

## **CULTURAL PROPERTY**

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

Signed at Phnom Penh September 19, 2003

*and*

Memorandum of Understanding Amending and  
Extending the Memorandum of Understanding

Effected by Exchange of Notes at  
Phnom Penh August 14 and 26, 2008



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.”

## **CAMBODIA**

### **Cultural Property**

*Memorandum of understanding signed at  
Phnom Penh September 19, 2003;*

*Entered into force September 19, 2003.*

*And memorandum of understanding amending and  
extending the memorandum of understanding.*

*Effected by exchange of notes at Phnom Penh  
August 14 and 26, 2008;*

*Entered into force August 26, 2008.*

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE KINGDOM OF CAMBODIA  
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON  
KHMER ARCHAEOLOGICAL MATERIAL**

The Government of the United States of America and the Government of the Kingdom of Cambodia;

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 certain categories of irreplaceable archaeological material representing the Khmer culture of Cambodia from approximately the 6<sup>th</sup> century through the 16<sup>th</sup> century A.D., and including objects comprised of stone, metal (mainly gold, silver, and bronze), and ceramic;

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 certain categories of Khmer archaeological material, identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the Kingdom of Cambodia issues a certification 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 Kingdom of Cambodia 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 in the U.S. Federal Register, the official United States Government publication providing fair public notice. Emergency import restrictions covering Khmer stone sculpture, first promulgated by regulation on December 2, 1999, shall remain in effect.

## ARTICLE II

A. The Government of the Kingdom of Cambodia shall use its best efforts to permit the exchange of its archaeological material under circumstances in which such exchange does not jeopardize its cultural patrimony but allows public access for educational, cultural and scientific purposes and study abroad.

B. Representatives of the Government of the United States of America shall participate in joint efforts with representatives of the Government of the Kingdom of Cambodia to publicize this Memorandum of Understanding and the reasons for it.

C. The Government of the United States of America shall use its best efforts to facilitate technical assistance in cultural resource management and security to the Government of the Kingdom of Cambodia, as appropriate under existing programs in the public and/or private sectors.

D. Both Governments shall seek to encourage academic institutions, non-governmental institutions, and other private organizations to cooperate in the interchange of knowledge and information about the cultural patrimony of the

Kingdom of Cambodia, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training and resources.

E. The Government of the Kingdom of Cambodia shall seek to develop and promote professional training programs for archaeologists and museum staff and public institution administrators responsible for cultural patrimony, and to enhance the capabilities of the National Museum of Cambodia to care for and exhibit aspects of its rich cultural heritage.

F. The Government of the Kingdom of Cambodia shall continue to use its best efforts to implement a comprehensive management plan for Angkor and to develop a prioritized management plan for sites and monuments outside of Angkor focusing on sustainable development.

G. The Government of the Kingdom of Cambodia shall use its best efforts to develop educational programs among local populations throughout the country as part of an overall effort toward sustainable strategies for protecting cultural resources.

H. The Government of the Kingdom of Cambodia shall use its best efforts in restricting the activities of antiquities dealers and collectors within its borders, in making export controls more effective, and in seeking the cooperation of other importing countries in curbing illicit trade in cultural artifacts originating in Cambodia.

I. The Government of the Kingdom of Cambodia shall use its best efforts to address issues of corruption that undermine efforts to protect and develop Cambodian cultural patrimony in a sustainable fashion.

J. In order for United States import restrictions to be maximally successful in thwarting pillage, the Government of the Kingdom of Cambodia shall endeavor to strengthen regional cooperation, especially with immediately neighboring states, for the protection of the cultural patrimony of the region, recognizing that often, present-day political boundaries and cultural boundaries do not coincide.

### 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.

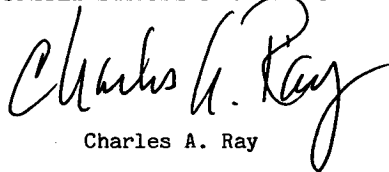
#### ARTICLE IV

- A. This Memorandum of Understanding shall enter into force upon signature. It shall remain in force for a period of five years.
- B. This Memorandum of Understanding may be amended or extended 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.
- D. Once published in the Federal Register, the Designated List referred to in Article I A shall supersede that published on December 2, 1999.

