

CULTURAL PROPERTY

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

Signed at Washington December 4, 2001

and

Agreement Amending and Extending the
Memorandum of Understanding

Effected by Exchange of Notes at
La Paz November 27 and 29, 2006

and

Agreement Extending the
Memorandum of Understanding

Effected by Exchange of Notes at
La Paz October 31 and November 10, 2011



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.”

BOLIVIA

Cultural Property

*Memorandum of understanding signed at
Washington December 4, 2001;
Entered into force December 4, 2001.
And agreement amending and extending the
memorandum of understanding.
Effected by exchange of notes at
La Paz November 27 and 29, 2006;
Entered into force November 29, 2006.
And agreement extending the
memorandum of understanding.
Effected by exchange of notes at
La Paz October 31 and November 10, 2011;
Entered into force November 10, 2011.*

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND
THE GOVERNMENT OF THE REPUBLIC OF BOLIVIA
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON
ARCHAEOLOGICAL MATERIAL FROM THE PRE-COLUMBIAN CULTURES
AND CERTAIN ETHNOLOGICAL MATERIAL FROM THE COLONIAL AND
REPUBLICAN PERIODS OF BOLIVIA**

The Government of the United States of America and the Government of the Republic of Bolivia;

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 Pre-Columbian cultures of Bolivia and certain ethnological material from the Colonial and Republican periods of Bolivia;

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 Pre-Columbian material from the Archaic Period through the end of the Inka Empire, and certain categories of ethnological material from the Colonial Period through the end of the Republican Period, identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the Republic of Bolivia 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 Republic of Bolivia 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.

ARTICLE II

- A. The representatives of the Government of the United States of America shall participate in joint efforts with representatives of the Government of the Republic of Bolivia to publicize this Memorandum of Understanding and the reasons for it.
- B. The Government of the United States of America shall use its best efforts to facilitate technical assistance in cultural resource management and security to Bolivia, as appropriate under existing programs in the public and/or private sectors.
- C. 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 Bolivia, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training and resources.
- D. The Government of the Republic of Bolivia shall 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 the Republic of Bolivia shall 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 the Republic of Bolivia shall 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 shall seek the cooperation of other art-importing countries.

G. The Government of the Republic of Bolivia shall 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 the Republic of Bolivia shall 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 the Republic of Bolivia shall use its best efforts, through education and implementation and enforcement of its laws, to improve protection of its Colonial and Republican 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 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.

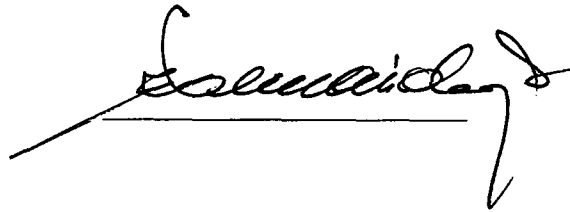
IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Memorandum of Understanding.

DONE at Washington, D.C., in duplicate, this fourth day of December 2001, in the English and Spanish languages, both texts being equally authentic.

**FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:**

**FOR THE GOVERNMENT OF
THE REPUBLIC OF BOLIVIA:**





**MEMORANDO DE ENTENDIMIENTO ENTRE
EL GOBIERNO DE LOS ESTADOS UNIDOS DE AMÉRICA Y
EL GOBIERNO DE LA REPÚBLICA DE BOLIVIA
SOBRE LA IMPOSICIÓN DE RESTRICCIONES A LA IMPORTACIÓN DE
MATERIAL ARQUEOLÓGICO DE LAS CULTURAS PRECOLOMBINAS Y DE
CIERTO MATERIAL ETNOLÓGICO DE LOS PERÍODOS COLONIAL Y
REPUBLICANO DE BOLIVIA**

El Gobierno de los Estados Unidos de América y el Gobierno de la República de Bolivia,

Actuando con arreglo a la Convención de 1970 de la UNESCO sobre las Medidas que deben adoptarse para Prohibir e Impedir la Importación, la Exportación y la Transferencia de la Propiedad Ilícitas de Bienes Culturales, en la cual ambos países son Estados Partes; y

Con el fin de reducir el incentivo para el saqueo de ciertas categorías de material arqueológico irremplazable representativo de las culturas precolombinas de Bolivia y de cierto material etnológico de los períodos Colonial y Republicano de Bolivia;

Acuerdan lo siguiente:

ARTÍCULO I

- A. El Gobierno de los Estados Unidos de América, conforme a la ley estadounidense de Aplicación de la Convención sobre Bienes Culturales, restringirá la importación a los Estados Unidos de ciertas categorías de material precolombino del Período Arcaico hasta fines del Imperio Inca y de ciertas categorías de material etnológico del Período Colonial al Período Republicano, inclusive, indicadas en una lista (en adelante denominada "Lista Designada") que promulgará el Gobierno de los Estados Unidos, excepto cuando el Gobierno de la República de Bolivia expida una certificación u otra documentación por la que acredite que determinada exportación no constituye infracción de su legislación.
- B. En el caso de cualquier material incluido en la Lista Designada que haya sido decomisado a favor del Gobierno de los Estados Unidos de América, éste se ofrecerá a devolverlo al Gobierno de la República de Bolivia.
- C. Las restricciones a dicha importación deberán entrar en vigencia en la fecha en que la Lista Designada sea publicada en el Federal Register, la publicación oficial del Gobierno de los Estados Unidos de América que proporciona la debida notificación pública.

