

CULTURAL PROPERTY

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

**Amending and Extending
the Memorandum of Understanding of
January 19, 2001,
As Amended and Extended**

Effected by Exchange of Notes at
Washington January 11, 2011

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.”

ITALY

Cultural Property

*Agreement amending and extending the
memorandum of understanding of
January 19, 2001,
as amended and extended.*

*Effected by exchange of notes at Washington
January 11, 2011;*

Entered into force January 19, 2011.

With attachment.

The Department of State refers the Embassy of the Republic of Italy to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy done at Washington January 19, 2001, and amended and extended January 13, 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 attached amended Article II.

If the foregoing proposals are acceptable to the Embassy of the Republic of Italy, the Department proposes that this note, including the attached amended Article II, and the Embassy of the Republic of Italy’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 January 19, 2011.

Attachment: As stated.

A handwritten signature in dark ink, appearing to be the initials 'M' or a similar monogram.

Department of State,

Washington, January 11, 2011.

DIPLOMATIC NOTE

ARTICLE II

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

B. Despite the budgetary constraints faced by all governments, the Government of the Republic of Italy agrees to continue to significantly support scientific archaeological research, protection of archaeological patrimony, and protective measures for archaeological excavations at known sites, particularly in areas at greatest risk from looters.

C. The Government of the United States recognizes the outstanding work of the Government of the Republic of Italy to protect its cultural patrimony with respect to the 1970 UNESCO Convention. The Government of the Republic of Italy shall continue its efforts to:

1. ensure the prompt prosecution of looters,
2. strengthen, in whatever ways necessary, the Carabinieri Special Unit for the Protection of Artistic Patrimony, and
3. create and pursue innovative and effective ways to detect and stop the looting of archaeological sites.

D. The Government of the Republic of Italy shall use its best efforts to stop the illicit use of metal detectors in archaeological areas.

E. The Government of the United States of America recognizes that the Government of the Republic of Italy permits the interchange of archaeological materials for cultural, exhibition, educational and scientific purposes to enable widespread public appreciation of and legal access to Italy's rich cultural heritage. The Government of the Republic of Italy and the Government of the United States of America agree to *encourage further interchange* through:

1. entering into discussions about how to increase the number and overall length of long-term loans of objects of archaeological or artistic interest for research and educational purposes, agreed upon, on a case by case basis, by American and Italian museums or similar institutions, recognizing the spirit of goodwill that exists between cultural institutions in both countries;
2. encouraging American museums and universities to propose and participate in joint excavation projects authorized by the Ministry of Cultural Heritage and Activities, with the understanding that certain of the scientifically excavated objects from such projects could be given as a loan to the American participants through specific agreements with the Ministry of Cultural Heritage and Activities; and
3. promoting agreements for academic exchanges and specific study programs agreed upon by Italian and American museums and universities.

F. The Government of the United States of America and the Government of the Republic of Italy shall use their best efforts to facilitate appropriate contacts among U.S.

and Italian museums and institutions for the development of increased and extended loans of Italy's archaeological cultural patrimony to U.S. museums.

G. Noting that the law of Italy, as it currently stands, allows the purchase of archaeological objects of verified legal provenance, the Government of the Republic of Italy and the Government of the United States will discuss and explore ways to facilitate the legal export of such objects.

H. The discussions mentioned above in paragraphs E. and G. will take place during the first half of the year 2011.



Embassy of Italy
3000 Whitehaven Street, N.W.
Washington, D.C. 20008

The Embassy of the Republic of Italy presents its compliments to the U.S. Department of State and wishes to refer to the Department of State's note dated January 11, 2011, regarding the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy done at Washington January 19, 2001, and amended and extended January 13, 2006 (hereinafter referred to as "the MOU").

On behalf of the Government of the Republic of Italy, the Embassy of the Republic of Italy hereby states its acceptance of the proposal to extend the MOU for an additional five-year period, as well as to replace Article II of the MOU with the amended Article II attached to the above-mentioned note (also attached hereto).