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

DONE at Phnom Penh, in duplicate, this 19th day of September, 2003, in the English and Khmer languages, both texts being equally authentic. In the case of any difference in interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF THE  
UNITED STATES OF AMERICA:

  
Charles A. Ray

FOR THE GOVERNMENT OF THE  
KINGDOM OF CAMBODIA:

  
Norodom Bopha Devi

# **អនុស្សាវរីយ៍នៃការយោគយល់**

**រវាង**

**រដ្ឋាភិបាលសហរដ្ឋអាមេរិក**

**និង**

**រដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា**

**ស្តីអំពី**

**ការដាក់កំរិតហាមឆ្លងទ្វារនាំចូលវត្ថុបុរាណខ្មែរ**

ដោយអនុលោមតាមអនុសញ្ញារបស់អង្គការយូណេស្កូ (UNESCO) ឆ្នាំ១៩៧០ ស្តីពីមធ្យោបាយ  
ដែលត្រូវហាមឃាត់ និងការទប់ស្កាត់ការនាំចេញ នាំចូលខុសច្បាប់ និងការផ្ទេរម្ចាស់កម្មសិទ្ធិនៃសម្បត្តិវប្បធម៌  
របស់ប្រទេសទាំងពីរដែលជារដ្ឋភាគី ; ហើយ

ក្នុងគោលបំណងកាត់បន្ថយដល់ការជួយជម្រុញឱ្យមានការលួចប្លន់ប្រភេទវត្ថុបុរាណមួយចំនួន ដែល  
មិនអាចមានអ្វីជំនួសបាន នៅក្នុងសតវត្សរ៍ទី១៦ រហូតដល់ទី១៦ ដែលគំរោងឱ្យវប្បធម៌ជាតិខ្មែរ របស់  
ព្រះរាជាណាចក្រកម្ពុជា រួមមានវត្ថុបុរាណអំពីថ្ម លោហធាតុ (ជាពិសេស មាស ប្រាក់ និងសិរិទ្ធ)  
ហើយនិងកុលាលភាជន៍;

**រដ្ឋាភិបាលសហរដ្ឋអាមេរិក និង រដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា**

**បានក្លាយប្រៀបគ្នាដូចតទៅ:**



**មាត្រា ១**

ក. ស្របតាមច្បាប់របស់ខ្លួន ដែលមានចំណងជើងថា "អនុសញ្ញាស្តីអំពីច្បាប់អនុវត្តន៍លើវិស័យសម្បត្តិវប្បធម៌" សហរដ្ឋអាមេរិកត្រូវដាក់កំរិតហាមប្រាមការនាំចូលមកសហរដ្ឋអាមេរិក នូវប្រភេទវត្ថុបុរាណខ្មែរមួយចំនួនដែលបានបញ្ជាក់កំរិតភាគក្នុងបញ្ជីដែលនឹងត្រូវប្រកាសជាសាធារណៈដោយ រដ្ឋាភិបាលអាមេរិក (ក្នុងអនុស្សរណៈនេះហៅថា "បញ្ជីកំណត់ប្រភេទវត្ថុបុរាណ") ល្អិតណាវដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា ចេញលិខិត ឬឯកសារដែលបញ្ជាក់ថា ការនាំចេញនោះមិនរំលោភដល់ច្បាប់របស់ខ្លួនទេ ។

ខ. រដ្ឋាភិបាលសហរដ្ឋអាមេរិកត្រូវប្រគល់វត្ថុបុរាណទាំងឡាយណាដែលខ្លួនរឹបអូសបាន ដែលមានឈ្មោះចុះក្នុងបញ្ជីកំណត់ប្រភេទវត្ថុបុរាណ ជូនរដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជាវិញ ។

