

**CULTURAL EXCHANGES, PROPERTY
AND COOPERATION**

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

**Extending and Amending the
Memorandum of Understanding
of March 15, 2006**

Effected by Exchange of Notes at
Bogota March 9 and 10, 2016



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 Exchanges, Property and Cooperation

*Agreement extending and amending the
memorandum of understanding of March 15, 2006.
Agreement effected by exchange of notes at Bogota
March 9 and 10, 2016;
Entered into force March 10, 2016;
With effect from March 15, 2016.*

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 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 Materials from the Pre-Columbian Cultures and Certain Ecclesiastical Material from the Colonial Period of Colombia, signed in Bogotá on March 15, 2006, as amended and extended in 2011 (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 of the MOU with a revised Article II attached herewith in equally authentic English and Spanish versions.

If the foregoing proposals are acceptable to the Ministry, the Embassy proposes that this note, including its attached revised Article II, and the Ministry's affirmative note in reply shall constitute an agreement between the two governments to extend and amend the MOU, which shall enter into force on the date of the Ministry's note in reply, with effect from March 15, 2016.

The Embassy of the United States of America takes 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, March 9, 2016.

Article II

Public Awareness / Outreach

- A. Representatives of the Government of the United States of America (hereinafter referred to as the Government of the United States) and representatives of the Government of the Republic of Colombia (hereinafter referred to as the Government of Colombia) shall publicize this Memorandum of Understanding, including opportunities for exchange for scientific and educational purposes.
- B. Representatives of the Government of the United States and representatives of the Government of Colombia shall educate their respective law enforcement agencies and public citizenries about the legal effects and limitations, including the non-retroactive nature, of this Memorandum of Understanding.

Protection / Conservation

- C. Building upon progress made in archaeological site registration and the development of management plans, the Government of Colombia will promote appropriate actions for the protection and security of archaeological sites, exploring the opportunities for participation of local communities and authorities. Upon request, the Government of the United States shall provide information regarding sources of assistance and expertise available through existing programs.
- D. The Government of Colombia shall continue efforts to register and inventory cultural property using international standards, including digital imagery of registered objects or illegally exported archaeological objects, so that theft reports can be shared rapidly with national and international law enforcement agencies. Particular attention shall be given to ecclesiastical materials in the stewardship of the Catholic Church. Upon request, the Government of the United States shall provide information regarding sources of assistance and expertise available through existing programs.
- E. The Government of Colombia shall continue to provide and expand personnel training opportunities for cultural heritage professionals, most notably conservators and archeologists.

Collaboration / Interchange

- F. Both Governments shall seek ways to facilitate the enhancement and interchange of knowledge and information about the cultural heritage of Colombia, and to collaborate in the preservation and protection of such cultural heritage through scholarly exchanges, research collaborations, technical cooperation, and other efforts as appropriate.

G. The Government of Colombia shall use its best efforts to permit and encourage, under current legislation, the exchange of its archaeological and ethnological materials to U.S. museums and other educational institutions, as long as the circumstances of such exchanges do not jeopardize its cultural heritage. The Government of Colombia, and specifically the ICANH, shall authorize the temporary loan of archaeological pieces in accordance with the law.

Law Enforcement

- H. The Government of Colombia shall take steps to strengthen its legal framework in order to combat pillage of cultural heritage by, for example, establishing criminal offenses and penalties for looting activities that take place at archaeological sites and increasing penalties so that they should serve as a deterrent not only to individuals but also to organizations.
- I. The Government of Colombia shall increase efforts to train prosecutors and judges regarding cultural property crime with the goals of increasing prosecutions and imposing meaningful penalties for the purpose of deterrence.
- J. Building on the Government of Colombia's previous efforts to coordinate with other States in the protection of its cultural property, the Government of Colombia shall continue its active regional leadership and international collaboration with other States Parties to the 1970 UNESCO Convention to mitigate the pillage and illicit trafficking of cultural property.
- K. The Government of Colombia shall make every effort to document, track and publicize cases of looting and pillage, and promptly report them to national and international authorities.