Therefore, this Note and the Department of State's note of January 11, 2011, constitute an agreement to extend and amend the MOU, which shall enter into force on January 19, 2011.

On behalf of the Government of the Republic of Italy, the Embassy of the Republic of Italy avails itself of this opportunity to renew to the U.S. Department of State, the assurances of its highest consideration. S.

Attachment: As stated.

Embassy of the Republic of Italy,

Washington, January 11, 2011.

ARTICOLO II

A. Rappresentanti del Governo degli Stati Uniti d'America e Rappresentanti del Governo della Repubblica Italiana prenderanno le misure opportune per pubblicizzare questo Memorandum d'Intesa.

B. Nonostante i vincoli di bilancio ai quali tutti i governi devono far fronte, il Governo della Repubblica Italiana concorda a proseguire in modo significativo il sostegno alla ricerca archeologica scientifica, alla tutela del patrimonio archeologico e alle misure di protezione degli scavi archeologici nei siti conosciuti, in particolare nelle aree a maggior rischio di scavi abusivi.

C. Il Governo degli Stati Uniti prende atto del notevole impegno del Governo della Repubblica Italiana nel proteggere il proprio patrimonio culturale, nel rispetto della Convenzione dell'UNESCO del 1970. Il Governo della Repubblica Italiana proseguirà i suoi sforzi per:

1. assicurare il tempestivo perseguimento di chi effettua scavi abusivi.
2. rafforzare, nei modi più opportuni, l'Unità Speciale dei Carabinieri per la Protezione del Patrimonio Artistico, e
3. sviluppare ed attuare dei metodi nuovi ed efficaci per scoprire eventuali ulteriori asportazioni abusive da siti archeologici e porvi fine.

D. Il Governo della Repubblica Italiana farà quanto in suo potere per bloccare l'uso illecito dei rilevatori di metalli nelle aree archeologiche.

E. Il Governo degli Stati Uniti d'America prende atto che il Governo della Repubblica Italiana permette l'interscambio di materiali archeologici con finalità culturali, espositive, educative e scientifiche per consentire un'ampia fruizione pubblica e un approccio legittimo al ricco patrimonio culturale italiano. Il Governo della Repubblica Italiana e il Governo degli Stati Uniti d'America concordano nell'incoraggiare ulteriori scambi:

1. Avviando discussioni su come accrescere il numero e la durata complessiva di prestiti a lungo termine di oggetti d'interesse archeologico o artistico per finalità di ricerca e di studio, concordati, caso per caso, da musei americani e italiani o da istituzioni simili, nel riconoscimento dello spirito di buona volontà esistente tra le istituzioni culturali di entrambi i paesi;
2. incoraggiando le università e i musei americani a proporre e a partecipare a progetti di scavo congiunti autorizzati dal Ministero per i Beni e le Attività Culturali, nell'intesa che una parte dei manufatti scavati scientificamente in tali progetti potrebbe essere concessa in prestito alla controparte americana a seguito di accordi specifici con il Ministero per i Beni e le Attività Culturali;
3. promuovendo accordi per scambi accademici e per specifici programmi di studio concordati tra università e musei italiani e americani.

F. Il Governo degli Stati Uniti d'America e il Governo della Repubblica Italiana faranno quanto in loro potere per facilitare idonei contatti tra i musei e le Istituzioni americane ed italiane per l'aumento dei prestiti, e per l'incremento della durata dei prestiti a lungo termine, del patrimonio archeologico e culturale italiano a musei americani.

G. Prendendo atto che la vigente legislazione italiana consente l'acquisto di oggetti archeologici di accertata provenienza lecita, il Governo della Repubblica Italiana e il Governo degli Stati Uniti d'America discuteranno ed esploreranno metodi per facilitare l'esportazione legale di tali oggetti.

H. Le discussioni di cui sopra, ai paragrafi E. e G., avranno luogo durante la prima metà del 2011.

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