giving increased attention to sustainable archaeological tourism as an economic resource.

F. The Government of the Republic of Cyprus will use its best efforts to allocate sufficient resources for site conservation, museum development, and the adequate conduct of salvage archaeology where there is proposed land development; and to ensure that such development, which can give rise to pillage, is fully monitored by the Department of Antiquities.

G. The Government of the Republic of Cyprus will continue to permit the exchange of its archaeological objects under circumstances in which such exchange does not jeopardize its cultural heritage, such as temporary loans for exhibitions, and for other cultural, educational, and scientific purposes.

H. The Government of the United States of America will use its best efforts to facilitate assistance to Cyprus in cultural resource management strategies and training, as appropriate under existing programs in the public and/or private sectors.

I. Both parties to this Memorandum of Understanding will use their best efforts to support bi-communal activity regarding cultural preservation on the island and, to the extent possible, make all Cypriots aware of this Memorandum of Understanding.

ARTICLE III

The obligations 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 the availability 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. This Memorandum of Understanding may be amended through an exchange of diplomatic notes.

C. The effectiveness of this Memorandum of Understanding will 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 . The review will encompass the articles in this Memorandum of Understanding and the four determinations required under the Convention on Cultural Property Implementation Act (19 USC 2602(a)).

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Memorandum of Understanding.

DONE at Washington, this 16th day of July, 2002 in the English language.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE REPUBLIC OF CYPRUS:

The U.S. Department of State acknowledges receipt of note No. CQ/14.10.02 dated February 11, 2006, from the Embassy of Cyprus regarding the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Cyprus Concerning the Imposition of Import Restrictions on Pre-Classical and Classical Archaeological Objects, signed at Washington July 16, 2002 (the MOU).

The Department of State is also aware of the May 29, 2006, letter from the Ministry's Director, Cyprus Question and Euro-Turkey Affairs, requesting that the MOU be amended to include the imposition of U.S. import restrictions on Byzantine period ecclesiastical and ritual ethnological material from Cyprus.

The Department of State proposes that, pursuant to Article IV B of the MOU, the MOU be amended as follows:

1) The title of the MOU would be amended to read, "Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Cyprus Concerning the Imposition of Import Restrictions on Pre-Classical and Classical Archaeological Objects and Byzantine Period Ecclesiastical and Ritual Ethnological Materials."

2) The third paragraph of the Preamble to the MOU would be amended to read, "Desiring to reduce the incentive for pillage of irreplaceable archaeological objects and ethnological materials representing the Pre-Classical, Classical, and Byzantine periods of Cypriot history."

3) Article I A of the MOU would be amended to read, "The Government of the United States of America, in accordance with its legislation entitled the Convention on Cultural Property Implementation Act ("the Act"), will restrict the importation into the United States of certain categories of Pre-Classical and Classical archaeological objects and Byzantine period ecclesiastical and ritual ethnological materials to be listed on a Designated List as provided by the Act, unless the Government of the Republic of Cyprus issues a certification or other documentation which certifies that such exportation was not in violation of its laws."

4) Article II B of the MOU would be amended to read, "Both Governments agree that, in order for United States import restrictions to be fully successful in deterring pillage, the Government of the Republic of Cyprus will seek similar cooperation from countries with significant import trade in Cypriot archaeological artifacts and ethnological materials and will strengthen enforcement of its own cultural heritage protection laws."

5) Article II G of the MOU would be amended to read, "The Government of the Republic of Cyprus will continue to permit the exchange of its archaeological objects and ethnological materials under circumstances in which such exchange does not jeopardize its cultural heritage, such as temporary loans for exhibitions, and for other cultural, educational, and scientific purposes. The Government of the United States of America will use its best efforts to facilitate assistance to Cyprus in cultural resource management strategies and training, as appropriate under existing programs in the public and/or private sectors."

If the foregoing proposal is acceptable to the Embassy of Cyprus, the Department of State proposes that this note and the Embassy's note in reply, shall constitute an Agreement between the Government of the Republic of Cyprus and the Government of the United States of America to amend the MOU, which Agreement shall enter into force on the date of your note.

Department of State,

Washington, August 17, 2006.

EMBASSY OF CYPRUS
WASHINGTON, D.C.

Ref.: 14.1.5

The Embassy of the Republic of Cyprus presents its compliments to the Department of State of the United States of America and refers the Department to the Memorandum of Understanding Between the Government of the Republic of Cyprus and the Government of the United States of America Concerning the Imposition of Import Restrictions on Pre-Classical and Classical Archaeological Items, signed at Washington July 16, 2002 (the MOU).

The Embassy wishes to acknowledge the Department of State's Note Verbale of 17 August 2006 (a copy of which is enclosed herewith) containing proposed amendments for the MOU to include the imposition of U.S. import restrictions on Byzantine period ecclesiastical and ritual ethnological material from Cyprus.

To: Department of State
of the United States of America
Washington, D.C.

2211 R ST., N.W., WASHINGTON, D.C. 20008, Tel. No. (202) 462-5772, Fax No. (202) 483-6710

The Embassy has the honour to inform that the proposals contained in the aforementioned Note are acceptable to the Government of the Republic of Cyprus and that this Note shall constitute an Agreement between the Government of the Republic of Cyprus and the Government of the United States of America to amend the MOU, which shall enter into force as of today Thursday, 17 August 2006.

