

Statement of the Association of Art Museum Directors
(Presented by Stephen J. Knerly, Jr. *)

**Meeting of the Cultural Property Advisory Committee to Review the Proposal To Enter
Into a Memorandum of Understanding Between The Government of the United States of
America and The Government of the Republic of Belize Concerning the Imposition of
Import Restrictions on Archaeological Materials from the Pre-Columbian Cultures and
from the Colonial Period of Belize.**

I. Introduction

This statement is made on behalf of the Association of Art Museum Directors (the “AAMD”). The AAMD is a professional organization consisting of approximately 200 directors of major art museums in the United States, Canada, and Mexico. The purpose of the AAMD is to support its members in increasing the contribution of art museums to society. The AAMD accomplishes this mission by establishing and maintaining the highest standards of professional practice, serving as a forum for the exchange of information and ideas, acting as an advocate for its member art museums, and being a leader in shaping public discourse about the arts community and the role of art in society.

The AAMD deplores the illicit and unscientific excavation of archaeological materials and ancient art from archaeological sites and the destruction or defacing of ancient monuments. The AAMD is also committed to the responsible acquisition of archaeological materials and ancient art and believes that the artistic achievements of all civilizations should be represented in art museums that, uniquely, offer the public the opportunity to encounter works of art directly, in the context of their own and other cultures, where these works may educate, inspire and be enjoyed by all. The AAMD recognizes and applauds the United States for taking an approach to protect the world’s cultural heritage by balancing a unified, international solution to the problem while allowing American museums to continue to collect responsibly on behalf of the American public.

II. Request from Belize.

The AAMD supports the request for a Memorandum of Understanding from the Country of Belize with the concerns set forth below. The cultures subsumed in Belize’s request (principally Mayan) existed over a vast area of Mexico and Central America, and, in addition Belize had an extensive trade, all of which may result in imprecise descriptions which could cause objects from throughout the region being barred from entry. The AAMD hopes that the Cultural Property Advisory Committee (the “Committee”) will work with Belizean officials in order to develop a designated list which is narrowly defined and focused on both the areas and the objects which are threatened. The AAMD would be pleased to assist with the preparation of the list.

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The AAMD also hopes that the Committee will actively investigate the size and composition of the market in the United States as the AAMD has been unable to identify any significant public or private market for objects from Belize.

One technical, but important point is the breadth of the request. Belize has, at least according to the public report, only requested protection for archeological material. By definition archeological material may only be the subject of import restrictions if it is at least 250 years old, which would put the latest date for which Belize can request protection at 1751, not through the Spanish colonial period (1798). As a result, any Memorandum of Understanding should be structured so as to only encompass objects covered by the allowable period.

III. Cultural Exchange.

The first and primary role of American art museums is to present, through both their permanent collections and exhibitions, the artistic and creative efforts of mankind. Both temporary exhibitions of loaned materials and long-term display in the permanent collection are crucial ways of bringing great works of art to the public. By definition, Memoranda of Understanding curtail the trade in archaeological and ethnological material. In the past, one point of discussion between the AAMD and the Committee has focused on the United States' efforts to assist in conserving the cultural patrimony of other countries through import restrictions and how these efforts oftentimes simply move the market to other countries. We can debate whether other significant market countries have met or will meet the statutory requirement to impose similar restrictions, but no one can seriously contest that the world's art markets have not acted to restrict the sale of the types of material protected by Memoranda, such as the one proposed for Belize. Given the restrictions proposed for the trade in the United States, in order to enhance the public's understanding of the world's great cultures, the United States must require the countries seeking its assistance to make available for loan objects of cultural significance for exhibition, display, study, and research on both a short and long-term basis and with reasonable terms.

The Committee should recommend to the President that any Memorandum of Understanding with Belize contain a commitment by Belize to foster cultural exchange with American museums, to not only allow, but encourage, loans of significant objects. Furthermore, the AAMD recommends that Belize be required to create a central point of contact within its government for American museums to arrange for these loans. By doing so, the Committee will be able to evaluate, if a Memorandum with Belize is being considered for renewal, whether or not Belize has undertaken meaningful efforts to foster cultural exchange.

IV. Conclusion.

Subject to the concerns set forth above, the AAMD supports the request of Belize for a Memorandum of Understanding with the United States.