

On March 4, 2018, the U.S. Department of State published notification in the *Federal Register* of the receipt of a request from the Government of the Republic of Ecuador to the Government of the United States of America for import restrictions on archaeological and ethnological material from Ecuador representing its pre-Columbian through Republic period heritage. This request is submitted pursuant to Article 9 of the [1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property](#) as implemented by the [Convention on Cultural Property Implementation Act](#) (“CPIA,” 19 U.S.C. 2601 *et seq.*).

Accompanying its request, the Government of Ecuador provided a written statement of the facts known to Ecuador that relate to the determinations that must be made to enter into an agreement pursuant to the CPIA (19 U.S.C. § 2602(a)(1)). This statement included a brief history of the pre-Columbian, Colonial, and Republic periods in Ecuador; evidence of pillage of and jeopardy to Ecuador’s archaeological and ethnological materials; measures Ecuador has taken consistent with the 1970 UNESCO Convention to mitigate the problem of pillage; analysis of the nature and extent of the U.S. and international market for Ecuadorian cultural property; and a description of the benefits that import restrictions might confer. The following public summary is derived from that request. It does not necessarily represent the position of the Government of the United States on this matter.

* * *

PUBLIC SUMMARY

Request by the Government of the Republic of Ecuador to the Government of the United States of America to Impose Import Restrictions to Protect its Cultural Patrimony under Article 9 of the 1970 UNESCO Convention

The Government of Ecuador seeks protection for archaeological material in ceramic, metal (gold, silver, copper, and other alloys), tissue, bone, lithic materials, and shell in the form of figurines, whistles, seals, masks, pots, vases, bowls, body ornaments, shell objects, and fossils that correspond to the Pre-Ceramic period, Formative period, Regional Development period, Integration period, and Inka period (~12,000 B.C. – A.D. 1532). In addition, the Government of Ecuador seeks protection for ethnological material including paintings and sculpture that are at least 100 years old; Colonial period metalwork; Colonial and Republican period textiles; Colonial and Republican period coins; medallions more than 50 years old; tools and utensils with ethnological value more than 50 years old; manuscripts more than 50 years old; and certain works by modern artists.¹

Historical Overview

Interaction among diverse indigenous groups with unique language and customs characterizes the pre-Columbian period in Ecuador. During the pre-Ceramic period (~ 12,000 – 4,000 B.C.), Paleo-Indian hunter gatherers occupied temporary camps following game and seasonal plants in the highlands. On the coast, archaic groups lived in quasi-permanent settlements near the ocean

¹ The requested categories will be evaluated pursuant to the CPIA definitions of archaeological or ethnological material of the State Party ([see 19 U.S.C. § 2601\(2\)](#)).

with access to diverse microclimates that allowed for the development of permanent settlements and organized horticulture. During the Formative period (4,000 – 500 B.C.), agriculture, community based on land tenure for agriculture, and ceramics emerged along with long-distance trade systems that carried *Spodylus princeps* throughout the Andes. In the Regional Development period (500 B.C. – A.D. 500), religious ideology became the most important element of community cohesion. Art represented mythical animal divinities and natural forces. Metallurgy flourished. Ceremonial centers had wide zones of influence and controlled political and economic power. Maritime populations increased contact with Mesoamerica, as well as trade with the central Andes. During the Integration Period (A.D. 500 – 1532), trade networks grew along with the political influence of traders. Later in the period, territorial and hierarchical chiefdoms created confederations through alliances. Chiefs organized production and redistribution. Now institutionalized, trade networks focused on strategic resources and sumptuary goods, including coca, salt, Spondylus shell, cotton, and gold. Specialized traders and markets affiliated with chiefdoms played important roles in politics. The Inka arrived in Ecuador in A.D. 1470, likely attracted by agricultural productivity and Spondylus. Following military campaigns that met strong resistance, the Inka conquered powerful centers in Tomebamba (now Cuenca) and Quito. They constructed new centers of power, roads, military installations, and resettled colonists from other remote regions. Inka domination lasted less than 50 years. Many indigenous groups remained linguistically and culturally distinct from the Inka and openly opposed Inka rule.