គ. ការហាមឃាត់ការនាំចូល មានប្រសិទ្ធភាពនៅពេល "បញ្ជីកំណត់ប្រភេទវត្ថុបុរាណ" ត្រូវបានផ្សព្វផ្សាយនៅក្នុងបញ្ជីសហព័ន្ធសហរដ្ឋអាមេរិក ដែលជាស្ថាប័នផ្សព្វផ្សាយផ្លូវការរបស់រដ្ឋាភិបាលសំរាប់ចេញសេចក្តីប្រកាសប្រកបដោយភាពត្រឹមត្រូវនិងយុត្តិធម៌ ។ ការហាមឃាត់ការនាំចូលជាបន្ទាន់ទាក់ទិននឹងរូបចម្លាក់ថ្មខ្មែរ បានប្រកាសជាច្បាប់ជូនសាធារណៈលើកដំបូង ដោយច្បាប់ចុះថ្ងៃទី២ ខែធ្នូ ឆ្នាំ១៩៩៩ ហើយច្បាប់នេះ នៅតែមានប្រសិទ្ធភាពដដែល ។

**មាត្រា ២**

ក. រដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា ត្រូវប្រឹងប្រែងអស់លទ្ធភាព ដើម្បីអនុញ្ញាតឱ្យមានការប្តូរគ្នានូវវត្ថុបុរាណ ក្នុងករណីដែលការប្តូរគ្នានោះមិនបង្កឱ្យអន្តរាយដល់បេតិកភ័ណ្ឌវប្បធម៌របស់ខ្លួន ហើយការប្តូរគ្នានោះក៏ត្រូវអនុញ្ញាតអោយសាធារណៈមានសិទ្ធិចូលរួមដឹងព្យាបាល និងប្រើប្រាស់ក្នុងគោលបំណងផ្នែកអប់រំវប្បធម៌ និងវិទ្យាសាស្ត្រ ព្រមទាំងផ្នែកសិក្សា ស្រាវជ្រាវនៅក្រៅប្រទេសផងដែរ ។

ខ. គំណងទាំងឡាយនៃរដ្ឋាភិបាលសហរដ្ឋអាមេរិក ត្រូវសហការនិងប្រឹងប្រែងរួមជាមួយគំណងនៃរដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា ដើម្បីផ្សព្វផ្សាយអនុស្សរណៈនៃការយោគយល់ និងគោលបំណងរបស់វា ។

គ. រដ្ឋាភិបាលសហរដ្ឋអាមេរិកត្រូវប្រឹងប្រែងឱ្យអស់លទ្ធភាព ដើម្បីជួយសម្រួលដល់ការស្វែងរកជំនួយបច្ចេកទេសជូនដល់រាជរដ្ឋាភិបាលកម្ពុជា សម្រាប់គ្រប់គ្រង សម្បត្តិវប្បធម៌ និងសន្តិសុខឱ្យបានសមស្របតាមកម្មវិធី ដែលមានស្រាប់ទាំងនៅក្នុងផ្នែកសាធារណៈ និង ឯកជន ។

ឃ.រដ្ឋាភិបាលទាំងពីរត្រូវរកវិធានការ ដើម្បីលើកទឹកចិត្តដល់ស្ថាប័នអប់រំ ស្ថាប័នក្រៅរដ្ឋាភិបាល និងអង្គការឯកជនផ្សេងៗទៀត ឱ្យសហការគ្នាក្នុងការផ្លាស់ប្តូរគ្នាទៅវិញទៅមក នូវចំណេះដឹង និងព័ត៌មាន អំពីបេតិកភ័ណ្ឌវប្បធម៌នៃព្រះរាជាណាចក្រកម្ពុជា ហើយក៏ឱ្យសហការគ្នាក្នុងការថែរក្សា និងការការពារ បេតិកភ័ណ្ឌវប្បធម៌ទាំងនេះ តាមរយៈជំនួយបច្ចេកទេស ការបណ្តុះបណ្តាល និងធនធានដ៏សមស្រប។

ខ.រដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា ត្រូវស្វែងរកដើម្បីអភិវឌ្ឍន៍ និងលើកស្ទួយនូវកម្មវិធីបណ្តុះបណ្តាលជំនាញដល់បុរាណវិទូ បុគ្គលិកសារៈមន្ទីរវត្ថុបុរាណ ព្រមទាំងមន្ត្រីរដ្ឋបាលស្ថាប័នសាធារណៈ ដែលទទួលខុសត្រូវការងារបេតិកភ័ណ្ឌវប្បធម៌ និងលើកកម្ពស់សមត្ថភាពនៃសារៈមន្ទីរជាតិកម្ពុជាបន្ថែមទៀត ដើម្បីថែរក្សា និងលាតត្រដាងអោយឃើញនូវទិដ្ឋភាពជាគំរូដ៏ណែនាំដល់ប្រជាជនប្រទេសកម្ពុជា។

