

**CULTURAL PROPERTY**

**Agreement Between the  
UNITED STATES OF AMERICA  
and CHINA**

**Amending and Extending  
Memorandum of Understanding of  
January 14, 2009**

Effected by Exchange of Notes at  
Beijing January 6 and 8, 2014



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.”

## **CHINA**

### **Cultural Property**

*Agreement amending and extending  
memorandum of understanding of  
January 14, 2009.*

*Effected by exchange of notes at Beijing  
January 6 and 8, 2014;*

*Entered into force January 8, 2014;*

*With effect from January 14, 2014.*

No. 0008

The Embassy of the United States of America presents its compliments to the State Administration for Cultural Heritage of the People's Republic of China and has the honor to refer to the Memorandum of Understanding Concerning the Imposition of Import Restrictions on Categories of Archaeological Material from the Paleolithic Period Through the Tang Dynasty and Monumental Sculpture and Wall Art at least 250 Years Old, signed at Washington January 14, 2009 (hereinafter referred to as "the MOU").

The Embassy, on behalf of the Government of the United States of America, has the honor to propose that, pursuant to Article IV.1 and 2 of the MOU, the MOU be extended for an additional five-year period.

The Embassy has the further honor to propose that, pursuant to Article IV. 2 of the MOU, the MOU be amended by replacing Article II with the attached revised Article II. The Embassy also has the honor to propose an amendment to Article I of the MOU. The proposed amendment to Article I is attached.

If the foregoing proposals are acceptable to the State Administration, the Embassy proposes that this note, including the attached revised Article I and Article II, and the State Administration's note in reply, shall constitute an agreement to extend and amend the MOU, which shall enter into force on the date of the State Administration's note in reply and shall take effect on January 14, 2014.

The Embassy of the United States of America takes this opportunity to renew to the State Administration for Cultural Heritage of the People's Republic of China the assurances of its highest consideration.

DIPLOMATIC NOTE

Attachments:

As stated.

Embassy of the United States of America,

Beijing, January 06, 2014



**Amendment to Article I of the  
Memorandum of Understanding (2009)**

**Current Article I. 1.** 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 archaeological material originating in China and representing China's cultural heritage from the Paleolithic Period through the end of the Tang Dynasty (A.D. 907), and of monumental sculpture and wall art at least 250 years old; including categories of metal, ceramic, stone, textiles, other organic material, glass, and painting identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the People's Republic of China issues a license or other documentation which certifies that such exportation was not in violation of its laws. For the purposes of this Memorandum of Understanding, the restricted Paleolithic objects date from approximately 75,000 BC.

**Insert** "..., as of January 14, 2009, the date this MOU entered into force"

**Amended Article I 1.** 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 archaeological material originating in China and representing China's cultural heritage from the Paleolithic Period through the end of the Tang Dynasty (A.D. 907), and of monumental sculpture and wall art at least 250 years old as of January 14, 2009, the date this MOU entered into force; including categories of metal, ceramic, stone, textiles, other organic material, glass, and painting identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the People's Republic of China issues a license or other documentation which certifies that such exportation was not in violation of its laws. For the purposes of this Memorandum of Understanding, the restricted Paleolithic objects date from approximately 75,000 BC.

**United States of America – People’s Republic of China Memorandum of  
Understanding  
Extension 2014  
Revised Article II**

**Public Awareness / Outreach**

1. Representatives of the Government of the People’s Republic of China and representatives of the Government of the United States of America shall regularly publicize this Memorandum of Understanding and the reasons for it through available outlets of communication.
2. The Government of the People’s Republic of China and the Government of the United States of America shall continue to raise public awareness about the long-term importance of protecting cultural heritage from looting and destruction, in the spirit of UNESCO 1970 Convention.

