

**CULTURAL PROPERTY**

**Memorandum of Understanding  
Between the  
UNITED STATES OF AMERICA  
and COLOMBIA**

**Signed at Bogota March 15, 2006**

*and*

**Agreement Extending and  
Amending the  
Memorandum of Understanding**

Effected by Exchange of Notes at  
Bogota February 25 and March 1, 2011



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.”

## **COLOMBIA**

### **Cultural Property**

*Memorandum of understanding signed at  
Bogota March 15, 2006;  
Entered into force March 15, 2006.  
And agreement extending and amending the  
memorandum of understanding.  
Agreement effected by exchange of notes at Bogota  
February 25 and March 1, 2011;  
Entered into force March 1, 2011;  
Effective March 15, 2011.*

**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 MATERIAL FROM THE PRE - COLUMBIAN**  
**CULTURES AND CERTAIN ECCLESIASTICAL ETHNOLOGICAL 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, Sinu, Uraba, 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 15<sup>th</sup> day of March 2006, in the English and Spanish languages, both texts being equally authentic.

**FOR THE GOVERNMENT OF  
THE UNITED STATES OF AMERICA:**

**FOR THE GOVERNMENT OF  
THE REPUBLIC OF COLOMBIA:**

*Karen P. Hughes*

*[Signature]*

**MEMORÁNDUM DE ENTENDIMIENTO ENTRE  
EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMÉRICA  
Y  
EL GOBIERNO DE LA REPÚBLICA DE COLOMBIA**

**RELATIVO A LA IMPOSICIÓN DE RESTRICCIONES DE IMPORTACIÓN  
SOBRE BIENES ARQUEOLÓGICOS DE LAS CULTURAS PRECOLOMBINAS  
Y CIERTOS BIENES ETNOLÓGICOS ECLESIASTICOS DE LA ÉPOCA  
COLONIAL DE COLOMBIA**

El Gobierno de los Estados Unidos de América y el Gobierno de la República de Colombia (en adelante, las "Partes");

Actuando en cumplimiento de la Convención de 1970 de la UNESCO sobre las Medidas que deben adoptarse para Prohibir e Impedir la Importación, la Exportación y la Transferencia de Propiedad Ilícitas de Bienes Culturales, en la cual ambos países son Estados Partes, y

Deseosos de reducir los incentivos para el saqueo de ciertas categorías de bienes arqueológicos irremplazables representativos de las culturas precolombinas de Colombia y de ciertos bienes etnológicos eclesiásticos de la época colonial de Colombia,

Hemos acordado lo siguiente:

**ARTÍCULO I**

A. El Gobierno de los Estados Unidos de América, conforme a su Ley relativa a la Aplicación de la Convención sobre la Propiedad Cultural, restringirá la importación a los Estados Unidos de las categorías de bienes arqueológicos precolombinos que datan de aproximadamente del 1500 A.C. a 1530 D.C. e incluyen, entre otros, objetos asociados por lo general con las culturas Tairona, Sinu, Urabá, Quimbaya, Muisca, Calima, Malagana, Tolima, Tierradentro, Cauca, San Agustín, Tumaco y Nariño; además de ciertas categorías de bienes etnológicos eclesiásticos de la época colonial, que datan aproximadamente de 1530 a 1830. Todas las categorías de dichos bienes se incluirán en una lista que producirá el Gobierno de los Estados Unidos (en adelante denominada "Lista de Designación"), y la importación de los mismos a los Estados Unidos se restringirá, a menos que el Gobierno de la República de Colombia expida una certificación u otra documentación en la cual haga constar que tal exportación no ha infringido sus leyes.

- B. El Gobierno de los Estados Unidos de América ofrecerá el retorno al Gobierno de la República de Colombia de cualquier bien de la Lista de Designación, decomisado a favor del Gobierno de los Estados Unidos de América.
- C. Esas restricciones de importación entrarán en vigencia en la fecha en que la Lista de Designación sea publicada en el *U.S. Federal Register*, que es la publicación oficial del Gobierno de los Estados Unidos de América que proporciona notificaciones oportunas al público.

## ARTÍCULO II

- A. Los representantes del Gobierno de los Estados Unidos de América y los representantes del Gobierno de la República de Colombia darán a conocer periódicamente, mediante las vías de comunicación disponibles, el presente Memorándum de Entendimiento y los motivos por los cuales se ha concertado.
- B. El Gobierno de la República de Colombia seguirá realizando y ampliando la Campaña Nacional contra el Tráfico Ilícito de Bienes Culturales, que viene llevando a cabo para instruir al público sobre la importancia de proteger el patrimonio cultural de Colombia.
- C. El Gobierno de los Estados Unidos de América hará cuanto pueda, con el fin de facilitar al Gobierno de la República de Colombia, asistencia técnica para la administración y seguridad de sus recursos culturales, según proceda conforme a los programas actuales en los sectores público o privado.
- D. Ambos Gobiernos procurarán maneras de cooperar en el intercambio y la mejora de conocimientos e información acerca del patrimonio cultural de la República de Colombia y de colaborar en la preservación y protección de dicho patrimonio cultural, mediante intercambios académicos, cooperación en actividades de investigación, asistencia técnica y otras medidas pertinentes.
- E. El Gobierno de la República de Colombia hará cuanto pueda para permitir el intercambio de sus bienes arqueológicos y etnológicos, en circunstancias en que dicho intercambio no ponga en peligro su patrimonio cultural, tales como préstamos temporales para fines de exposición y estudio en el extranjero.
- F. Ambos Gobiernos están de acuerdo en que para que las restricciones de importación de Estados Unidos sean más efectivas en reducir el saqueo, el Gobierno de la República de Colombia deberá hacer cuanto pueda para fortalecer la cooperación



regional y con otros Estados Partes de la Convención de 1970 de la UNESCO a fin de mitigar el saqueo y el tráfico ilícitos de bienes culturales.