ARTÍCULO II

- A. Los representantes del Gobierno de los Estados Unidos de América participarán en esfuerzos conjuntos con los representantes del Gobierno de la República de Bolivia para difundir la presente Carta de Entendimiento y la razón de ser de la misma.
- B. El Gobierno de los Estados Unidos de América hará lo posible para brindar a Bolivia asistencia técnica pertinente en la administración y seguridad de los recursos culturales, como corresponda conforme a los programas vigentes en los sectores público o privado.
- C. Ambos gobiernos procurarán motivar a las instituciones académicas y no gubernamentales y a otras entidades privadas a cooperar en el intercambio de conocimientos e información sobre el patrimonio cultural de Bolivia, así como a colaborar en la preservación y protección del mismo mediante la dotación de asistencia técnica, capacitación y recursos pertinentes.

D. El Gobierno de la República de Bolivia hará lo posible para permitir el intercambio de sus materiales arqueológicos y etnológicos en circunstancias en las cuales dicho intercambio no ponga en riesgo su patrimonio cultural, por ejemplo, como el caso de préstamos temporales para exposición y estudio en el exterior, y para facilitar los procedimientos para la exportación de muestras con fines de investigación científica.

E. El Gobierno de la República de Bolivia procurará preparar programas de capacitación profesional para arqueólogos, etnólogos y personal de museos y administradores de instituciones públicas a cargo del patrimonio cultural.

F. Ambos Gobiernos acuerdan que, con el fin de que las restricciones a las importaciones de los Estados Unidos tengan pleno éxito en la prevención del saqueo, el Gobierno de Bolivia deberá procurar fortalecer la cooperación en la región andina en la protección del patrimonio cultural de ésta, reconociendo que las fronteras políticas y las culturales no coinciden; y tratará de conseguir la cooperación de otros países importadores de arte.

G. El Gobierno de la República de Bolivia hará lo posible a fin de preparar un plan administrativo priorizado para la protección eficaz de sus recursos culturales y de continuar progresando con toda diligencia hacia la puesta en práctica de su Registro Nacional de la Propiedad Cultural.

H. El Gobierno de la República de Bolivia hará lo posible para llevar adelante las reformas jurídicas necesarias para mejorar aún más la protección de su patrimonio cultural arqueológico y etnológico.

I. El Gobierno de la República de Bolivia hará lo posible, mediante la educación y por la aplicación y el cumplimiento de su legislación, para mejorar la protección de su patrimonio etnológico, colonial y republicano, así como de su patrimonio arqueológico.

ARTÍCULO III

Las obligaciones de ambos gobiernos y las actividades que se lleven a cabo conforme al presente Memorando de Entendimiento deberán estar sujetas al ordenamiento interno pertinente de cada Gobierno, incluida la disponibilidad de fondos.

ARTÍCULO IV

- A. El presente Memorando de Entendimiento entrará en vigor en la fecha de su firma. Continuará en vigor por un término de cinco años, a menos que se prorrogue.
- B. El presente Memorando de Entendimiento podrá enmendarse mediante el canje de notas diplomáticas.
- C. La eficacia del presente Memorando de Entendimiento será objeto de un examen para determinar, antes de la expiración del término de cinco años del Memorando, si éste debe prorrogarse.

EN FE DE LO CUAL, los suscritos, debidamente autorizados por sus respectivos Gobiernos, firman el presente Memorando de Entendimiento.

DADO en Washington, en dos ejemplares, el 4 de diciembre de 2001, en los idiomas inglés e español, teniendo ambos textos la misma autenticidad y validez.

**POR EL GOBIERNO DE LOS
ESTADOS UNIDOS DE AMÉRICA**

**POR EL GOBIERNO DE
LA REPÚBLICA DE BOLIVIA**





November 27, 2006

No. 451/06

The Embassy of the United States of America refers the Ministry of Foreign Affairs and Worship of the Government of the Republic of Bolivia to the Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Bolivia concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures and certain Ethnological Material from the Colonial and Republican Periods of Bolivia done at Washington December 4, 2001 (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. A 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.

