

CULTURAL PROPERTY

**Agreement Between the
UNITED STATES OF AMERICA
and CAMBODIA**

Amending and Extending the
Memorandum of Understanding of
September 19, 2003

Effected by Exchange of Notes at
Phnom Penh July 18 and August 6, 2013



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.”

CAMBODIA

Cultural Property

*Agreement amending and extending the
memorandum of understanding
of September 19, 2003.*

*Effected by exchange of notes at Phnom Penh
July 18 and August 6, 2013;
Entered into force August 6, 2013.*

No. 0564

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia and has the honor to refer to the Memorandum of Understanding Between the Government of the United States of America and the Royal Government of Cambodia concerning the Imposition of Import Restrictions on Archaeological Material from Cambodia from the Bronze Age through the Khmer Era, signed at Phnom Penh, September 19, 2003, as amended and extended in 2008 (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, Sections A and B of the MOU, the MOU be extended for an additional five-year period.

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

DIPLOMATIC NOTE

If the foregoing proposals are acceptable to the Ministry, the Embassy proposes that this note, including the attached revised Article II and the Ministry's note in reply, shall constitute an agreement to extend and amend the MOU, which shall enter into force on the date of the Ministry's note in reply and shall take effect on September 19, 2013.

The Embassy of the United States of America takes this opportunity to renew to the Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia the assurances of its highest consideration.

Attachment: Proposed revised Article II

Embassy of the United States of America,

Phnom Penh, July 18, 2013.



CC: Ministry of Culture and Fine Arts

**United States of America-Kingdom of Cambodia Memorandum of Understanding
Extension 2013
Revised Article II**

Public Awareness / Outreach

- A. Representatives of the Government of the United States of America and representatives of the Government of the Kingdom of Cambodia shall continue efforts to publicize this Memorandum of Understanding and the reasons for it, particularly as they relate to the Bronze and Iron Ages.
- B. The Government of the Kingdom of Cambodia shall use its best efforts to place informational material such as signs and brochures at airports, border crossings, other points of entry and exit, marketplaces, and retail outlets that explain the laws prohibiting illicit excavation and the removal and sale of artifacts.

Protection / Conservation

- C. The Government of the Kingdom of Cambodia shall continue to use its best efforts to:
 - create and implement management plans for archaeological sites on land and underwater that balance protection with sustainable use;
 - secure and inventory objects pertaining to its national cultural heritage, including those held in public institutions, religious institutions, and private collections;
 - document cultural heritage sites in a centralized digital inventory;
 - 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 Heritage Protection Police; and
 - reduce corruption that undermine efforts to protect Cambodian cultural patrimony from pillage and illicit trafficking.
- D. Both Governments shall continue to promote best practices in cultural resource management in Cambodia, and to encourage coordination among cultural heritage authorities, tourism authorities, and development agencies to ensure the protection of archaeological sites on land and underwater from accidental destruction, looting, or damage.

Collaboration / Interchange

- E. 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.

- F. The Government of the Kingdom of Cambodia shall continue and expand the exchange of its archaeological material under circumstances that do not jeopardize its cultural patrimony, such as for temporary special exhibitions and for loans of long duration for cultural, educational, or scientific purposes.
- G. Both Governments shall seek to encourage national, international, and non-governmental institutions to promote research, knowledge, and professional development in all areas of Cambodian heritage protection and management.
- H. Both Governments, recognizing collaborative efforts already underway, 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.
- I. Both Governments, building on previously successful initiatives, shall endeavor to support the Government of Cambodia's efforts to ensure that permitted archaeological projects include collaborative and community engaged scholarship involving local stakeholders, such as village and monastic communities, to develop local understanding of heritage issues.

Law Enforcement

- J. The Government of the Kingdom of Cambodia shall continue its efforts to maintain and enhance a comprehensive record of reported incidents of looting of archaeological sites. Such records should include an indication of the eventual outcome of cases that result in prosecution or penalties.
- K. The Government of the Kingdom of Cambodia shall endeavor to enhance its collaborative efforts with the governments of other Southeast Asian countries, namely Thailand, Vietnam, and Laos, to control the illicit movement of Cambodian archaeological materials across their shared borders. It shall also endeavor to proactively engage with countries that have a demonstrable market for archaeological objects from Cambodia to prevent the illicit trafficking of this material.

Reporting

- L. Each Government shall, on a regular basis, keep the other informed of the implementation of the measures agreed to in this Memorandum of Understanding.



KINGDOM OF CAMBODIA

*Ministry of Foreign Affairs
and International Cooperation*

No. 1997 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, with reference to the Embassy's Note 0564 dated 18 July 2013, has the honor to inform the latter that the Cambodian side has accepted the proposed revised Article II of 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 Archeological Material from Cambodia from the Bronze Age through the Khmer Era" and agreed to extend the validity of this Memorandum of Understanding for another period of five years from 2013 to 2018.

Therefore, the Embassy's Note, including the attached revised Article II, and this Note of reply shall constitute an agreement to extend and amend the MOU, which shall enter into force on the date of this Note.

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, 06 August 2013

*Embassy of the United States of America
Phnom Penh*



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