CULTURAL PROPERTY

Memorandum of Understanding
Between the
UNITED STATES OF AMERICA
and CAMBODIA

Signed at Phnom Penh September 19, 2003

and

Memorandum of Understanding Amending and Extending the Memorandum of Understanding

Effectuated by Exchange of Notes at
Phnom Penh August 14 and 26, 2008
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.”
CAMBODIA

Cultural Property

Memorandum of understanding signed at
Phnom Penh September 19, 2003;

And memorandum of understanding amending and
extending the memorandum of understanding.
E effect by exchange of notes at Phnom Penh
August 14 and 26, 2008;
Entered into force August 26, 2008.
MEMORANDUM OF UNDERSTANDING BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE KINGDOM OF CAMBODIA
CONCERNING THE IMPOSITION OF IMPORT RESTRICTIONS ON
KHMER ARCHAEOLOGICAL MATERIAL

The Government of the United States of America and the Government of the
Kingdom of Cambodia;

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 Khmer culture of Cambodia from
approximately the 6th century through the 16th century A.D., and including objects
comprised of stone, metal (mainly gold, silver, and bronze), and ceramic;

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 Khmer archaeological material, identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the Kingdom of Cambodia 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 Kingdom of Cambodia 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. Emergency import restrictions covering Khmer stone sculpture, first promulgated by regulation on December 2, 1999, shall remain in effect.

ARTICLE II

A. The Government of the Kingdom of Cambodia shall use its best efforts to permit the exchange of its archaeological material under circumstances in which such exchange does not jeopardize its cultural patrimony but allows public access for educational, cultural and scientific purposes and study abroad.

B. Representatives of the Government of the United States of America shall participate in joint efforts with representatives of the Government of the Kingdom of Cambodia to publicize this Memorandum of Understanding and the reasons for it.

C. The Government of the United States of America shall use its best efforts to facilitate technical assistance in cultural resource management and security to the Government of the Kingdom of Cambodia, as appropriate under existing programs in the public and/or private sectors.

D. 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 the
Kingdom of Cambodia, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training and resources.

E. The Government of the Kingdom of Cambodia shall seek to develop and promote professional training programs for archaeologists and museum staff and public institution administrators responsible for cultural patrimony, and to enhance the capabilities of the National Museum of Cambodia to care for and exhibit aspects of its rich cultural heritage.

F. The Government of the Kingdom of Cambodia shall continue to use its best efforts to implement a comprehensive management plan for Angkor and to develop a prioritized management plan for sites and monuments outside of Angkor focusing on sustainable development.

G. The Government of the Kingdom of Cambodia shall use its best efforts to develop educational programs among local populations throughout the country as part of an overall effort toward sustainable strategies for protecting cultural resources.

H. The Government of the Kingdom of Cambodia shall use its best efforts in restricting the activities of antiquities dealers and collectors within its borders, in making export controls more effective, and in seeking the cooperation of other importing countries in curbing illicit trade in cultural artifacts originating in Cambodia.

I. The Government of the Kingdom of Cambodia shall use its best efforts to address issues of corruption that undermine efforts to protect and develop Cambodian cultural patrimony in a sustainable fashion.

J. In order for United States import restrictions to be maximally successful in thwarting pillage, the Government of the Kingdom of Cambodia shall endeavor to strengthen regional cooperation, especially with immediately neighboring states, for the protection of the cultural patrimony of the region, recognizing that often, present-day political boundaries and cultural boundaries do not coincide.

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.

B. This Memorandum of Understanding may be amended or extended 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.

D. Once published in the Federal Register, the Designated List referred to in Article I A shall supersede that published on December 2, 1999.

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

DONE at Phnom Penh, in duplicate, this 19th day of September, 2003, in the English and Khmer languages, both texts being equally authentic. In the case of any difference in interpretation, the English text shall prevail.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:  FOR THE GOVERNMENT OF THE KINGDOM OF CAMBODIA:

Charles A. Ray  Norodom Bopha Devi
ពេលនេះ ដែលមានការប្រការនៃសមាជភាពរស់រើន
ដ៏ទូទៅ

ប្រាំប្រុសសមាជភាពរស់រើន (UNESCO) អោយមាន អត្ថន័យអំពី
ដាក់ពីប្រភេទបណ្តាញ បណ្តាញភាសាខ្មែរ ការប្រការនៃអត្ថន័យ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ

ប្រថាចិត្តរបស់អ្នកអត្ថន័យ តែមានប្រយោជន៍បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ

ប្រព័ច្ចចិត្តរបស់អ្នកអត្ថន័យ តែមានប្រយោជន៍បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ បណ្តាញភាសាខ្មែរ

អត្ថន័យសមាជភាពរស់រើន

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ប្រយោគដំបូង៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រាក់សេរីរៀនរបស់ប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី២៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី៣៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី៤៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី៥៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី៦៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី៧៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី៨៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី៩៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី១០៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី១១៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី១២៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី១៣៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័น្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី១៤៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី១៥៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។

ក្នុងប្រយោគទី១៦៖

ក្នុងក្រោយប្រព័ន្ធផ្នែកទាក់ទងបញ្ជាក់ការសំញឹតប្រព័ន្ធផ្នែកទាក់ទងនៃការសម្រាប់ការពេញចិត្តនឹងប្រទេសមួយដែលមានប្រការប្រព័ន្ធផ្នែកទាក់ទង។
No: 594

The Embassy of the United States of America refers the Ministry of Foreign Affairs and International Cooperation of the Government of the Kingdom of Cambodia to the Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Khmer Archaeological Material signed at Phnom Penh September 19, 2003 (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. B 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. The Embassy also proposes several changes in the wording of the MOU, including the title. A list of the proposed changes is also attached.