DIPLOMATIC NOTE

If the foregoing proposals are acceptable to the Ministry of Foreign Affairs and Worship, the Embassy proposes that this note, including the attached revised Article II, and the Government of the Republic of Bolivia's note in reply, shall constitute an agreement to extend and amend the MOU, which shall enter into force on the date of your note in reply and shall be effective on December 4, 2006.

The Embassy avails itself of this opportunity to renew to the Ministry of Foreign Affairs and Worship of the Republic of Bolivia the assurances of its highest consideration.

Attachment: As stated.



To the Honorable

Ministry of Foreign Affairs and Worship

of the Republic of Bolivia,

La Paz.

US-Bolivia MOU Extension 2006 – Revised Article II

- A. The Government of the United States of America and the Government of the Republic of Bolivia shall publicize this Memorandum of Understanding, and the reasons for it.
- B. Both Governments desire to enhance the appreciation of the cultural heritage of Bolivia; and, toward that end, Bolivia shall endeavor to permit the exchange of its archaeological and ethnological objects for cultural, educational and scientific purposes.
- C. The Government of the United States shall endeavor to respond to requests from the Government of Bolivia for expertise, collaboration, and other assistance related to the protection of Bolivia's cultural heritage, such as professional training in cultural resource management and security.
- D. The Government of Bolivia shall expand efforts to educate its citizens about the need to safeguard the national cultural heritage and to develop further the technical and managerial professions relating to cultural heritage protection, so as to prepare a workforce capable of protecting the patrimony for future generations.
- E. The Government of Bolivia shall continue its efforts to assess and revise the relevant cultural heritage laws, incentives, and penalties, as necessary, to ensure their consistency and effectiveness.
- F. Having made excellent progress in the protection of the nation's Colonial-period heritage, the Government of Bolivia shall endeavor to increase the attention and resources available for the protection and management of its archaeological sites and resources, including public awareness efforts at transit points throughout Bolivia.
- G. To the extent possible, the Government of Bolivia shall devise and maintain a system to document and track incidents of looting, interdiction, and return of archaeological materials, similar to the system in place for Colonial materials.
- H. The Government of Bolivia shall endeavor to increase and expand its cooperation with other countries to curtail the illicit trafficking of cultural property.



REPÚBLICA DE BOLIVIA

MINISTERIO DE RELACIONES
EXTERIORES Y CULTOS

VREC-UAC-N.V. No. 1066/06

El Ministerio de Relaciones Exteriores y Cultos-Unidad de Asuntos Culturales – saluda muy atentamente a la Honorable Embajada de los Estados Unidos de América, y tiene a bien avisar recibo de la Nota Verbal No.451/06, de fecha 27 de noviembre de 2006, mediante la cual comunica la propuesta de prorroga del “Memorando de Entendimiento” firmado entre los gobiernos de los Estados Unidos de América y el Gobierno de la República de Bolivia en la ciudad de Washington- Estados Unidos, el día 4 de diciembre de 2001, referido a la Imposición de Restricciones a la Importación de Material Arqueológico de las Culturas Precolombinas y de Material Etnológico de los periodos Colonial y Republicano de Bolivia.

En ese sentido, el Ministerio de Relaciones Exteriores y Cultos comunica a la Honorable Embajada de los Estados Unidos de América, que el gobierno de Bolivia ha aceptado la propuesta de prorrogar el “Memorando de Entendimiento” para un periodo adicional de cinco años, incluidas las revisiones del Artículo II, confirmando de esta manera que la Nota Diplomática de la Embajada junto con la presente Nota de respuesta, deberán constituir un acuerdo entre nuestros dos gobiernos para la extensión y enmienda del Memorando de Entendimiento, que entrará en vigencia el 4 de diciembre de 2006.

El Ministerio de Relaciones Exteriores y Cultos- Unidad de Asuntos Culturales- a tiempo de agradecer la atención a la presente, hace propicia la oportunidad para reiterar a la Honorable Embajada de los Estados Unidos de América, las seguridades de su más alta y distinguida consideración.



La Paz, 29 de noviembre de 2006

A la Honorable
Embajada de los Estados Unidos de América.
Presente.-

AMB



TRANSLATION

Republic of Bolivia
Ministry of Foreign Relations and Worship

Embassy of the United States of America
La Paz

VREC-UAC-N.V. No. 1066/06

La Paz, November 29, 2006

The Ministry of Foreign Relations and Worship, Cultural Affairs Unit, presents its compliments to the Embassy of the United States of America and has the honor to confirm receipt of diplomatic note No. 451/06 of November 27, 2007, proposing extension of the Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Imposition of Import Restrictions on Archaeological Material from the Precolumbian Cultures and Certain Ethnological Material from the Colonial and Republican Periods of Bolivia, signed at Washington December 4, 2001.

