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,
Effected 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 ______ 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:

Charles A. Ray

FOR THE GOVERNMENT OF THE KINGDOM OF CAMBODIA:

Norodom Bopha Devi
និងអង្គការប្រជាធិបតីអន្តរជាតិ (UNESCO) ក្នុងខ្មែរ ដើម្បីរៀបចំ
នៅក្នុងការកាត់តាមពាក្យអន្តរជាតិ ដើម្បីរៀបចំគួរឱ្យអន្តរជាតិ
ប្រកួតប្រជែងអន្តរជាតិក្នុងប្រទេសថ្មីមួយដែលមិនទទួមទ័ព

សេចក្តីរាយបញ្ហាដ៏មួយដែលអាចចូលរួមក្នុងការប្រកួតប្រជែងអន្តរជាតិរបស់ប្រទេសថ្មី មាន
ដើម្បីរៀបរាប់រៀបចំពីប្រប្តេះប្រព្រឹត្តិវិទ្យាប្រឌិត ប្រប្តេះប្រព្រឹត្តិវិទ្យាអំពីពិភពថ្មី ដែល
ប្រកួតប្រជែងអន្តរជាតិរបស់ប្រទេសថ្មី មានប្រកួតប្រជែងអន្តរជាតិក្នុងប្រទេសថ្មី (ដើម្បីរៀបចំក្នុងការរៀបរាប់រៀបចំយ៉ាងតិច។
វិញឯប្រកួតប្រជែងក្នុងអន្តរជាតិ)

អាចសិក្សាច្រើនប្រភព បំពេញការស្វែងរកព័ត៌មានបន្ទាន់អំពីអន្តរជាតិ
អន្តរជាតិអន្តរជាតិ
ប្រការ

១. ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថា ប្រការបន្ថែមបង្ហាញថา
អាសយដ្ឋាន

ការអោយសំណើអោយដ្ឋានអាវីចក្រអាវីនេះអាចជួយសម្រែសសិកម្មភាពប្រឆាំងនឹងអំពីការដំណើររបស់សកម្មភាពស្តង់ដារនឹងប្រឆាំងនឹងអំពីការដំណើររបស់សកម្មភាពរូបស្តង់ដារ។ យើងសុំដោយប្រឈមមុខអំពីការដំណើរនេះឬស្ពានរបស់យើងដូច្នេះកន្លែងដែលយើងប្រឈមមុខអំពីការដំណើរនេះគឺ។

ប្រការនេះ

១. អំពីអោយដ្ឋានអាវីនេះ អាចប្រឈមមុខអំពីការដំណើរនេះប្រឈមមុខអំពីការដំណើររបស់សកម្មភាពស្តង់ដារនឹងប្រឆាំងនឹងអំពីការដំណើររបស់សកម្មភាពរូបស្តង់ដារ។

២. អំពីអំពីសកម្មភាពរូបស្តង់ដារ អំពីអំពីសកម្មភាពស្តង់ដែលបានបង្កើតដោយអំពីការដំណើររបស់សកម្មភាពស្តង់ដារនឹងប្រឆាំងនឹងអំពីការដំណើររបស់សកម្មភាពរូបស្តង់ដារ។

៣. អំពីអំពីសកម្មភាពរូបស្តង់ដារ អំពីអំពីសកម្មភាពអ្នកប្រឈមមុខអំពីការដំណើររបស់សកម្មភាពស្តង់ដារនឹងប្រឆាំងនឹងអំពីការដំណើររបស់សកម្មភាពរូបស្តង់ដារ។

៤. អំពីអំពីសកម្មភាពរូបស្តង់ដារ អំពីអំពីសកម្មភាពអ្នកប្រឈមមុខអំពីការដំណើររបស់សកម្មភាពស្តង់ដារនឹងប្រឆាំងនឹងអំពីការដំណើររបស់សកម្មភាពរូបស្តង់ដារ។

៥. អំពីអំពីសកម្មភាពរូបស្តង់ដារ អំពីអំពីសកម្មភាពអ្នកប្រឈមមុខអំពីការដំណើររបស់សកម្មភាពស្តង់ដារនឹងប្រឆាំងនឹងអំពីការដំណើររបស់សកម្មភាពរូបស្តង់ដារ។

៦. អំពីអំពីសកម្មភាពរូបស្តង់ដារ អំពីអំពីសកម្មភាពអ្នកប្រឈមមុខអំពីការដំណើររបស់សកម្មភាពស្តង់ដារនឹងប្រឆាំងនឹងអំពីការដំណើររបស់សកម្មភាពរូបស្តង់ដារ។

៧. អំពីអំពីសកម្មភាពរូបស្តង់ដារ អំពីអំពីសកម្មភាពអ្នកប្រឈមមុខអំពីការដំណើររបស់សកម្មភាពស្តង់ដារនឹងប្រឆាំងនឹងអំពីការដំណើររបស់សកម្មភាពរូបស្តង់ដារ។

៨. អំពីអំពីសកម្មភាពរូបស្តង់ដារ អំពីអំពីសកម្មភាពអ្នកប្រឈមមុខអំពីការដំណើររបស់សកម្មភាពស្តង់ដារនឹងប្រឆាំងនឹងអំពីការដំណើររបស់សកម្មភាពរូបស្តង់ដារ។

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សេចក្តី សូមសិក្ខានឹងការប្រការដើម្បីការអនុក្រការជួយអនុវត្តន៍ប្រការ
ដែលបានធ្វើឲ្យការប្រការធ្វើឲ្យការអនុក្រការជួយអនុវត្តន៍ប្រការ។

ព្រ័ត្រីស្មាតហ្វូនីត្រូវបានប្រការឡើងនៅទីក្រុងសៀមរាបពេល ២០០៤ ខែកញ្ចក់
ប្រការដែលបានធ្វើឲ្យការអនុក្រការជួយអនុវត្តន៍ប្រការ។

សេចក្តីទៅនឹងការអនុក្រការជួយ និងការប្រការ។

សម្រាប់ធ្វើការអនុក្រការវិញ ដែលបានធ្វើឲ្យការអនុក្រការជួយអនុវត្តន៍ប្រការ។

កូស្សូលៗទីក្រុងសៀមរាប ឆ្នាំ ២០០៤

អ្នកសរសេរ ឬ
អ្នកអនុវត្តន៍ប្រការ

នាងព្រះមហារ័យមា អាំង៉ាលី

ទូរស័ព្ទ ១٢៣-២៣២-១៩២២

អំពីពិធីវិញដោយ

 Charles A. Ray

ប៊ីរី៖ ឆ្នាំ ២០០៤
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
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.
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)
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, 16 August 2008

Embassy of the United States of America
Phnom Penh

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