**Protection / Conservation**

3. The Government of the People’s Republic of China shall continue its best efforts to inventory collections of moveable cultural objects, to make use of surface surveys in order to inventory archaeological sites, and to increase research-based archaeology and enhance public awareness of its importance.
4. The Government of the People’s Republic of China shall use its best efforts to train and deploy professional security guards and expand the use of security technology, with the aim of reducing pillage of cultural property throughout the country, especially in remote and high risk areas, and shall enhance awareness among government officials and employees of Chinese archeological material and its value to China’s heritage.
5. The Government of the People’s Republic of China shall use its best efforts to promote education in museum studies, archaeology and cultural resource management. Both nations will seek to support these efforts through available existing programs and other means of cooperation.
6. The Government of the United States of America shall use its best efforts to facilitate technical assistance to the Government of the People’s Republic of China, with the aim of preserving its cultural heritage by such means as improving cultural resource management, stabilizing and restoring monuments and sites, enhancing capacity for risk prevention in heritage sites and museums and enhancing the capacity of museums to preserve and exhibit collections of its ancient heritage.

**Collaboration / Interchange**

7. The Government of the United States of America recognizes that the Government of the People’s Republic of China permits the international interchange of archaeological materials for cultural, educational and scientific purposes to enable widespread public appreciation of and legal access to China’s rich cultural heritage. The Government of the People’s Republic of China agrees to use its best efforts to

further such interchange by:

- (1) continuing to encourage museum loans of archaeological material, including recently excavated objects, for research and public display purposes;
  - (2) encouraging Chinese museums to carry out joint efforts with American counterparts, including but not limited to: finalizing in a timely manner relevant contracts and lists of objects loaned and minimizing the logistical difficulties accompanying the exhibition;
  - (3) facilitating the approval of loan exhibitions to the United States of America, allowing objects in an exhibition to remain outside China for up to two years, increasing the number of Grade I objects allowed in an exhibition; and considering longer-term loans of up to five years of a limited number of objects.
  - (4) facilitating the granting of permits to conduct archaeological research in China by streamlining and further clarifying the application process.
8. With respect to Chinese cultural objects that meet the following four conditions: a) legally exported as part of a private collection of Chinese heirlooms, b) legally transferred among owners, c) purchased and imported by residents of China, and d) declared upon import to China and registered with the relevant authorities, the Government of the People's Republic of China shall seek legislative action that permits their re-export.

#### **Law Enforcement**

9. The Government of the People's Republic of China shall continue measures to improve the effectiveness of its customs officers to stop the illicit exportation of cultural property at borders and ports. The Government of the United States of America shall increase its efforts to improve the ability of its customs officers to recognize Chinese archaeological material and, as appropriate, facilitate assistance to China for the training of its customs officers.
10. The Central Government of the People's Republic of China shall increase joint efforts with the Hong Kong Special Administrative Region and the Macao Special Administrative Region to stop archaeological material looted or stolen from the Chinese mainland from being trafficked into and out of these regions.
11. The Government of the People's Republic of China shall seek to further implement regulation of its internal market for antiquities, with the aim of reducing unauthorized transactions.
12. Both Governments agree that, in order for United States import restrictions to be most successful in thwarting pillage, the Government of the People's Republic of China shall endeavor to strengthen regional cooperation within Asia for the protection of cultural heritage; and, in the effort to deter further pillage in China, shall seek increased cooperation from other importing nations to restrict the import of looted archaeological material originating in China.



## **Information Sharing**

13. To strengthen the cooperation between the two countries:

1) the Government of People's Republic of China shall provide annually to the Government of the United States of America information and statistics about crimes of theft, clandestine excavation, trafficking (illicit trade and smuggling) and abuse of official power, and, as it becomes available, information about prosecutions and convictions pertinent to the MOU;

2) as it becomes available and appropriate, the Government of the United States of America shall share information with the Government of People's Republic of China regarding trafficking (illicit trade and smuggling) of Chinese cultural property in order to strengthen the ability of both countries to enforce applicable laws and regulations to reduce this trafficking.