When the Spanish arrived to the northern sector of the Inka Empire in modern Ecuador, one indigenous group, the Cañaris, allied with the Spanish in military campaigns against the Inka in the context of a dynastic war between two contenders for king. Quito was founded in 1534 in the highlands and Guayaquil became an important port. By 1563, Quito was the seat of the Royal Audiencia of Quito, which functioned within the Viceroyalty of Peru or the Viceroyalty of New Granada (Colombia). Spanish conquerors were granted *encomiendas* or trusteeships over native populations that conferred tribute and required religious conversion to Catholicism. Catholic friars established indoctrination centers for the indigenous population, where individuals were taught new arts and crafts. Workshops produced utilitarian items as well as sculptures and paintings used to provide a Baroque splendor to the religious orders. In the 17th and 18th centuries, the talent of local artists came to be valued throughout the Americas and was known as the “Quito School.” During the 18th century in the context of Bourbon reforms, the popularity of nativity scenes and the creation of a ceramic tile factory in Quito contributed to a gradual secularization of art, which began with the representation of various ethnic and social figures in nativity scenes and *casta* paintings.

Quito declared independence from Spain in 1809, and all of the lands of the Audiencia of Quito became independent from Spain by 1822. During the beginning of the Republic, concepts of national territory, citizenship, and heroism were incorporated into secular art that aimed to create a sense of belonging to the new state. Military portraits, epic paintings, and landscapes were common. Religious painting continued during the 19th century linked to education. With the construction of new roads, religious pilgrimage tourism began to emerge along with votive paintings. At the same time, scientists, artists, and adventurers traveled through Ecuador. Anthropological studies required local artists to draw the various human types, with their typical dress and activities, resulting in “Costumbrism.” Scientific images of flora, fauna, and

topography were common. Battles in the press between conservatives and liberals included Goyesque satirical images that questioned 19th-century institutions.

Pillage and Jeopardy to the Cultural Patrimony of Ecuador

Clandestine excavations and looting at archaeological sites are ongoing in Ecuador. The highest-risk areas are the provinces of the northern coast of Manabí and Esmeraldas, where the Jama Coaque, Bahía, Guangala, and La Tolita cultures had their origins; in the central highlands provinces of Chimborazo, Tungurahua, and Cotopaxi, where the Puruhá and Panzaleo cultures are located; and in the Sierra Norte, in the area of Carchi and Imbabura, where Pasto, Caranqui, and Quito cultures are located. Looting also takes place in the Amazonian provinces of Zamora Chinchipe and Morona Santiago.

In addition to the looting of archeological sites, thefts occur in churches, museums, and private collections. A few well-known cases illustrate this problem. In 1999, one of the most important Colonial works of this period, a sculpture of Christ's resurrection carved in wood by Master Manuel Chili "Caspicara," was stolen from the Fray Pedro Gocial Museum, in Quito. In 2007, an early 18th-century pyx was stolen from the Madres Conceptas Museum of Religious Art in Riobamba, triggering the Declaration of a State of Emergency for the Cultural Heritage of Ecuador. In 2011, a 19th-century inkwell stolen from the Casa de Sucre Museum in Quito was recovered in a building in Quito that was used as a warehouse for stolen cultural property, including archaeological objects.

Legal Framework for Protecting Ecuador's Cultural Patrimony

Ecuador has extensive legal protections for cultural property. The 2008 Constitution recognizes the authority of the State to protect and safeguard the cultural heritage of the nation. The Cultural Heritage Act of 2016 states that certain objects and goods are part of the national cultural heritage, including but not limited to archaeological sites; archaeological objects; underwater cultural heritage; moveable property of the Colonial and Republican eras that is at least 100 years old; artisanal, industrial, or mechanical objects that are at least 100 years old; ethnographic collections and objects of significance for the interpretation of cultures and historical tradition; and State-established archives. The act establishes the National System of Culture and the National Institute of Cultural Heritage (INPC).

