

**Statement of the Association of Art Museum Directors Concerning the Proposed Extension
of the Memorandum of Understanding Between the Government of the United States of
America and the Government of the Republic of Peru Concerning the Imposition of Import
Restrictions on Archaeological Material from the Pre-Hispanic Cultures and Certain
Ethnological Material from the Colonial Period of Peru**

Meeting of the Cultural Property Advisory Committee

October 25, 2016

I. Introduction

The Association of Art Museum Directors (the “AAMD”) respectfully submits this statement for consideration by the Cultural Property Advisory Committee (the “Committee”) in connection with the proposed renewals of the *Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Peru Concerning the Imposition of Import Restrictions on Archaeological Material from the Pre-Hispanic Cultures and Certain Ethnological Material from the Colonial Period of Peru* (the “MOU”). Pursuant to the Cultural Property Implementation Act (the “CPIA”),¹ the Government of the United States of America and the Government of the Republic of Peru (“Peru”) entered into the MOU in order to protect pre-Columbian archaeological material ranging in date from approximately 12,000 B.C.E. to 1532 C.E. and certain categories of ethnological material from the Colonial period, ranging in date from 1532 C.E. to 1821 C.E., for a period of five years, effective June 9, 2012, subject to interim review by the Committee.

II. Preliminary Statement and Background

Protecting Peru’s cultural heritage under the CPIA began with Peru’s request for protection due to an “emergency condition.”² On May 7, 1990, the United States imposed emergency import restrictions on “Moche artifacts from the Sipán archaeological region of northern Peru.”³ On June 9, 1997, the emergency restrictions, as well as additional restrictions, were imposed pursuant to a separate bilateral agreement, specifically adding pre-Columbian archaeological artifacts and Colonial ethnological materials from all areas of Peru.⁴ The bilateral agreement was amended as of June 9, 2002, to include a provision regarding long-term loans with museums and academic institutions in the United States, as well as for Peru to provide the means to enforce the laws and regulations for the protection of its cultural heritage; it also was extended for an additional five years.⁵ The bilateral agreement was extended again on June 9, 2007, and the title

¹ Unless otherwise stated herein, all “Section” references are to the CPIA.

² 11 U.S.C. § 2603.

³ U.S. Customs Service, Department of the Treasury “Import Restrictions Imposed on Significant Archaeological Artifacts from Peru,” *Federal Register* 55: 88 (May 7, 1990), 19029-19030.

⁴ U.S. Customs Service, Department of the Treasury, “Archaeological and Ethnological Material from Peru,” *Federal Register* 62: 112 (June 11, 1997), 31713-31721.

⁵ U.S. Customs Service, Department of the Treasury, “Extension of Import Restrictions Imposed on Archaeological and Ethnological Materials from Peru,” *Federal Register* 67:109 (June 6, 2002), 38877-38878 and U.S. Customs Service, Department of the Treasury, “Extension of Import Restrictions Imposed on Archaeological and Ethnological Materials from Peru; Correction,” *Federal Register* 67:124 (June 27, 2002), 43247.

of items protected was modified to “Archaeological Material from the Pre-Hispanic Cultures and Certain Ethnological Material from the Colonial Period of Peru;” although the designated list did not change.⁶ The 2007 agreement also required Peru to register cultural heritage objects, maintain a comprehensive list of looting with the outcome of such cases, and make available case studies that have effective outcomes.⁷ Finally, on June 9, 2012, the bilateral agreement was amended to require Peru to provide an interim report in August 2014, and to focus on devising and imposing appropriate penalties on those committing cultural heritage crimes, as well as educating/training those in the law enforcement field.⁸

While the AAMD supports renewal of the MOU, it recommends that the Committee review carefully the concerns of the art museum community, which hopes to be able to continue supporting renewals of the MOU, assuming progress is made in two areas: (A) improving measures taken by Peru to help ensure its protection of cultural property sufficiently meets the protection needed; and (B) improving the exchange of cultural property.⁹ In an effort to advance these matters, the AAMD further recommends that Article II of the MOU be further amended, and the Designated List revisited, in connection with any renewal.

III. Function and Limitation of the CPIA

Current import restrictions under the MOU are broad and cover a period spanning an incredibly long time frame. Legislative history shows that bilateral agreements permitted under the CPIA were intended to apply only to a “*narrow range* of objects possessing certain characteristics.”¹⁰ The current MOU includes objects created, in some instances, over a period *in excess of thirteen thousand years without any limitation* as to archaeological sites, geographical location, or cultural identity. In addition, there is no exception for common or repetitive ethnological objects, which goes beyond the intention of the framers of the act:

The Committee *does not intend* the definition of ethnological materials under this title to apply to trinkets and other objects that are *common or repetitive or essentially alike* in material design, color, or other outstanding characteristics with

⁶ U.S. Customs and Border Protection, Department of Homeland Security and Department of Treasury, “Extension of Import Restrictions Imposed on Archaeological and Ethnological Materials from Peru,” *Federal Register* 72:108 (June 6, 2007), 31176-31177.

⁷ Ibid.

⁸ U.S. Customs and Border Protection, Department of Homeland Security and Department of Treasury, “Extension of Import Restrictions Imposed on Archaeological and Ethnological Materials from Peru,” *Federal Register* 77:110 (June 7, 2012), 33624-33625.