中华人民共和国国家文物局  
State Administration of Cultural Heritage  
People's Republic of China

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Informal translation

SACH-2014-001

**Note verbale**

The State Administration of Cultural Heritage of the People's Republic of China presents its compliments to the Embassy of the United States of America and has the honor to inform your Embassy that your Diplomatic Note No.0008 dated January 6, 2014 has been received.

On Behalf of the Government of the People's Republic of China, SACH accepts your Embassy's proposal, renewing for five more years the validity of the *Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Republic of China Concerning The Imposition of Import Restrictions on Categories of Archeological Materials From the Paleolithic Period Through the Tang Dynasty and Monumental Sculpture and Wall Art At Least 250 Years Old*, and replacing Article 1 and 2 in the original text with the revised version attached in the Appendix (please see the Chinese text in the Appendix).

SACH also has the honor to accept your Embassy's proposal to develop an agreement on validity renewal and text revision of the MOU based on the note correspondences between us. The new agreement shall come into force on January 14, 2014 and be put into implementation on the date of reply by SACH.

SACH avails itself of this opportunity to renew to the Embassy of the United States the assurances of its highest consideration.

January 8, 2014

Encl.: As mentioned above

CC: Ministry of Foreign Affairs of the People's Republic of China

# 中华人民共和国国家文物局

State Administration of Cultural Heritage  
People's Republic of China

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SACH-2014-001

## 照 会

美利坚合众国驻中华人民共和国大使馆：

中华人民共和国国家文物局向美利坚合众国驻中华人民共和国大使馆致敬，并荣幸地告知：

贵馆 2014 年 1 月 6 日 No. 0008 外交照会收悉。

中华人民共和国国家文物局代表中华人民共和国政府接受贵馆提议，将《中华人民共和国政府和美利坚合众国政府对旧石器时代到唐末的归类考古材料以及至少 250 年以上的古迹雕塑和壁上艺术实施进口限制的谅解备忘录》有效期顺延五年，并接受对备忘录第一条和第二条的修订，以附件中经修订的第一条和第二条代替原有的第一条和第二条（中文文本附后）。

国家文物局也荣幸地接受贵馆提议，将贵馆来照及国家文物局复照，共同组成一个顺延有效期和修订备忘录的协议，协议于国家文物局回复之日开始实施，并于 2014 年 1 月 14 日生效。

中华人民共和国国家文物局借此机会向美利坚合众国驻中华人民共和国大使馆致以最崇高的敬意。

附件：如前所述

中华人民共和国国家文物局

2014 年 1 月 8 日

抄送： 中华人民共和国外交部

附件:

**《中华人民共和国政府和美利坚合众国政府对旧石器时代到唐末的归类考古材料以及至少 250 年以上的古迹雕塑和壁上艺术实施进口限制的谅解备忘录》于 2014 年顺延修订的第一条**

一、美利坚合众国政府依照其《文化财产公约实施法》，应限制以下物品进口到美国：从旧石器时代到唐代结束（公元 907 年）的源于中国并代表中国文化遗产的考古资料和迄本备忘录生效之日（2009 年 1 月 14 日）至少 250 年的古迹雕塑和壁上艺术，包括将由美国政府公布的清单（以下称为“指定清单”）上所列的各类金属物、陶瓷、石材、纺织品、其他有机物质、玻璃和绘画，但中华人民共和国政府签发许可或其他证件证明这种出口不违反中国法律的除外。本谅解备忘录所指受限旧石器时代物品的时限从大约公元前 75,000 年开始。