Regulations for the Cultural Heritage Act specify processes for registration of cultural heritage property. The National Territorial Organization, Autonomy, and Decentralization Code provides for concurrent management of cultural heritage by the central government and autonomous local governments. The National Production, Trade, and Investment Code requires the customs administration to collaborate to control unauthorized exports of cultural heritage property. The Environmental Regulations on Mining Activities requires environmental impact studies, measures to prevent damage, and/or salvage plans as appropriate. The Law on Inka Road Protection and Conservation requires special interagency coordination to develop eco-tourism and adventure travel.

Ecuador is a State Party to the 1970 UNESCO Convention; the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects; and the 1976 Convention of San Salvador on the

Protection of the Archeological, Historical, and Artistic Heritage of the American Nations. As a member of CAN (the Andean Community), Ecuador subscribes to Decision 588 on the Protection and Restoration of the Cultural Heritage of the Member Countries of the Andean Community. In addition, Ecuador has bilateral cultural property agreements with Colombia, Peru, El Salvador, Bolivia, Egypt, Paraguay, and Venezuela.

Entities that Protect and Promote Cultural Heritage

The Ministry of Culture and Patrimony is the governing body for culture and heritage. The Ministry of Culture and Patrimony governs the National System of Culture, which comprises all institutions in the cultural sphere that receive public funds, the Decentralized Autonomous Governments and Special Regime Governments, the Benjamin Carrión House of Ecuadorian Culture, and groups, associations, non-governmental organizations, entities, stakeholders, and managers of culture that, being independent, are voluntarily linked to the System. The Sub-secretariat of Patrimony is responsible for managing cultural heritage, including combatting illicit trafficking of cultural property, registration and inventory of cultural property, authorizing temporary export of cultural property, regulating commerce of cultural goods (excluding archaeological objects), and managing repatriation of cultural property that was stolen or illicitly imported or exported. The Sub-Secretariat of Social Memory manages the Museum Network, which includes public and private institutions. The Ministry of Culture and Patrimony directly manages 14 museums.

The INPC is an independent public institution for research and technical supervision that is subordinate to Ministry of Culture and Patrimony. The INPC manages the “Ecuadorian Cultural Heritage Information System” (SIPCE), which includes an inventory of moveable and immoveable cultural property. Decentralized autonomous municipal governments may concurrently manage declared national cultural property. The INPC and the Ministry of Tourism share responsibility for managing the Inka Road.

The Office of the Attorney General works with the National Police Unit for Crimes against Cultural Patrimony to investigate and prosecute crimes related to cultural property, coordinating with INPC for expert analysis. The National Customs Service of Ecuador collaborates to control unauthorized exports of cultural heritage property.

Markets for Cultural Property from Ecuador

The United States is a major market for sales of archaeological and ethnological material from Ecuador. Other notable markets include Germany, France, and Spain. Since 2008, U.S. law enforcement has recovered and returned to Ecuador over 400 archaeological objects, including items confiscated by U.S. Customs and Border Protection. The Governments of Spain, Denmark, Italy, and Chile have recovered and returned archaeological objects to Ecuador. The Government of Colombia has returned Colonial ecclesiastical items and modern paintings to Ecuador. In Argentina, confiscated Ecuadorian cultural objects are the subject of pending litigation.

Benefits for the International Community

Ecuador shares its cultural heritage for education and research in other countries. Since 2004, Ecuador has authorized temporary export of 1,495 archaeological objects, 443 Colonial period objects, and 1,479 contemporary objects for 47 exhibitions. For example, in 2016, the Quai Branly Museum in Paris hosted “Shamans and Divinities in Pre-Colombian Ecuador.” In addition, Ecuador welcomes research projects including foreign researchers and institutions.