គ.រដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា ត្រូវបន្តកិច្ចខិតខំប្រឹងប្រែងរបស់ខ្លួនឱ្យអស់លទ្ធភាព ដើម្បីអនុវត្តនូវផែនការគ្រប់គ្រងតំបន់អង្គរវត្តអោយបានទូលំទូលាយ និងដាក់ចេញនូវផែនការជាអាទិភាពមួយ សំរាប់ទីកន្លែងនានា និងប្រាសាទផ្សេងៗដែលស្ថិតនៅក្រៅបរិវេណប្រាសាទអង្គរវត្ត ដោយផ្ដោតទៅលើការអភិវឌ្ឍន៍ប្រកបដោយចីរភាព។

ឃ.រដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា ត្រូវខិតខំប្រឹងប្រែងឱ្យអស់លទ្ធភាព ដើម្បីអភិវឌ្ឍកម្មវិធីអប់រំ ដល់ប្រជាពលរដ្ឋតាមជនបទនៅទូទាំងប្រទេស ដែលជាផ្នែកមួយនៃកិច្ចខិតខំប្រឹងប្រែងទាំងស្រុងឆ្ពោះទៅរកយុទ្ធសាស្ត្រប្រកបដោយចីរភាព សម្រាប់ការការពារសម្បត្តិវប្បធម៌។

ង.រដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជាត្រូវខិតខំប្រឹងប្រែងឱ្យអស់លទ្ធភាពក្នុងការដាក់កំរិតហាមប្រាម ដល់សកម្មភាពនានា ពាក់ព័ន្ធទៅនឹងការជួញដូរវត្ថុបុរាណ និងអ្នកប្រមូលវត្ថុបុរាណឱ្យនៅក្នុងព្រំដែនរបស់គេ ដើម្បីធ្វើការត្រួតពិនិត្យការនាំចេញ ហើយនិងការស្វែងរកឱ្យមានអោយមានកិច្ចសហប្រតិបត្តិការជាមួយក្រុមប្រទេសដែលនាំចូលវត្ថុបុរាណ រឹតតែមានប្រសិទ្ធភាព ដើម្បីទប់ស្កាត់ការជួញដូរខុសច្បាប់នូវវត្ថុបុរាណដែលមានដើមកំណើតនៅប្រទេសកម្ពុជា។

ច.រដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា ត្រូវប្រឹងប្រែងឱ្យអស់លទ្ធភាព ដើម្បីលុបបំបាត់បញ្ហាពុករលួយ ដែលអាចបំផ្លាញនូវការខិតខំប្រឹងប្រែងសម្រាប់ការការពារ និងអភិវឌ្ឍបេតិកភ័ណ្ឌវប្បធម៌កម្ពុជា តាមវិធីមួយប្រកបដោយចីរភាព។

ឆ្លុះដើម្បីអោយសហរដ្ឋអាមេរិកអនុវត្តការដាក់កម្រិតចំពោះការនាំចូល ឱ្យប្រកបដោយជោគជ័យ ជាអតិបរមានៃការប្រាប់កំណត់ការលូតលាស់វត្ថុបុរាណ រដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជាត្រូវព្យាយាមពង្រឹង នូវកិច្ចសហប្រតិបត្តិការតំបន់ ជាពិសេសជាមួយបណ្តាប្រទេសជិតខាងដែលមានព្រំដែនជាប់គ្នា ដើម្បីការពារ បេតិកភ័ណ្ឌវប្បធម៌របស់តំបន់នោះ ដោយទទួលស្គាល់ថា ជាញឹកញាប់នាបច្ចុប្បន្នកាលនេះ ព្រំដែននយោបាយ នៅពេលបច្ចុប្បន្ន និងព្រំដែនវប្បធម៌មិនពាក់ព័ន្ធគ្នាទេ ។

