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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

[T.D. 89-37]

IMPORT RESTRICTIONS ON CULTURAL TEXTILE ARTIFACTS FROM BOLIVIA

AGENCY: U.S. Customs Service, Department of the Treasury.
ACTION: Notice of import restrictions.

SUMMARY: This document advises the public that, in accordance with a request from the Government of Bolivia, restrictions are being placed on the importation of certain culturally and historically significant textile artifacts from Bolivia. This action, which is being taken pursuant to the Convention on Cultural Property Implementation Act and in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, and in cooperation with the U.S. Information Agency, will assist Bolivia in protecting its cultural property.

EFFECTIVE DATE: March 14, 1989.

INFORMATION CONTACT: Legal Aspects: Samuel Orandle, Commercial Rulings Division (202-566-5765). Operational Aspects: Phyllis Henry, Trade Operations (202-566-7877). Both are at U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

SUPPLEMENTARY INFORMATION:

Background

The value of cultural property, whether archaeological or ethnological in nature, is immeasurable. Such items often constitute the very essence of a society and convey important information concerning a people's origin, history, and traditional setting. The importance and popularity of such items regrettably makes them targets of theft, encourages clandestine looting of archaeological sites, and accompanying illegal exporting and importing.

There has been growing concern in the U.S. regarding the need for protecting endangered cultural property. The appearance in the U.S. of stolen or illegally exported artifacts from other countries where there has been recent pillaging has, on occasion, strained our foreign and cultural relations. This situation, combined with the concerns of the museum, archaeological, and scholarly communities, was recognized by the President and Congress. It became apparent that it was in the

national interest for the U.S. to join with other countries to control illegal trafficking of such articles in international commerce.

The U.S. joined international efforts and actively participated in deliberations resulting in the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)). U.S. acceptance of the 1970 UNESCO Convention was codified into U.S. law as the "Convention on Cultural Property Implementation Act" (Pub. L. 97-446, 19 U.S.C. 2601 et seq.). The spirit of the Convention was enacted into law to promote U.S. leadership in achieving greater international cooperation towards preserving cultural treasures that are of importance not only to the nations whence they originate, but also to greater international understanding of mankind's common heritage. In 1983, the U.S. became the first major art importing country to implement the 1970 Convention.

It was with these goals in mind that Customs issued interim regulations to carry out the policies of the act. The interim regulations, which were set forth in Secs. 12.104-12.104; Customs Regulations (19 CFR 12.104), were published in the Federal Register as T.D. 85-107 on June 25, 1985 (50 FR 26193), and took effect immediately. After consideration of comments received on the interim regulations, final regulations were issued as T.D. 86-52, published in the Federal Register on February 27, 1986 (51 FR 6905), and took effect on March 31, 1986.

Bolivia

Under section 303(a)(3) of the Cultural Property Implementation Act (19 U.S.C. 2602(a)(3)), the Government of Bolivia, a State Party to the 1970 UNESCO Convention, requested the U.S. Government to impose emergency import restrictions on certain endangered cultural material to assist Bolivia in protecting its cultural patrimony. Notice of receipt of the request was published by the U.S. Information Agency (USIA) in the Federal Register on May 20, 1988 (52 FR 11544).

On May 19, 1988, the request was referred to the Cultural Property Advisory Committee, which conducted a review and investigation, and submitted its report in accordance with the provisions of 19 U.S.C. 2605(f) to the Deputy Director, USIA, on August 4, 1988. The Committee found the situation in Bolivia to be an emergency and recommended that emergency import restrictions be imposed on certain ethnological material from the community of Coroma. The Deputy Director, pursuant to the authority vested in him under Executive Order 12555 and USIA Delegation Order 86-3, considered the Committee's recommendations and made his determination that emergency import restrictions be applied.

The Commissioner of Customs, in consultation with the Deputy Director of the USIA, has drawn up a list of covered ethnological material from the community of Coroma in Bolivia. The materials on the list are subject to the 1970 UNESCO Convention and Sec. 12.104a, Customs Regulations. As provided in 19 U.S.C. 2601 et seq., and Sec. 12.104a, Customs Regulations, listed material from this area may not be imported into the U.S. unless accompanied by documentation certifying that the material left Bolivia legally and not in violation of the laws of Bolivia.

In the event an importer cannot produce the certificate, documentation, or evidence required in Sec. 12.104c, Customs Regulations, at the time of making entry, Sec. 12.104d provides that the district director shall take custody of the material until the certificate, documentation, or evidence is presented. Section 12.104e provides that if the importer states in writing that he will not attempt to secure the required certificate, documentation, or evidence, or the importer does not present the required certificate, documentation, or evidence to Customs within the time provided, the material shall be seized and summarily forfeited to the U.S. in accordance with the provisions of Part 162, Customs Regulations (19 CFR Part 162).

Antique Ceremonial Textiles From Coroma, Bolivia

U.S. import restrictions are applied to the antique ceremonial textiles from the community of Coroma, Bolivia. These are woven garments, dating from before 1500 to approximately 1850 A.D., owned communally by the Native people of this small Andean community. For centuries, they have played an integral role in the lives of the people of Coroma who wear them in special ceremonies. When not worn, they are honored and stored in bundles.

Textiles from this community may be identified by their appearance and texture. They are plain, not ornate, with varying widths of vertical stripes or bands. A few textiles display a checkerboard pattern. In color, the textiles are usually red, blue, or purple, or a shade of yellow, tan or brown. Unlike the more modern textiles from this Andean region, Coroma's ceremonial garments are made from high quality yarn from the wool of vicuna, or llama, and feels very soft to the touch, similar to silk.

Coroma's ceremonial garments consist of:

1. Tunic/Poncho: (asku or urku for women; unku or ccahua for men; poncho) A tunic is a woven garment consisting of either one or two pieces of woven cloth with sides stitched together; a poncho is a woven garment resembling a tunic but without the sides stitched together. (Approximate size: women's tunic is 1.2 m. by 90 cm.; Men's tunic is 82 cm. by 78 cm.)
2. Cape/Shawl: (l्लाqota or manta; llixilla or awayo; isqayo) Woven garment worn either on the back, like a cape, worn over the back and arms, like a shawl. (Approximate size: 80 cm. by 79 cm.)
3. Small Ceremonial Cloth: (tari or inkuna) Woven square cloth small in size used as a woman's head covering for ceremonial purposes.
4. Hat/Headdress (sombbrero, pillu) A sombrero is a hat made from vicuna hide; a pillu is a wool headdress made in the shape of a crown with fringe.

Dated: March 7, 1989.

William von Raab,
Commissioner of Customs.

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