If the foregoing proposals are acceptable to the Ministry of Foreign Affairs and International Cooperation, the Embassy proposes that this note, including the attached revised Article II, and the Ministry’s affirmative note in reply, shall constitute an agreement to amend and extend the MOU, which shall enter into force on the date of the Ministry’s note in reply and shall take effect on September 19, 2008.
Embassy of the United States of America

Phnom Penh, August 14, 2008.

Attachments:

As stated.

cc: Ministry for Foreign Affairs
United States of America-Kingdom of Cambodia Memorandum of Understanding
Extension 2008
Revised Article II

A. The Government of the Kingdom of Cambodia shall seek to expand the exchange of its archaeological material with U.S. institutions under circumstances that do not jeopardize its cultural patrimony, such as for temporary loans for exhibitions, including long-term loans whenever appropriate, and for other cultural, educational, and scientific purposes.

B. Representatives of the Governments of the United States of America and the Kingdom of Cambodia shall participate in efforts to publicize this Memorandum of Understanding and the reasons for it, particularly as they relate to the Bronze and Iron Ages.

C. The Government of the United States of America shall continue to use its best efforts to facilitate technical assistance in cultural resource management and security to the Government of the Kingdom of Cambodia, as appropriate under available programs in the public and/or private sectors.

D. Both Governments shall seek to encourage national and international institutions to promote archaeological research in Cambodia, and to further the interchange of knowledge about the archaeological heritage representing the Bronze Age through the Post-Angkorian Period.

E. The Government of the Kingdom of Cambodia shall continue to develop and promote professional training programs for archaeologists, museum staff, and institutional administrators responsible for cultural patrimony, to enhance the capabilities of the museums of Cambodia to care for and present their rich cultural heritage.

F. The Government of the Kingdom of Cambodia shall continue to use its best efforts to:

- create and implement management plans for archaeological sites that balance protection with sustainable use;
- secure museum collections and document/inventory standing archaeological remains;
- implement educational programs throughout the country to inform and engage its citizens in the protection of cultural resources, particularly those of the Bronze and Iron Ages;
- expand the Department of Patrimony Protection Police; and
- reduce corruption that undermines efforts to protect Cambodian cultural patrimony from pillage and illicit trafficking.

G. The Government of the Kingdom of Cambodia shall endeavor to enhance its collaborative efforts with the Government of the Kingdom of Thailand to control the illicit movement of Cambodian archaeological materials across their shared border.
H. The Government of the Kingdom of Cambodia shall report regularly to the Embassy of the United States of America on its efforts to safeguard its cultural patrimony from pillage.
Amendments to the Memorandum of Understanding (2008)

TITLE

Current – “Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Khmer Archaeological Material”

Delete – “…Khmer Archaeological Material”

Insert – “…Archaeological Material from Cambodia from the Bronze Age through the Khmer Era”

Amended Title – “Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Archaeological Material from Cambodia from the Bronze Age through the Khmer Era”

PREAMBLE

Current – “Desiring to reduce the incentive for pillage of certain categories of irreplaceable archaeological material representing the Khmer culture of Cambodia from approximately the 6th century through the 16th century A.D., and including objects comprised of stone, metal (mainly bronze), and ceramic;”

Delete – “the Khmer culture of Cambodia from approximately the 6th century through the 16th century A.D., and including objects comprised of stone, metal (mainly bronze), and ceramic;”

Insert – “a continuum of culture from the Bronze Age through the Khmer era;”

Amended paragraph – “Desiring to reduce the incentive for pillage of certain categories of irreplaceable archaeological material representing a continuum of culture from the Bronze Age through the Khmer era;”
ARTICLE I

Current – “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 Khmer archaeological material, identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the Kingdom of Cambodia issues a certification or other documentation which certifies that such exportation was not in violation of its laws.”

Delete – “Khmer”

No addition

Amended Article – “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 archaeological material, identified on a list to be promulgated by the United States Government (hereinafter known as the "Designated List"), unless the Government of the Kingdom of Cambodia issues a certification or other documentation which certifies that such exportation was not in violation of its laws.”

ARTICLE II

Substitute new Article II (attached)
KINGDOM OF CAMBODIA

Ministry of Foreign Affairs
and International Cooperation

N° 1346 MFA-IC/LCI

The Ministry of Foreign Affairs and International Cooperation presents its compliments to the Embassy of the United States of America in Phnom Penh and has the honor to acknowledge receipt of the Embassy's Note No. 594 dated 14 August 2008 regarding the Memorandum of Understanding between the Government of the Kingdom of Cambodia and the Government of the United States of America concerning the Imposition of Import Restrictions on Khmer Archaeological Materials into the United States of America signed on 19 September 2003 at Phnom Penh.

In this regard, the Ministry would like to inform the Embassy that the Government of the Kingdom of Cambodia accepts the foregoing proposal by the United States of America to amend the title, the Preamble, the Article 1 and the substitute new Article 2 of the MOU and to extend for the additional period of five years of the above-mentioned MOU.

The Ministry considers that the Embassy's Note and the present Ministry's Note shall constitute an agreement to amend and extend the said MOU, which shall enter into force on the date of the Ministry's note in reply and shall take effect on 19 September 2008.

The Ministry of Foreign Affairs and International Cooperation avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

Phnom Penh, 26 August 2008

Embassy of the United States of America
Phnom Penh

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