**មាត្រា ៣**

កាតព្វកិច្ចរបស់រដ្ឋាភិបាលទាំងពីរ និងសកម្មភាពទាំងឡាយដែលត្រូវបានអនុវត្តក្រោមអនុស្សរណៈ នៃការយោគយល់នេះ ត្រូវស្របទៅតាមច្បាប់និងវិធានការទាំងឡាយរបស់រដ្ឋាភិបាលនៃប្រទេសនីមួយៗ ដែល អាច អនុញ្ញាតឱ្យអនុវត្តបាន ហើយត្រូវអាស្រ័យទៅលើលទ្ធភាពនៃធនធានថវិការដ្ឋផងដែរ ។

**មាត្រា ៤**

ក. អនុស្សរណៈនៃការយោគយល់នេះ ត្រូវចូលជាធរមានចាប់តាំងពីថ្ងៃចុះហត្ថលេខានេះតទៅ ។  
អនុស្សរណៈនៃការយោគយល់នេះ ត្រូវមានប្រសិទ្ធភាពសំរាប់រយៈពេលប្រាំ (៥) ឆ្នាំ ។

ខ. អនុស្សរណៈនៃការយោគយល់នេះ អាចធ្វើវិសោធនកម្ម ឬពន្យារពេលបាន តាមរយៈនៃការផ្លាស់ប្តូរ កំណត់ទូទៅវិញទៅមក ។

គ. ប្រសិទ្ធភាពនៃអនុស្សរណៈនៃការយោគយល់នេះ អាចត្រូវយកមកពិនិត្យឡើងវិញបាន ក្នុង គោលបំណងដើម្បីសម្រេចថា តើតួរពន្យារពេលសំរាប់អនុវត្តជាបន្តទៅទៀត មុនពេលដែលអនុស្សរណៈនេះ ត្រូវផុតសុពលភាពក្នុងអំឡុងពេលប្រាំ (៥) ឆ្នាំ ។

ឃ. នៅពេលដែលអនុស្សរណៈនេះត្រូវបានចុះក្នុងបញ្ជីសហព័ន្ធ ( Federal Register ) បញ្ជី កំណត់ប្រភេទវត្ថុបុរាណ ( Designated List ) ដែលមានចែងក្នុងមាត្រាទី១ (ក) នឹងត្រូវជំនួសបញ្ជី កំណត់ប្រភេទវត្ថុបុរាណ ដែលបានចុះផ្សាយកាលពីថ្ងៃទី២ ខែធ្នូ ឆ្នាំ១៩៩៩ ។

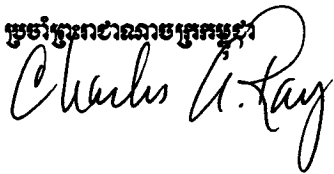
**ជាសាក្សី** អ្នកចុះហត្ថលេខាខាងក្រោមនេះ ត្រូវបានអនុញ្ញាតធ្វើជាតំណាងរដ្ឋាភិបាលនីមួយៗ  
ដើម្បីចុះហត្ថលេខាលើអនុស្សរណៈនេះ ។

ធ្វើនៅរាជធានីភ្នំពេញ នៅថ្ងៃទី ១៩ ខែ កញ្ញា ឆ្នាំ ២០០៣ ចំនួនពីរច្បាប់ ជាភាសា អង់គ្លេស  
និង ខ្មែរ ដែលអត្ថបទទាំងពីរភាសានេះ មានតម្លៃស្មើគ្នា ។ ក្នុងករណីមានការបកស្រាយមិនស្របគ្នា  
អត្ថបទជាភាសាអង់គ្លេសយកមកធ្វើជាសំអាង ។

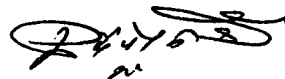
**តំណាងរដ្ឋាភិបាលសហរដ្ឋអាមេរិក**

**តំណាងរាជរដ្ឋាភិបាលកម្ពុជា**

**ឆាប អារ៉ុន ប័រ**  
**ឯកអគ្គរដ្ឋទូតសហរដ្ឋអាមេរិក**  
**ប្រចាំរាជធានីភ្នំពេញ**



**នរោត្តម បុន្ន ឌេវី**  
**រដ្ឋមន្ត្រីក្រសួងយុត្តិធម៌ និង**  
**វិស័យក្រសួង**



No: 594

The Embassy of the United States of America refers the Ministry of Foreign Affairs and International Cooperation of the Government of the Kingdom of Cambodia to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Khmer Archaeological Material signed at Phnom Penh September 19, 2003 (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 with the attached revised Article II. The Embassy also proposes several changes in the wording of the MOU, including the title. A list of the proposed changes is also attached.

