

**AGREEMENT 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**

The Government of the United States of America and the Government of the Republic of Italy;

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; and

Desiring to reduce the incentive for pillage of irreplaceable archaeological material representing the pre-Classical, Classical and Imperial Roman periods of Italy's rich cultural heritage;

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 the archaeological material ranging in date from approximately the 9th century B.C. to approximately the 4th century A.D., including categories of stone, metal, ceramic and glass artifacts, and wall paintings identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the Republic of Italy issues a license or other documentation which certifies that such exportation was not in violation of its laws.
- B. The Government of the United States of America shall offer for return to the Government of the Republic of Italy any material on the Designated List forfeited to the Government of the United States of America.
- C. Such import restrictions shall become effective on the date the Designated List is published by the U.S. Customs Service 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 Italy shall take appropriate steps to publicize this Memorandum of Understanding.
- B. Both Governments agree that in order for United States import restrictions to be fully successful in deterring pillage, the Government of the Republic of Italy shall use its best efforts to increase scientific research and protection of archaeological patrimony and protective measures for archaeological excavations at known sites, particularly in areas at greatest risk from looters. The Government of the United States of America acknowledges the efforts of the Government of the Republic of Italy in recent years to devote more public funds to guard archaeological sites and museums and to develop Italian tax incentives for private

support of legitimate excavation. The Government of the Republic of Italy agrees to continue to pursue these efforts.

- C. The Government of the Republic of Italy shall reinforce, with respect to the 1970 UNESCO Convention, the protection of its cultural patrimony. In particular, the Government of the Republic of Italy shall provide for:
1. instituting more severe penalties and prompt prosecution of looters,
 2. regulating the use of metal detectors,
 3. providing additional training for the Carabinieri Special Unit for the Protection of Artistic Patrimony, and
 4. intensifying the investigations by the Carabinieri Special Unit for the Protection of Artistic Patrimony on the looting of archaeological sites and on the routes of the smugglers of these artifacts.
- D. Both Governments agree that, in order for United States import restrictions to be most successful in thwarting pillage, the Government of the Republic of Italy shall endeavor to strengthen cooperation among nations within the Mediterranean Region for the protection of the cultural patrimony of the region, recognizing that political boundaries and cultural boundaries do not coincide; and will seek increased cooperation from other art-importing nations to restrict illicit imports, in the effort to deter further pillage.
- 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 agrees to use its best efforts to encourage further interchange through:
1. promoting agreements for long-term loans of objects of archaeological or artistic interest, for as long as necessary, for research and education, agreed upon, on a case by case basis, by American and Italian museums or similar institutions, to include: scientific and technological analysis of materials and their conservation; comparison for study purposes in the field of art history and other humanistic and academic disciplines with material already held in American museums or institutions; or educational presentations of special themes between various museums or academic institutions;
 2. encouraging American museums and universities jointly to propose and participate in excavation projects authorized by the Ministry of Culture, 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 Culture; and
 3. promoting agreements for academic exchanges and specific study programs agreed upon by Italian and American institutions.
- F. The Government of the United States of America acknowledges the efforts by the Government of the Republic of Italy in recent years to review the laws concerning the export of archaeological artifacts and to improve the efficiency of the system to release certificates of exportation. The Government of the Republic of Italy will continue to examine new ways to facilitate the export of archaeological items legitimately sold within Italy.
- G. 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 between 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.

ARTICLE III

The obligations 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 the availability 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. This Memorandum of Understanding may be amended 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 Washington, this 19th day of January, 2001, in the English and Italian languages, both texts being equally authentic.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:

Helena K. Finn
Acting Assistant Secretary of State
for Educational and Cultural Affairs

FOR THE GOVERNMENT OF
THE REPUBLIC OF ITALY:

Ferdinando Salleo
Ambassador of the Republic of Italy
to The United States