**《中华人民共和国政府和美利坚合众国政府对旧石器时代到唐末的归类考古材料以及至少 250 年以上的古迹雕塑和壁上艺术实施进口限制的谅解备忘录》于 2014 年顺延**

**修订的第二条**

**公众意识/宣传**

一、中华人民共和国政府代表和美利坚合众国政府代表应通过所有可用的媒体渠道定期宣传本谅解备忘录内容及其签署缘由。

二、中华人民共和国政府和美利坚合众国政府应按照联合国教科文组织 1970 年公约的精神，继续提高公众对于保护文化遗产免遭盗劫和破坏的长远重要意义的认识。

**保护/保存**

三、中华人民共和国政府应继续尽其最大努力，对可移动文物的收藏进行清点登记，利用文物普查对考古地点进行清点登记，扩大以研究为基础的考古学并提高公众对其重要性的认识。

四、中华人民共和国政府应尽其最大努力，培训和部署专职安全保卫人员并扩大安全技术的使用，以减少在全国范围内（特别是在偏远地区和高危地区内）对文化财产的盗劫，并提高政府工作人员和雇员辨别中国考古资料及其对中国文化遗产价值的的能力。

五、中华人民共和国政府应尽其最大努力，促进在博物馆研究、考古学以及文化资源管理方面的教育。两国将寻求通过有效的现有项目和其他方式的合作，对这些工作提供支持。

六、美利坚合众国政府应尽其最大努力，促进对中华人民共和国政府的技术协助，以达到保存中国文化遗产的目标。协助可以通过改善文化资源管理，加固和修复古迹、遗址，提高遗迹遗址和博物馆安全防范能力，以及增强博物馆保存和展出其古代遗产藏品能力等方式进行。

## 合作/交流

七、美利坚合众国政府认识到，中华人民共和国政府为使广大民众能够欣赏并合法接触中国的丰富文化遗产，而准许以文化、教育和科学为目的的考古资料的国际交流。中华人民共和国政府同意尽其最大努力，以如下方式推动此类交流：

（一）继续鼓励博物馆出借考古资料，包括最近出土的物品，用于研究和公开展览；

（二）鼓励中国博物馆与美国同行共同努力采取措施，包括但不限于，及时确定相关的合同和出借物品的清单，并尽量减少与展览相关的各类困难；

（三）为文物赴美展览提供便利，允许文物出国展出一次最长不超过两年，增加在一个展览中允许展出的一级文物数量，考虑给予有限数量的文物最长不超过五年的长期出借展览期。

(四) 通过简化和进一步明确申请程序, 为到中国进行考古研究所需许可证的签发提供便利。

八、对于同时满足下列四项条件的中国文物, 中华人民共和国政府应寻求立法措施允许其再出境: (1) 作为中国私人祖传收藏的部分合法出口的, (2) 物主间合法转让的, (3) 由中国居民购买和携带入境的, (4) 进境中国时已申报并在有关部门登记的。

## 执法

九、中华人民共和国政府应继续采取措施提高海关人员制止在边境和口岸非法出口文化财产的效能。美利坚合众国政府应加大努力提高其海关人员辨别中国考古资料的能力, 并适时为协助中国培训其海关人员提供便利。

十、中华人民共和国中央政府应与香港特别行政区和澳门特别行政区共同加强努力, 制止盗劫或偷窃于内地的文物流入并流出这些地区。

十一、中华人民共和国政府应设法加强执行对其文物市场的管理, 以减少非法交易。

十二、两国政府同意, 为了使美国的进口限制最有效地制止盗劫, 中华人民共和国政府应努力加强亚洲的区域合作, 以保护文化遗产; 同时, 为努力制止在中国的进一步盗劫, 应寻求加强与其他进口国的进一步合作, 对进口从中国盗劫的考古材料加以限制。

## 信息分享

### 十三、为加强两国间合作：

（一）中华人民共和国政府将每年向美利坚合众国政府提供与本备忘录相关的盗窃、盗掘和贩运（非法交易与走私）、滥用职权的犯罪信息与统计数据，及在可能情况下上述案件的起诉和判决情况。

（二）美利坚合众国政府将酌情适时向中华人民共和国政府提供贩运（非法交易与走私）中国文化财产等相关信息，以加强两国执行适用法律法规的能力，减少此类贩运（非法交易与走私）。