If the foregoing proposals are acceptable to the Ministry of Foreign Affairs and International Cooperation, the Embassy proposes that this note, including the attached revised Article II, and the Ministry's affirmative note in reply, shall constitute an agreement to amend and extend the MOU, which shall enter into force on the date of the Ministry's note in reply and shall take effect on September 19, 2008.

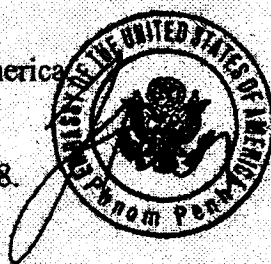
Embassy of the United States of America

Phnom Penh, August 14, 2008.

Attachments:

As stated.

cc: Ministry for Foreign Affairs



United States of America-Kingdom of Cambodia Memorandum of Understanding  
Extension 2008  
Revised Article II

- A. The Government of the Kingdom of Cambodia shall seek to expand the exchange of its archaeological material with U.S. institutions under circumstances that do not jeopardize its cultural patrimony, such as for temporary loans for exhibitions, including long-term loans whenever appropriate, and for other cultural, educational, and scientific purposes.
- B. Representatives of the Governments of the United States of America and the Kingdom of Cambodia shall participate in efforts to publicize this Memorandum of Understanding and the reasons for it, particularly as they relate to the Bronze and Iron Ages.
- C. The Government of the United States of America shall continue to use its best efforts to facilitate technical assistance in cultural resource management and security to the Government of the Kingdom of Cambodia, as appropriate under available programs in the public and/or private sectors.
- D. Both Governments shall seek to encourage national and international institutions to promote archaeological research in Cambodia, and to further the interchange of knowledge about the archaeological heritage representing the Bronze Age through the Post-Angkorian Period.
- E. The Government of the Kingdom of Cambodia shall continue to develop and promote professional training programs for archaeologists, museum staff, and institutional administrators responsible for cultural patrimony, to enhance the capabilities of the museums of Cambodia to care for and present their rich cultural heritage.
- F. The Government of the Kingdom of Cambodia shall continue to use its best efforts to:
- create and implement management plans for archaeological sites that balance protection with sustainable use;
  - secure museum collections and document/inventory standing archaeological remains;
  - implement educational programs throughout the country to inform and engage its citizens in the protection of cultural resources, particularly those of the Bronze and Iron Ages;
  - expand the Department of Patrimony Protection Police; and
  - reduce corruption that undermines efforts to protect Cambodian cultural patrimony from pillage and illicit trafficking.
- G. The Government of the Kingdom of Cambodia shall endeavor to enhance its collaborative efforts with the Government of the Kingdom of Thailand to control the illicit movement of Cambodian archaeological materials across their shared border.

H. The Government of the Kingdom of Cambodia shall report regularly to the Embassy of the United States of America on its efforts to safeguard its cultural patrimony from pillage.



## Amendments to the Memorandum of Understanding (2008)

### TITLE

Current – “Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Khmer Archaeological Material”

Delete – “...Khmer Archaeological Material”

Insert – “...*Archaeological Material from Cambodia from the Bronze Age through the Khmer Era*”

Amended Title – “Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Archaeological Material from Cambodia from the Bronze Age through the Khmer Era”

### PREAMBLE

Current – “Desiring to reduce the incentive for pillage of certain categories of irreplaceable archaeological material representing the Khmer culture of Cambodia from approximately the 6th century through the 16th century A.D., and including objects comprised of stone, metal (mainly bronze), and ceramic;”

Delete – “the Khmer culture of Cambodia from approximately the 6th century through the 16th century A.D., and including objects comprised of stone, metal (mainly bronze), and ceramic;”

Insert – “a continuum of culture from the Bronze Age through the Khmer era;”

Amended paragraph – “Desiring to reduce the incentive for pillage of certain categories of irreplaceable archaeological material representing a continuum of culture from the Bronze Age through the Khmer era;”

## **ARTICLE I**

Current – “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 certain categories of Khmer archaeological material, identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the Kingdom of Cambodia issues a certification or other documentation which certifies that such exportation was not in violation of its laws.”