Artículo II

Concienciación y divulgación pública

- A. Los representantes del Gobierno de los Estados Unidos de América – en adelante el Gobierno de los Estados Unidos – y los representantes del Gobierno de la República de Colombia – en adelante el Gobierno de Colombia darán a conocer el presente Memorando de Entendimiento, incluidas las oportunidades de intercambio con fines científicos y educativos.
- B. Los representantes del Gobierno de los Estados Unidos y los representantes del Gobierno de Colombia educarán a sus respectivos organismos de control en la aplicación de la ley y a los ciudadanos acerca de las limitaciones y efectos jurídicos del presente Memorando de Entendimiento, como su carácter no retroactivo.

Protección y conservación

- C. Basándose en los avances realizados en materia de registro de sitios arqueológicos y la elaboración de planes de gestión, el Gobierno de Colombia promoverá las acciones pertinentes para la protección y seguridad de sitios arqueológicos, explorando las oportunidades para la participación de las comunidades y autoridades locales. Si se lo solicita, el Gobierno de los Estados Unidos brindará información sobre las fuentes de asistencia y los conocimientos técnicos disponibles en virtud de los programas vigentes.
- D. El Gobierno de Colombia continuará con la tarea de inventario y registro de los bienes culturales con arreglo a normas internacionales, lo que incluirá imágenes digitales de objetos registrados o de bienes arqueológicos exportados ilegalmente, de modo que faciliten la rápida comunicación de las denuncias de robo a los organismos nacionales e internacionales de aplicación de la ley. Se prestará atención especial a los materiales eclesiásticos en tenencia de la Iglesia Católica. Si se lo solicita, el Gobierno de los Estados Unidos brindará información sobre las fuentes de asistencia y los conocimientos técnicos disponibles en virtud de los programas vigentes.
- E. El Gobierno de Colombia seguirá ofreciendo y ampliando oportunidades de capacitación de personal para profesionales del ámbito del patrimonio cultural, en particular curadores y arqueólogos.

Colaboración e intercambios

- F. Ambos Gobiernos procurarán encontrar maneras de facilitar el mejoramiento y el intercambio de conocimientos e información sobre el patrimonio cultural de

Colombia, y de colaborar en la preservación y protección de dicho patrimonio por medio de intercambios académicos, investigaciones en colaboración, cooperación técnica y otras labores según proceda.

- G. El Gobierno de Colombia hará cuanto pueda para permitir y promover el intercambio de sus bienes arqueológicos y etnológicos con museos y otras instituciones educativas de los Estados Unidos, en el marco de la normativa vigente, siempre y cuando las circunstancias de dicho intercambio no pongan en peligro su patrimonio cultural. El Gobierno de Colombia, y en específico el ICANH, autorizará la salida temporal de piezas arqueológicas de acuerdo a la legislación vigente.

Aplicación de la ley

- H. El Gobierno de Colombia tomará medidas para fortalecer su marco legal con el fin de combatir el pillaje del patrimonio cultural mediante, por ejemplo, la tipificación de delitos penales y el establecimiento de sanciones en relación a las actividades de hurto que tienen lugar en sitios arqueológicos y mediante la intensificación de las sanciones para que tengan efecto disuasorio tanto en particulares como en las personas jurídicas.
- I. El Gobierno de Colombia redoblará esfuerzos para capacitar a fiscales y jueces en materia de delitos relacionados con bienes culturales con el fin de aumentar el número de enjuiciamientos e imponer sanciones significativas con fines disuasorios.
- J. Basándose en la labor anterior del Gobierno de Colombia encaminada a coordinar con otros Estados la protección de los bienes culturales, el Gobierno de Colombia continuará su activo liderazgo regional y su colaboración internacional con otros Estados Parte en la Convención de 1970 de la UNESCO a fin de mitigar el saqueo y el tráfico ilícito de bienes culturales.
- K. El Gobierno de la República de Colombia desplegará todos sus esfuerzos 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.



REPÚBLICA DE COLOMBIA
MINISTERIO DE RELACIONES EXTERIORES

S-GPCCE-16-023865

Bogotá, D.C., 10 de Marzo de 2016

Su Excelencia:

Tengo el honor de dirigirme a usted con el propósito de hacer referencia a la Nota No. 439 de fecha 09 de marzo de 2016, mediante la cual se propone prorrogar y modificar el "*Memorando 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 Eclesiásticos de la Época Colonial de Colombia*", suscrito en Bogotá el 15 de marzo de 2006, enmendado y prorrogado el 15 de marzo de 2011, en los siguientes términos:

"[...]"