The Ministry of Foreign Relations and Worship would like to inform the Embassy of the United States of America that the Government of Bolivia has accepted both the proposal to extend the Memorandum of Understanding for an additional five-year period and revised Article II. The diplomatic note from the Embassy and this response shall

constitute an agreement between our two governments to extend and amend the Memorandum of Understanding, which will become effective on December 4, 2006.

[Complimentary close]

[Seal]

AMB

No. 330/11

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Plurinational State of Bolivia, and has the honor to refer the Ministry to the *Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures and Certain Ethnological Material from the Colonial and Republican Periods of Bolivia*, done at La Paz on December 4, 2001, and amended and extended through an exchange of diplomatic notes dated November 27 and 29, 2006 (hereinafter referred to as "the MOU").

The Embassy, on behalf of the Government of the United States of America, proposes that the MOU be extended for an additional five-year period.

DIPLOMATIC NOTE

If the foregoing proposal is acceptable to the Ministry of Foreign Affairs of the Plurinational State of Bolivia, the Embassy proposes that, pursuant to Article IV.A of the MOU, this note and the Ministry's affirmative note in reply shall constitute an agreement to extend the MOU, which shall enter into force on the date of your note in reply, and which shall be effective on December 4, 2011.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Relations of the Plurinational State of Bolivia the assurances of its highest consideration.

Embassy of the United States of America,

La Paz, October 31, 2011.





ESTADO PLURINACIONAL DE BOLIVIA
MINISTERIO DE RELACIONES EXTERIORES

VRE-DGRB-UEA-025530/2011

EL MINISTERIO DE RELACIONES EXTERIORES – Dirección General de Relaciones Bilaterales, saluda muy atentamente a la Honorable Embajada de los Estados Unidos de América, y tiene a bien avisar recibo de la Nota Verbal No.330/11, de fecha 31 de octubre de 2011, mediante la cual comunica la propuesta de prórroga del “Memorando de Entendimiento” referido a la Imposición de Restricciones a la Importación de Material Arqueológico de las Culturas Precolombinas y de Material Etnológico de los periodos Colonial y Republicano de Bolivia, firmado entre el Gobierno de los Estados Unidos de América y el Gobierno de la República de Bolivia en la ciudad de Washington – Estados Unidos, el día 4 de diciembre de 2001, y modificado y ampliado a través de un intercambio de notas diplomáticas el 27 de y 29 de noviembre de 2006 (en lo sucesivo, el “Memorando de Entendimiento”)

En ese sentido, el Ministerio de Relaciones Exteriores comunica a la Honorable Embajada de los Estados Unidos de América, que el Gobierno del Estado Plurinacional de Bolivia ha aceptado la propuesta de prorrogar el mencionado “Memorando de Entendimiento” para un periodo adicional de cinco años, confirmando de esta manera que la Nota Diplomática de la Embajada, junto con la presente Nota de respuesta, deberán constituir un acuerdo entre nuestros dos gobiernos para la extensión del Memorando de Entendimiento, que entrará en vigencia el 4 de diciembre de 2011.

EL MINISTERIO DE RELACIONES EXTERIORES – Dirección General de Relaciones Bilaterales, hace propicia la oportunidad para reiterar a la Honorable Embajada de los Estados Unidos de América, las seguridades de su más alta y distinguida consideración.



La Paz, 10 NOV. 2011

A la Honorable
EMBAJADA DE LOS ESTADOS UNIDOS DE AMÉRICA
PRESENTE.-



TRANSLATION^[1]

Plurinational State of Bolivia
Ministry of Foreign Relations

No. VRE-DGRB-UEA-025530/2011

The Ministry of Foreign Relations, Office of Bilateral Relations, presents its compliments to the Embassy of the United States of America and has the honor to acknowledge receipt of note verbale No. 330/11 of October 31, 2011, in which the Embassy proposes extending the Memorandum of Understanding between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Columbian Cultures and Certain Ethnological Material from the Colonial and Republican Periods of Bolivia, signed at Washington, D.C., on December 4, 2001, and amended and extended through an exchange of diplomatic notes on November 27 and 29, 2006, (hereinafter referred to as the “Memorandum of Understanding”).

In this regard, the Ministry of Foreign Relations has the honor to inform the Embassy of the United States of America that the proposal to extend the

Embassy of the United States of America,
La Paz.

¹ [Translator’s Note: Bolivian note No. VRE-DGRB-UEA-025530/2011 does not reproduce the contents of U.S. note No. 330/11; accordingly, the customary comparison LS performs for an exchange of notes cannot be furnished in this case.]

above-mentioned Memorandum of Understanding for an additional five-year period is acceptable to the Government of the Plurinational State of Bolivia and thus confirms that the Embassy's note and this note in reply shall constitute an agreement between our two governments, which shall enter into force on December 4, 2011, to extend said Memorandum of Understanding.

[Complimentary close]

La Paz, November 10, 2011

[Ministry stamp]