Delete – “Khmer”

No addition

Amended Article – “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 certain categories of archaeological material, identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the Kingdom of Cambodia issues a certification or other documentation which certifies that such exportation was not in violation of its laws.”

## **ARTICLE II**

Substitute new Article II (attached)

KINGDOM OF CAMBODIA

Ministry of Foreign Affairs  
and International Cooperation



NATION – RELIGION – KING

N<sup>o</sup> 1346 MFA-IC/LCI

*The Ministry of Foreign Affairs and International Cooperation presents its compliments to the Embassy of the United States of America in Phnom Penh and has the honor to acknowledge receipt of the Embassy's Note No.594 dated 14 August 2008 regarding the Memorandum of Understanding between the Government of the Kingdom of Cambodia and the Government of the United States of America concerning the Imposition of Import Restrictions on Khmer Archaeological Materials into the United States of America signed on 19 September 2003 at Phnom Penh.*

*In this regard, the Ministry would like to inform the Embassy that the Government of the Kingdom of Cambodia **accepts the foregoing proposal** by the United States of America to **amend** the title, the Preamble, the Article 1 and the substitute new Article 2 of the MOU and to **extend** for the additional period of five years of the above-mentioned MOU.*

*The Ministry considers that the Embassy's Note and the present Ministry's Note shall constitute an agreement to amend and extend the said MOU, which shall enter into force on the date of the Ministry's note in reply and shall take effect on 19 September 2008.*

*The Ministry of Foreign Affairs and International Cooperation avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration*

Phnom Penh, 16 August 2008



*Embassy of the United States of America*  
**Phnom Penh**

## **CULTURAL PROPERTY**

### **Agreement Between the UNITED STATES OF AMERICA and CAMBODIA**

Amending and Extending the  
Memorandum of Understanding of  
September 19, 2003

Effected by Exchange of Notes at  
Phnom Penh July 18 and August 6, 2013



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.”

## **CAMBODIA**

### **Cultural Property**

*Agreement amending and extending the  
memorandum of understanding  
of September 19, 2003.*

*Effected by exchange of notes at Phnom Penh  
July 18 and August 6, 2013;  
Entered into force August 6, 2013.*

No. 0564

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia and has the honor to refer to the Memorandum of Understanding Between the Government of the United States of America and the Royal Government of Cambodia concerning the Imposition of Import Restrictions on Archaeological Material from Cambodia from the Bronze Age through the Khmer Era, signed at Phnom Penh, September 19, 2003, as amended and extended in 2008 (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, Sections A and B of the MOU, the MOU be extended for an additional five-year period.

The Embassy further proposes that, pursuant to Article IV, Section B of the MOU, the MOU be amended by replacing Article II with the attached revised Article II.

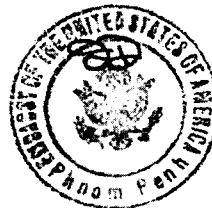
If the foregoing proposals are acceptable to the Ministry, the Embassy proposes that this note, including the attached revised Article II and the Ministry's note in reply, shall constitute an agreement to extend and amend the MOU, which shall enter into force on the date of the Ministry's note in reply and shall take effect on September 19, 2013.

The Embassy of the United States of America takes this opportunity to renew to the Ministry of Foreign Affairs and International Cooperation of the Kingdom of Cambodia the assurances of its highest consideration.

Attachment: Proposed revised Article II

Embassy of the United States of America,

Phnom Penh, July 18, 2013.



CC: Ministry of Culture and Fine Arts



**United States of America-Kingdom of Cambodia Memorandum of Understanding  
Extension 2013  
Revised Article II**

**Public Awareness / Outreach**

- A. Representatives of the Government of the United States of America and representatives of the Government of the Kingdom of Cambodia shall continue efforts to publicize this Memorandum of Understanding and the reasons for it, particularly as they relate to the Bronze and Iron Ages.
- B. The Government of the Kingdom of Cambodia shall use its best efforts to place informational material such as signs and brochures at airports, border crossings, other points of entry and exit, marketplaces, and retail outlets that explain the laws prohibiting illicit excavation and the removal and sale of artifacts.