The Embassy of the Republic of Cyprus avails itself of this opportunity to renew to the Department of State of the United States of America the assurances of its highest consideration.

A. N.

Washington, D.C. - 17 August 2006

The Department of State refers the Embassy of the Republic of Cyprus to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Cyprus Concerning the Imposition of Import Restrictions on Pre-Classical and Classical Archaeological Objects and Byzantine Period Ecclesiastical and Ritual Ethnological Material done at Washington July 16, 2002, and as amended August 17, 2006 (hereinafter referred to as "the MOU").

The Department, 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 five-year period.

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

If the foregoing proposals are acceptable to the Embassy of the Republic of Cyprus, the Department proposes that this note, including the enclosed revised

Article II, and the Embassy of the Republic of Cyprus' 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 as of July 16, 2007.

Enclosure:

RNB

As stated.

Department of State,

Washington, July 3, 2007.

United States of America-Republic of Cyprus Memorandum of Understanding

Extension 2007

Revised Article II

A. The Government of the United States of America and the Government of the Republic of Cyprus should seek to publicize this Memorandum of Understanding and the reasons for it, through various means available.

B. The Government of the Republic of Cyprus will expand its efforts to discourage pillage of cultural resources, and the unauthorized export of such material, through tourist education programs, including posting appropriate warnings at airports, hotels, museums, and other public areas that draw attention to this Memorandum of Understanding and to the cultural heritage protection laws of Cyprus.

C. The Government of the Republic of Cyprus will expand its initiatives in support of the importance of protecting and preserving the cultural heritage of Cyprus into schools and to the general public.

D. Both Governments agree that, in order for United States import restrictions to be fully successful in deterring pillage, the Government of the Republic of Cyprus will continue to seek similar cooperation from countries with significant import trade in Cypriot archaeological artifacts and ethnological materials and will strengthen enforcement of its own cultural heritage protection laws.

E. The Government of the Republic of Cyprus will seek to complete its inventory of cultural resources in museums, ecclesiastical buildings, private collections, and archaeological sites. Every effort should be made to engage all Cypriots in this effort.

F. The Government of the Republic of Cyprus will develop management plans for the effective protection of those archaeological sites that are open to the public.

G. The Government of the Republic of Cyprus will use its best efforts to further restrict the use of metal detectors.

H. Recognizing that rapid land development can give rise to pillage, the Government of the Republic of Cyprus will seek ways to partner with private cultural resource management entities for the purpose of conducting salvage archaeology and historic preservation.

I. The Government of the Republic of Cyprus will, with the assistance of the international community, study ways to prevent illegal exports from anywhere on the island.

J. The Government of the Republic of Cyprus will seek to expand the exchange of its archaeological objects and its ethnological materials under circumstances in which such exchange does not jeopardize its cultural heritage, such as for temporary loans for exhibitions, including long-term loans whenever appropriate, and for other cultural, educational, and scientific purposes.

K. The Government of the United States of America will use its best efforts to expand exchanges with Cyprus that foster greater understanding and preservation of Cypriot heritage.

L. Both parties to this Memorandum of Understanding will continue to support bi-communal activity regarding cultural preservation on the island.

M. The Government of the United States of America and the Government of the Republic of Cyprus agree to provide each other, either upon request or on their own initiative, with information which helps to ensure proper application of the relevant legislation protecting archaeological materials as indicated in the Designated List, and any other available information on activities involving the smuggling of objects on the List or on persons who are involved in such activities.

EMBASSY OF CYPRUS
Washington, D.C.

The Embassy of the Republic of Cyprus presents its complements to the Department of State and has the honor to refer to the Latter's Note Verbale, dated July 3, 2007 concerning the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Cyprus Concerning the Imposition of Import Restrictions on Pre-Classical and Classical Archaeological Objects and Byzantine Period Ecclesiastical and Ritual Ethnological Material done at Washington July 16, 2002, and as amended on August 17, 2006 (hereinafter referred to as "the MOU").

The Embassy, on behalf of the Government of the Republic of Cyprus, accepts the proposal by the Government of the United States of America that, pursuant to Article IV.A of the MOU, the MOU be extended for an additional five-year period.

The Embassy further accepts that, pursuant to Article IV.B of the MOU, the MOU be amended by replacing Article II with the enclosed revised Article II.

The Embassy of the Republic of Cyprus, accepts that the Department's Note, including the enclosed revised 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 this reply and shall be effective as of July 16, 2007.

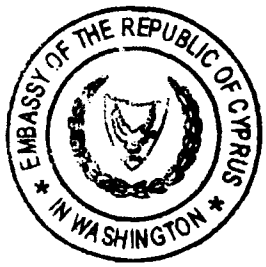
2211 R St. N.W., Washington, D.C. 20008-4082, Tel (202) 462-5772, Fax (202) 483-6710
www.cyprusembassy.net

The Embassy of the Republic of Cyprus avails itself of the opportunity to renew to the Department of States the assurances of its highest consideration.

Enclosure:

As stated.

Washington, July 6, 2007.



U.S. Department of State
Washington, D.C.

United States of America-Republic of Cyprus Memorandum of Understanding

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