No. 439

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 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 of Archaeological Material from the Pre-Columbian Cultures and Certain Ecclesiastical Material from the Colonial Period of Colombia, signed in Bogotá on March 15, 2006, as amended and extended in 2011 (hereinafter referred to as "the MOU").

Su Excelencia el señor

KEVIN WHITAKER

Embajador de los Estados Unidos de América en Bogotá D.C.

La Ciudad



REPÚBLICA DE COLOMBIA
MINISTERIO DE RELACIONES EXTERIORES

The Embassy, on behalf of the Government of the United States of America, proposes that, pursuant the Article IV.B of the MOU, the MOU be extended for an additional five-year period.

The Embassy further proposes that, pursuant the Article IV.B of the MOU, the MOU be amended by replacing Article II of the MOU with a revised Article II attached herewith in equally authentic English and Spanish versions.

If the foregoing proposals are acceptable to the Ministry, the Embassy proposes that this note, including its attached revised Article II, and the Ministry's affirmative note in reply shall constitute an agreement between the two governments to extend and amend the MOU, which shall enter into force on the date of the Ministry's note in reply, with effect from March 15, 2016.

The Embassy of the United States of America takes 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, March 9, 2016".

Sobre el particular, tengo el honor de manifestar en nombre de la República de Colombia la aceptación de la propuesta formulada en la precitada Nota. En consecuencia, la Nota de la Honorable Embajada de los Estados Unidos de América y esta Nota de respuesta constituyen un acuerdo entre los dos Gobiernos relativo a la prórroga y modificación del "Memorando 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 Eclesiásticos de la Época Colonial



REPÚBLICA DE COLOMBIA
MINISTERIO DE RELACIONES EXTERIORES

de Colombia", suscrito en Bogotá el 15 de marzo de 2006, el cual entrará en vigor a partir del 15 de marzo de 2016.

Sea ésta la ocasión para reiterar las seguridades de mi más alta y distinguida consideración.

Firmado Digitalmente por: 2016/03/10



PATTI LONDOÑO JARAMILLO
Viceministra de Relaciones Exteriores
Encargada de las Funciones del Despacho de la
Ministra de Relaciones Exteriores

S-GPCCE-16-023685

Bogotá, March 10, 2016

Your Excellency,

I have the honor to address you in order to make reference to Note 439 dated March 9, 2016, in which it is proposed to extend and amend 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 Material from the Pre-Columbian Cultures and Certain Ecclesiastical Ethnological Material of the Colonial Period of Colombia"* signed on March 15, 2006 as amended and extended in the following terms:

"[.....]"

No. 439

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 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 of Archaeological Material from the Pre-Columbian Cultures and Certain Ecclesiastical Material from the Colonial Period of Colombia, signed in Bogotá on March 15, 2006, as amended and extended in 2011 (hereinafter referred to as "the MOU").

His Excellency

KEVIN WHITAKER

Embassy of the United States of America min Bogotá

Bogotá

The Embassy, on behalf of the Government of the United States of America, proposes that, pursuant to the Article IV. B of the MOU, the MOU be extended for an additional five-year period.

The Embassy further proposes that, pursuant to the Article IV. B of the MOU, the MOU be amended by replacing Article II of the MOU with a revised Article II attached herewith in equally authentic English and Spanish versions.

If the foregoing proposals are acceptable to the Ministry, the Embassy proposes that this note, including its attached revised Article II, and the Ministry's affirmative note in reply shall constitute an agreement between the two governments to extend and amend the MOU, which shall enter into force on the date of the Ministry's note in reply, with effect from March 15, 2016.

The Embassy of the United States of America takes 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, March 9, 2016."

On this matter, I have the honor to express, on behalf of the Republic of Colombia, the acceptance of the proposal made in the mentioned Note. In consequence, the Note of the Honorable Embassy of the United States of America and this Note of reply constitute an agreement between the two Governments regarding the extension and amendment to 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 Material from the Pre-Columbian Cultures and Certain Ecclesiastical Ethnological Material of the Colonial Period of Colombia*" signed on March 15, 2006, to come into force as of March 15, 2016.

I take this opportunity to reiterate the assurances of my highest and most distinguished consideration.

Digitally signed 2016/03/10

PATTI LONDOÑO-JARAMILLO
Deputy Minister of Foreign Affairs
With responsibility for the functions of the Office of the
Minister of Foreign Affairs