

**CULTURAL EXCHANGES, PROPERTY
AND COOPERATION**

Import Restrictions

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

Signed at Beijing January 10, 2019



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.”

CHINA

**Cultural Exchanges, Property and
Cooperation: Import Restrictions**

*Memorandum of understanding signed at
Beijing January 10, 2019;
Entered into force January 14, 2019.*

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS
ON CATEGORIES OF ARCHAEOLOGICAL MATERIAL FROM THE PALEOLITHIC
PERIOD THROUGH THE TANG DYNASTY AND MONUMENTAL SCULPTURE AND
WALL ART AT LEAST 250 YEARS OLD

The Government of the United States of America and the Government of the People's Republic of China ("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 States party;

Desiring to reduce the incentive for pillage of irreplaceable archaeological material representing China's rich cultural heritage; and

Recalling the Memorandum of Understanding Concerning the Imposition of Import Restrictions on Categories of Archaeological Material from the Paleolithic Period Through the Tang Dynasty and Monumental Sculpture and Wall Art at least 250 Years Old, signed at Washington January 14, 2009, as amended and extended by an exchange of notes at Beijing January 6 and 8, 2014 ("the prior MOU");

Have agreed as follows:

ARTICLE I

1. 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 archaeological material originating in China and representing China's cultural heritage from the Paleolithic Period through the end of the Tang Dynasty (A.D. 907), and of monumental sculpture and wall art at least 250 years old as of January 14, 2009, the date the prior MOU entered into force, which may include categories of metal, ceramic, stone, textiles, other

organic material, glass, and painting identified on a list to be promulgated by the United States Government (hereinafter referred to as the "Designated List"), unless the Government of the People's Republic of China issues a license or other documentation which certifies that such exportation was not in violation of its laws. For the purposes of this Memorandum of Understanding, the restricted Paleolithic objects date from approximately 75,000 BC.

2. Such import restrictions went into effect under the prior MOU on January 16, 2009, the date of the publication of the Designated List in the U.S. Federal Register, the official U.S. Government publication providing fair public notice. These import restrictions shall continue to be effective under this Memorandum of Understanding (MOU) as provided in Article IV herein.

3. The Government of the United States of America shall offer for return to the Government of the People's Republic of China any object or material on the Designated List forfeited to the Government of the United States of America.

ARTICLE II

1. Both Governments shall publicize this MOU and the reasons for it.

2. The Government of the People's Republic of China shall continue to use its best efforts to maintain and share with the Government of the United States of America information about unauthorized excavations, thefts of cultural property, trafficking of cultural property, and other threats that jeopardize its cultural patrimony.

3. The Government of the People's Republic of China shall continue to use its best efforts to take steps consistent with the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Export, Import, and Transfer of Ownership of Cultural Property to protect its cultural patrimony. To assist in these efforts, the Government of the United States of America shall use its best efforts to facilitate technical assistance to the Government the People's Republic of China as appropriate under available programs in the public and/or private sectors.

4. The Government of the People's Republic of China shall continue to use its best efforts to engage other countries having a significant import trade in archaeological material from the People's Republic of China to deter a serious situation of pillage of cultural property.

5. Each Government shall use best efforts to encourage further interchange of archaeological material for cultural, educational, and scientific purposes, including long-term loans of such materials to promote widespread public appreciation of and access to China's rich cultural heritage.

6. Each Government shall continue to endeavor to keep the other informed of the measures taken to implement this MOU.

ARTICLE III

The obligations of both Governments and the activities carried out under this MOU shall be subject to their respective laws and regulations, including those with respect to the availability of appropriated funds.

ARTICLE IV

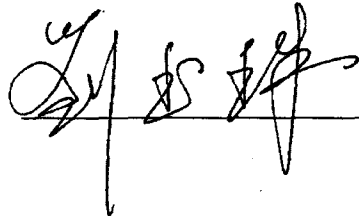
1. This MOU shall enter into force on January 14, 2019. Upon entry into force, it shall supersede and replace the prior MOU, and shall remain in force for a period of five (5) years, unless extended.
2. This MOU may be extended and amended only by mutual written consent of the Parties.
3. The Government of the United States of America and the Government of the People's Republic of China shall review the effectiveness of this MOU before the expiration of the five (5)-year period in order to determine whether the MOU should be extended.
4. Either Party may notify the other, in writing through diplomatic channels, of its intention to terminate this MOU prior to its date of expiry. In such a case, the termination shall come into effect six (6) months after the date of notification.

