



United States Department of State
Bureau of Educational and
Cultural Affairs
Washington, D.C. 20522-0505

ANNUAL REPORT
OF THE
CULTURAL PROPERTY ADVISORY COMMITTEE
For the Period
October 1, 2018 through September 30, 2019

Function

The role of the Cultural Property Advisory Committee (“CPAC” or “the Committee”) is to advise the President on appropriate U.S. action in response to requests from States Parties to the *1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (“the Convention”).

As a State Party to the Convention, the United States strives to protect and preserve cultural property from threats of pillage and trafficking. The *Convention on Cultural Property Implementation Act* (CPIA), 19 U.S.C. §§ 2601-2613, implements many of the United States’ obligations under the 1970 Convention by imposing import restrictions either through emergency actions or bilateral cultural property agreements (typically framed as Memoranda of Understanding) between the United States and another States Parties to the Convention. In collaboration with partner countries, the U.S. government imposes these restrictions on certain categories of cultural property that are important to archaeology, prehistory, history, literature, art, or science. These include archaeological objects (e.g., antiquities, historical monuments) and ethnological objects (e.g., rare manuscripts, items used in rituals).

Much of the authority of the President under the CPIA has been delegated by executive order (E.O. 12555 of March 10, 1986) or assigned by subsequent legislation to the Secretary of State, and, pursuant to further delegations of this authority, now rests with certain senior officials at the Department of State (“the Department”). The government of any State Party to the Convention may request a cultural property agreement by submitting a written request to the Department.

The Department shares the strong concerns expressed by the United Nations Security Council “about the links between the activities of terrorists and organized criminal groups that, in some cases, facilitate criminal activities, including trafficking in cultural property, illegal revenues and financial flows as well as money-laundering, bribery and corruption.”¹ In essence, our cultural property agreements are tools for preventing looting, pillage, and illicit trade in cultural objects. In some countries, it is unlawful to excavate, remove, or export such objects without a permit. Once a bilateral agreement is in place and corresponding import restrictions have been imposed, importation of designated objects into the United States is prohibited except under limited

¹ UNSC Resolution 2347.

circumstances. The goal of such an agreement is to protect cultural heritage by reducing the incentive for further pillage of archaeological and ethnological material.

On receiving a request pursuant to the Convention, the Department first refers the matter to CPAC for its recommendations and views. In making its recommendations, the Committee takes into consideration the foreign government's request and supporting documentation, as well as information that may be available from other sources. These sources include, but are not limited to, knowledgeable individuals, academic and scientific organizations, the United States government, intergovernmental organizations, and non-governmental organizations with recognized expertise in the subject matter. Public comment, while not required, may also be solicited.

Membership

A roster of current CPAC members is attached.

Meetings

The Committee met three times in Washington, DC during the reporting period: November 6, 2018; April 1-2, 2019; and July 22-23, 2019.

All three meetings included closed sessions to permit discussions involving foreign government law enforcement and security information as well as matters which, if disclosed publicly, could compromise the government's negotiating objectives or bargaining positions on the negotiation of agreements authorized by 19 U.S.C. § 2601 *et seq.*

Accomplishments

November 6, 2018. In closed session, the Committee conducted "continuing review" of the effectiveness of all the cultural property agreements and emergency actions currently in force, in accordance with 19 U.S.C. § 2605(g)(1). As the Committee did not find that any of the conditions described in 19 U.S.C § 2605(g)(2) as requiring a report to Congress and the President were present, no report was submitted.

The Committee also discussed administrative matters including the 2019 meeting schedule and ideas for making the open sessions of meetings more useful.