**Protection / Conservation**

- C. The Government of the Kingdom of Cambodia shall continue to use its best efforts to:
  - create and implement management plans for archaeological sites on land and underwater that balance protection with sustainable use;
  - secure and inventory objects pertaining to its national cultural heritage, including those held in public institutions, religious institutions, and private collections;
  - document cultural heritage sites in a centralized digital inventory;
  - implement educational programs throughout the country to inform and engage its citizens in the protection of cultural resources, particularly those of the Bronze and Iron Ages;
  - expand the Department of Heritage Protection Police; and
  - reduce corruption that undermine efforts to protect Cambodian cultural patrimony from pillage and illicit trafficking.
- D. Both Governments shall continue to promote best practices in cultural resource management in Cambodia, and to encourage coordination among cultural heritage authorities, tourism authorities, and development agencies to ensure the protection of archaeological sites on land and underwater from accidental destruction, looting, or damage.

**Collaboration / Interchange**

- E. The Government of the United States of America shall continue to use its best efforts to facilitate technical assistance in cultural resource management and security to the Government of the Kingdom of Cambodia, as appropriate under available programs in the public and/or private sectors.

- F. The Government of the Kingdom of Cambodia shall continue and expand the exchange of its archaeological material under circumstances that do not jeopardize its cultural patrimony, such as for temporary special exhibitions and for loans of long duration for cultural, educational, or scientific purposes.
- G. Both Governments shall seek to encourage national, international, and non-governmental institutions to promote research, knowledge, and professional development in all areas of Cambodian heritage protection and management.
- H. Both Governments, recognizing collaborative efforts already underway, shall continue to develop and promote professional training programs for archaeologists, museum staff, and institutional administrators responsible for cultural patrimony, to enhance the capabilities of the museums of Cambodia to care for and present their rich cultural heritage.
- I. Both Governments, building on previously successful initiatives, shall endeavor to support the Government of Cambodia's efforts to ensure that permitted archaeological projects include collaborative and community engaged scholarship involving local stakeholders, such as village and monastic communities, to develop local understanding of heritage issues.

#### **Law Enforcement**

- J. The Government of the Kingdom of Cambodia shall continue its efforts to maintain and enhance a comprehensive record of reported incidents of looting of archaeological sites. Such records should include an indication of the eventual outcome of cases that result in prosecution or penalties.
- K. The Government of the Kingdom of Cambodia shall endeavor to enhance its collaborative efforts with the governments of other Southeast Asian countries, namely Thailand, Vietnam, and Laos, to control the illicit movement of Cambodian archaeological materials across their shared borders. It shall also endeavor to proactively engage with countries that have a demonstrable market for archaeological objects from Cambodia to prevent the illicit trafficking of this material.

#### **Reporting**

- L. Each Government shall, on a regular basis, keep the other informed of the implementation of the measures agreed to in this Memorandum of Understanding.



**KINGDOM OF CAMBODIA**

*Ministry of Foreign Affairs  
and International Cooperation*

No. 1997 MFA-IC/LCI

*The Ministry of Foreign Affairs and International Cooperation presents its compliments to the Embassy of the United States of America in Phnom Penh and, with reference to the Embassy's Note 0564 dated 18 July 2013, has the honor to inform the latter that the Cambodian side has accepted the proposed revised Article II of the Memorandum of Understanding between the Government of the Kingdom of Cambodia and the Government of the United States of America concerning "the Imposition of Import Restrictions on Archeological Material from Cambodia from the Bronze Age through the Khmer Era" and agreed to extend the validity of this Memorandum of Understanding for another period of five years from 2013 to 2018.*

*Therefore, the Embassy's Note, including the attached revised Article II, and this Note of reply shall constitute an agreement to extend and amend the MOU, which shall enter into force on the date of this Note.*

*The Ministry of Foreign Affairs and International Cooperation avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.*

*Phnom Penh, 06 August 2013*

*Embassy of the United States of America  
Phnom Penh*



*Address: N° 3, Samdech Hun Sen Street, Sangkat Tonle Basac,  
Khan Chamkamon, Phnom Penh, Kingdom of Cambodia*

*Tel : (855) 23 214 441, 216 122  
Fax : (855) 23 216 144, 216 141  
Email : mfaic@mfa.gov.kh*

**United States of America-Kingdom of Cambodia Memorandum of Understanding  
Extension 2013  
Revised Article II**

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