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

DONE at Beijing, this 10th day of January, 2019, in duplicate, in the English and Chinese languages, both texts being equally authentic.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC OF CHINA



**美利坚合众国政府与中华人民共和国政府
对旧石器时代到唐末的归类考古材料
以及至少 250 年以上的古迹雕塑和壁上艺术
实施进口限制的谅解备忘录**

美利坚合众国政府与中华人民共和国政府(以下简称“双方”),

根据两国作为缔约国所加入的联合国教科文组织 1970 年《关于禁止和防止非法进出口文化财产和非法转让其所有权的方法的公约》,

希望减少针对体现中国丰富文化遗产、不可替代的考古材料的掠夺行径之诱因,

忆及 2009 年 1 月 14 日于美国华盛顿签署,并于 2014 年 1 月 6 日和 8 日于北京互换照会确定修订并顺延的《中华人民共和国政府与美利坚合众国政府对旧石器时代到唐末的归类考古材料以及至少 250 年以上的古迹雕塑和壁上艺术实施进口限制的谅解备忘录》(以下简称“此前的谅解备忘录”),

达成协议如下:

第一条

一、美利坚合众国政府将根据其法律《文化财产公约实施法案》,对从旧石器时代到唐代结束(公元 907 年)的源于中国并代表中国文化遗产的考古材料和迄此前的谅解备忘录生效之日(2009 年 1 月 14 日)至少 250 年以上的古迹雕塑和壁上艺术进入美国实施进口限制,但中华人民共和国政府签发许可或其他证件证明这种出口不违反中国法律的除外。这些材料包括将由美国政府公布的清单(以下称为“指定清单”)上所列的各类金属物、陶瓷、石材、纺织品、其他有机物质、玻璃和绘画。此谅解备忘录中所指的受限制的旧

石器时代文物大约追溯至公元前 75,000 年。

二、这些限制措施已根据此前的谅解备忘录自指定清单在《美国联邦公报》公布之日（2009 年 1 月 16 日）起生效，并将根据本谅解备忘录第四条内容继续生效。《美国联邦公报》是提供公正公告的美国政府官方出版物。

三、美利坚合众国政府所没收的指定清单上的文物和材料，将提议返还中华人民共和国政府。

第二条

一、两国政府均将公布此谅解备忘录并说明签署的理由。

二、中华人民共和国政府将继续尽最大努力保存并与美利坚合众国政府分享非法盗掘、文物盗窃、文物非法贩运以及其他危害中国文化遗产的行为等方面的信息。

三、中华人民共和国政府将继续尽最大努力，采取与联合国教科文组织 1970 年《关于禁止和防止非法进出口文化财产和非法转让其所有权的方法的公约》保持一致的措施，对其文化遗产实施保护。为了有助于上述努力，美利坚合众国政府将尽最大努力，在公共和/或私营领域现有的合作计划内，向中华人民共和国政府提供技术援助。

四、中华人民共和国政府将尽最大努力，与中国考古材料的其他主要进口国家接触合作，阻止对其文物的严重掠夺行径。

五、两国政府将尽最大努力，鼓励以文化、教育和科学为目的的考古材料方面的进一步交流，包括长期借展项目，以使得更多公众能够欣赏和接触中国丰富的文化遗产。

六、两国政府将努力向对方提供各自在执行本谅解备忘录方面所采取的措施。

第三条

本谅解备忘录规定的两国政府的义务以及所开展的行动，受各自法律法规的约束，包括对拨付资金的使用。

第四条

一、本谅解备忘录将于 2019 年 1 月 14 日生效。一经生效，将替代此前的谅解备忘录，有效期五年，除非双方续签。

二、本谅解备忘录可以双方书面同意的形式续签或修订。

三、美利坚合众国政府和中华人民共和国政府将在五年有效期期满前，审议本谅解备忘录的效果，以确定是否续签。

四、本谅解备忘录到期之前，任何一方均可通过外交途径，以书面形式通知对方终止本谅解备忘录。在此情况下，本谅解备忘录的终止将在对方收到通知之日起的六个月后生效。

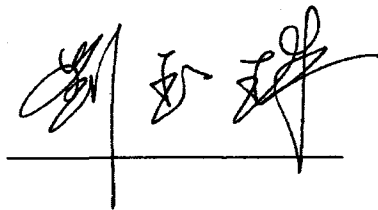
以下签字人由各自政府授权，签署本谅解备忘录，以昭信守。

本谅解备忘录于 2019 年 1 月 10 日在北京签署，一式两份，每份均以英文和中文写成，两种文本同等作准。

美利坚合众国政府代表

A stylized, handwritten signature in black ink, likely of the United States representative, written over a horizontal line.

中华人民共和国政府代表

A stylized, handwritten signature in black ink, likely of the Chinese representative, written over a horizontal line.