

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND THE GOVERNMENT OF THE REPUBLIC OF PERU CONCERNING THE
IMPOSITION OF IMPORT RESTRICTIONS ON ARCHAEOLOGICAL MATERIAL FROM
THE PREHISPANIC CULTURES AND CERTAIN ETHNOLOGICAL MATERIAL FROM
THE COLONIAL PERIOD OF PERU**

The Government of the United States of America and the Government of the Republic of Peru;
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 prehispanic cultures of Peru and certain ethnological material from the
Colonial period of Peru;

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, will restrict the importation into the United States of the archaeological and ethnological material listed in the Appendix to this Memorandum of Understanding (hereafter "Designated List") unless the Government of Peru 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 Peru any material on the Designated List forfeited to the Government of the United States of America.
- C. Such import restrictions will 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.

ARTICLE II

- A. The representatives of the Government of the United States of America will participate in joint efforts with representatives of the Government of Peru to publicize this Memorandum of Understanding and the reasons for it.
- B. The Government of the United States of America will use its best efforts to facilitate technical assistance in cultural resource management and security to Peru, as appropriate under existing programs in the public and/or private sectors.
- C. Both Governments will 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 Peru, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training and resources.
- D. The Government of Peru will use its best efforts to permit the exchange of its archaeological and ethnological materials under circumstances in which such exchange does not jeopardize its cultural patrimony, such as temporary loans for exhibition purposes and study abroad, and to expedite procedures for the export of samples for scientific research.

- E. The Government of Peru will seek to develop professional training programs for archaeologists, ethnologists, and museum staff and public institution administrators responsible for cultural patrimony.
- F. Both Governments agree that, in order for United States import restrictions to be fully successful in thwarting pillage, the Government of Peru will endeavor to strengthen cooperation within the Andean Region for the protection of the cultural patrimony of the region, recognizing that political boundaries and cultural boundaries do not coincide; and will seek the cooperation of other art-importing countries.
- G. The Government of Peru will use its best efforts to develop a prioritized management plan for the effective protection of its cultural resources and to continue progress with all due diligence to implement its National Registry of Cultural Property.
- H. The Government of Peru will use its best efforts to carry out the legal reforms necessary to improve further the protection of its archaeological and ethnological cultural patrimony.
- I. The Government of Peru will use its best efforts, through education and implementation and enforcement of its laws, to improve protection of its Colonial ethnological patrimony as well as its archaeological patrimony.

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 will 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 ninth day of June, 1997, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:

Ambassador Jeffrey Davidow
United States Department of State

R. Penn Kemble
United States Information Agency

FOR THE GOVERNMENT OF PERU:

Ricardo Luna
The Ambassador of the Government of
Peru to the United States of America