April 1-2, 2019. In open session, the first to use a new format discussed at the November 6, 2018 meeting, the Committee began by asking questions of clarification to those public commenters who submitted materials ahead of time on the requests by the Government of Chile and the Government of Jordan for import restrictions on archaeological material. Afterwards, the Committee divided the remaining time equally among those who requested time to make a public comment, asking commenters who submitted written material for any further comment, emphasize a key point, or summarize the highlights of written materials. The Committee then met in closed session to discuss the requests from Chile and Jordan. There was considerable discussion regarding the protection of paleontological material from Chile. In formulating its advice to the Department on materials to include in Chile's agreement, the Committee discussed whether paleontological material could be considered a subset of archaeological material under the Act. After a review of the legislative history of the Act, the Committee concluded that paleontological material may be considered cultural property for the purposes of 19 U.S.C. § 2607 but does not meet the definition of "archaeological or ethnological

material of the State Party” given at 19 U.S.C. § 2601(2). The Committee did not recommend including paleontological material in an agreement with Chile. The Department considered the Committee’s views and recommendations as contained in its reports but has not yet made public its intentions with regard to entering into cultural property agreements with either Chile or Jordan.

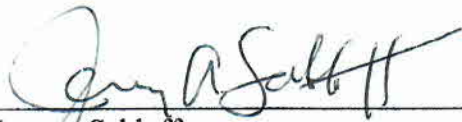
July 23-24, 2019. The Committee continued its use of the new format for the open session. In that session, the Committee received public comments regarding the Department’s proposal to extend the *Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological Material from the Prehispanic Cultures of the Republic of El Salvador*. The Committee then met in closed session to discuss the proposal to extend the agreement with El Salvador and made its recommendations. The Department considered the Committee’s views and recommendations as contained in its report but has not yet made public its intentions with regard to entering into a cultural property agreement with that country.

The Committee also in closed session received a briefing from Department of State staff on the threats to cultural property in Yemen. The Yemeni government and the media report that cultural property from Yemen is indeed being trafficked to the United States. The most effective tools that the Department has to address this issue are the imposition of import restriction on an emergency basis and/or a bilateral cultural property agreement. At the time of the meeting, Yemen was in the process of becoming a party to the 1970 Convention as a prerequisite for requesting such an agreement. The Embassy of Yemen had informed the Department of its intention to file a request as soon as Yemen became a party to 1970 Convention. The introductory briefing was held so that the Committee would be equipped to review expeditiously a request for a cultural property agreement from Yemen when it arrived.

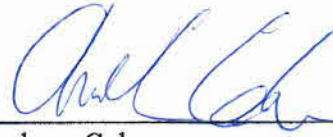
The Committee also discussed operating procedures and administrative matters.

Resolution of Pending agency actions. During FY 2019, the Department completed several actions that the Committee addressed in the previous year. The Department considered the views and recommendations contained in CPAC’s FY 2018 report with respect to a cultural property agreement with Honduras, and such an agreement was concluded in Tegucigalpa on March 5, 2019. This agreement continues import restrictions that first went into effect on March 16, 2004. The Department also considered the views and recommendations contained in the Committee’s FY 2018 report with respect to a cultural property agreement with Ecuador. Such an agreement was signed in Quito on May 22, 2019 and is expected to enter into force in due course. Finally, the Department also considered the views and recommendations contained in CPAC’s 2018 report with respect to a cultural property agreement with Algeria, and such an agreement was concluded in Washington on August 15, 2019.

Conclusion. The Department appreciates the Committee's commitment to making both the open and the closed sessions more productive and efficient. The Committee contributes significantly to U.S. efforts to protect and preserve cultural heritage through cultural property agreements. These agreements promote stability, economic development, and good governance in other countries, while denying critical financing to terrorist organizations and other criminal networks that engage in illicit trade in such property.



Jeremy Sabloff
Chair, Cultural Property Advisory Committee



Andrew Cohen
*Executive Director, Cultural Property
Advisory Committee*

Cultural Property Advisory Committee
Committee Roster

Chair

Jeremy Sabloff

Represents/Expertise: Museums
Emeritus Faculty and Past President
Santa Fe Institute
Santa Fe, NM

Executive Director

Andrew Cohen

Cultural Heritage Center
Bureau of Educational and Cultural Affairs
U.S. Department of State
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Members

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President Emerita of the American Academy
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[until July 18, 2019]

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[until July 11, 2019]

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[from July 11, 2019]

James W. Willis

Represents/Expertise: International Sale of
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[until Sept. 2, 2019]