- G. El Gobierno de la República de Colombia continuará con la tarea de inventario y registro de los bienes culturales, con especial atención a los materiales eclesiásticos en tenencia de la Iglesia, como una forma de incrementar la protección contra el saqueo.
- H. El Gobierno de la República de Colombia seguirá haciendo cuanto pueda para mejorar la protección de su patrimonio cultural arqueológico y etnológico mediante la implementación de sus leyes de protección del patrimonio cultural.
- I. El Gobierno de la República de Colombia hará cuanto pueda para documentar, realizar el seguimiento y dar publicidad a los casos de hurto y pillaje, así como notificarlos con prontitud a las autoridades nacionales e internacionales.

### **ARTÍCULO III**

Las obligaciones de ambos Gobiernos y las actividades realizadas en virtud del presente Memorándum de Entendimiento estarán sujetas al ordenamiento jurídico de cada Gobierno, según proceda, incluido lo relativo a la disponibilidad de fondos.

### **ARTÍCULO IV**

- A. El presente Memorándum de Entendimiento entrará en vigor en el momento de su firma. Se mantendrá en vigor durante un periodo que no excederá de cinco años, a menos que se lo prorrogue.
- B. Las partes podrán enmendar o prorrogar el presente Memorándum de Entendimiento mediante el canje de notas diplomáticas.
- C. La vigencia del presente Memorándum de Entendimiento estará sujeta a revisión para determinar, antes de la expiración del periodo quinquenal del mismo, si debe prorrogarse.

**EN FE DE LO CUAL**, los abajo firmantes, debidamente autorizados por sus Gobiernos respectivos, han suscrito el presente Memorándum de Entendimiento.

HECHO en Bogotá, por duplicado, el día 15 de marzo de 2006, en los idiomas inglés y español, siendo ambos textos igualmente auténticos.

POR EL GOBIERNO DE  
LOS ESTADOS UNIDOS DE AMÉRICA:

POR EL GOBIERNO DE LA  
REPÚBLICA DE COLOMBIA:

*Karen B. Hughes*

*[Handwritten signature]*

No. 0431

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of Colombia and has the honor to refer the Ministry to the 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 Material from the Pre-Columbian Cultures and Certain Ecclesiastical Ethnological Material from the Colonial Period of Colombia done at Bogotá on March 15, 2006 (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 and that the MOU be amended by replacing Article II with the attached amended Article II.

If the foregoing proposals are acceptable to the Ministry of Foreign Relations of the Republic of Colombia, the Embassy proposes that this note, including the attached, amended Article II, and the Ministry of Foreign

DIPLOMATIC NOTE

Relations of the Republic of Colombia's 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 on March 15, 2011.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Relations of the Republic of Colombia the assurances of its highest consideration.

Attachment: As stated.



Embassy of the United States of America,

Bogotá, D.C., February 25, 2011.

## Amended Article II for Extended MOU with Colombia

March 1, 2011

- A Representatives of the US Government and representatives of the Government of Colombia shall regularly publicize this MOU and the reasons for it through available outlets of communication.
- B The Government of Colombia shall continue to expand its highly successful *National Campaign against the Illicit Traffic of Cultural Property*, to educate the resident and traveling public about the importance of protecting Colombia's cultural heritage.
- C Both Governments shall seek ways to facilitate the enhancement and interchange of knowledge and information about the cultural patrimony of the Government of Colombia, and to collaborate in the preservation and protection of such cultural patrimony through scholarly exchanges, research collaborations, technical cooperation, and other efforts as appropriate.
- D The Government of Colombia shall use its best efforts to permit the exchange of its archaeological and ethnological materials under circumstances in which such exchanges do not jeopardize its cultural patrimony, such as extended international loans for purpose of their exhibition and study.
- E In order for United States import restrictions to be most effective in reducing pillage, the Government of Colombia shall continue its active regional leadership and international collaboration with other State Parties to the 1970 UNESCO Convention to mitigate pillage and illicit trafficking of cultural property.
- F The Government of Colombia shall continue its efforts to register and inventory cultural property, with particular attention to the ecclesiastical materials in the stewardship of the Catholic Church, as a means of increasing the protection against pillage.
- G The Government of the US takes note of recent enhancements to Colombia's heritage protection legislation, and encourages its enforcement of these laws, including the imposition of appropriate penalties.
- H The Government of Colombia shall continue its best efforts to document, track, and publicize incidents of theft and looting, and promptly report them to national and international authorities.



DIAC No. 12136

The Ministry of Foreign Relations, Office of Cultural Affairs, conveys sincere greetings to the Honorable Embassy of the United States of America, on the occasion of referring to the Note 0431 of February 25, 2011, in which the Honorable Diplomatic Mission proposes to extend for an additional period of five years the Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Colombia regarding the imposition of import restrictions on archaeological materials of pre-Columbian cultures and certain ethnological ecclesiastical materials of the Colonial Period of Colombia, signed in Bogotá on March 15, 2006; and to amend the contents of Article II as in the attached document.

In this regard, this Ministry notes with satisfaction the receipt of the aforementioned proposal and accepts the extension and proposed amendment, which will strengthen the existing excellent bonds of friendship and cooperation between our two countries, in this case in defense of the cultural heritage.

The Ministry of Foreign Relations, Office of Cultural Affairs, takes this opportunity to reiterate to the Honorable Embassy of the United States of America assurances of its highest and most distinguished esteem.

Bogotá, D.C. March 1, 2011

To the Honorable  
**EMBASSY OF THE UNITED STATES OF AMERICA**  
Bogotá

[translation]