⁹ 19 U.S.C. § 2602(a)(1)(B).

¹⁰ U.S. Senate Report, 97-564, “Implementing Legislation for the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, 97th Congress, Second Session: *Miscellaneous Tariff, Trade, and Customs Matters* (September 1982), 4, providing: “Only the term ‘archaeological or ethnological materials of the State Party’ requires fuller explication here. The Convention does not define this terms (*sic*). The definition is intended by the committee to reflect the understanding of U.S. negotiators that the application of import restrictions under agreements entered into under Section 203 or emergency actions taken under Section 204 is limited to a narrow range of objects possessing certain characteristics.”

other objects of the same time, or which have relatively little value for understanding the origins or history of a particular people or society.¹¹

The intention stated in the legislative history is also borne out in the statute: “No object may be considered to be an object of ethnological interest” unless the object is “important to the cultural heritage of a people because of its distinctive characteristics, comparative rarity, or its contribution to the knowledge of the origins, development, or history of that people.”¹² While arguments could be advanced that any product of an ancient civilization contributes to the history of a people, doing so renders the limitation language of the statute a nullity.

The limitations expressed in the CPIA and its legislative history meant to preserve the delicate balance between the United States’ interest in supporting the international market for art against situations where protection is needed due to jeopardy from the pillage of archaeological and/or ethnological material. A designated list as broad, undefined, and comprehensive as that of Peru certainly raises questions as to whether that balance has been or can be achieved. By way of example, the designated list describes the following object restriction:

including, but not limited to, objects comprised of textiles, metals, ceramics, lithics . . . that represent cultures that include, but are not limited to, the Chavin, Paracas, Vicus, Moche, Viru, Lima, Nazca, Recuay, Tiahuanaco, Huari, Chimú, Chancay, Cuzco, and Inca cultures” from the 12,000 BCE to 1532 C.E.¹³

This hardly describes a “narrow range of objects” or a group of objects with “comparative rarity” or “distinctive characteristics.”

IV. Executive Summary of AAMD Position

Under the CPIA, the Committee is required to make recommendations as to whether the United States should extend the MOU.¹⁴ In order to recommend extension, all four determinants for implementing the MOU must be satisfied.¹⁵ While there are questions on a number of those determinants, significant concerns exist about two of them, specifically: (i) measures taken by Peru to protect its cultural patrimony, which does not appear to be commensurate with the protection required¹⁶ and (ii) whether the import restrictions under the MOU are consistent with the general interest of the international community in the interchange of cultural property.¹⁷ Unfortunately, Peru falls short on both of these determinants. The Committee is also required to

¹¹ Ibid.

¹² 19 U.S.C. §2601(2)(C)(ii).

¹³ U.S. Customs Service, Department of the Treasury “Import Restrictions Imposed on Significant Archaeological Artifacts from Peru,” *Federal Register* 55: 88 (May 7, 1990), 19029-19030.

¹⁴ 19 U.S.C. § 2605(f)(2).

¹⁵ 19 U.S.C. §§ 2602(a)(1) and 2605(f)(2).

¹⁶ 19 U.S.C. § 2602(a)(1)(B).

¹⁷ 19 U.S.C. §§ 2602(a)(1)(D) and 2602(e)(1).

undertake a continuing review of whether the MOU is achieving the purposes for which it was entered into or implemented.¹⁸

A. Improvement Still Needed to Help Ensure Sufficient Protection of Cultural Property

As a preliminary matter, Peru should be commended for efforts undertaken since 2012 to help continue and expand the protection of its cultural property, including with respect to underwater sites and the repatriation of stolen items. Indeed, AAMD hopes that Peru augments its efforts to protect cultural property within the coming years, in a manner and spirit consistent with any renewed MOU and the Convention¹⁹ itself. Existing efforts notwithstanding, certain areas remain at significant risk, which should not be overlooked by the Committee in connection with reviewing the MOU for renewal.

Looting and the destruction of cultural heritage remain significant problems, to the point where news of attacks, robberies, abandonments, or landslides impacting some part of cultural heritage remains a fixed section in Peruvian newspapers.²⁰ For example, “[m]any desolate areas of the coast have been massively dug up by grave robbers who, working independently or on requests from antiquities smugglers, destroy all historical clues in their search for intact pottery and textiles, as well as gold.”²¹ The problem extends even to sites overseen by archaeologists,²² and fear of such acts is so great that legitimate excavations are actively concealed.²³ Although concealing legitimate projects might be a practical solution, devoting sufficient effort and resources to preventing illicit looting would be more effective. In fact, it is reported that the state cannot keep up with the cost of protecting, restoring, or maintaining cultural heritage sites and about 60% of the sites, in Lima alone, are still at risk.²⁴ In order to help moderate the expense of such protection or, alternatively, enable resources to be reallocated to protecting cultural

¹⁸ 19 U.S.C. § 2605(g)(2)(B).

¹⁹ “Convention” means and refers to the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

²⁰ “Editorial: De Huacas Y Huaqueros,” *El Comercio*, April 26, 2014, accessed August 28, 2016, <http://elcomercio.pe/opinion/editorial/editorial-huacas-y-huaqueros-noticia-1725336>.

²¹ “Archaeologists Keep Wari Tomb Discovery Secret to Prevent Looting,” *Peruvian Times*, June 28, 2013, accessed March 20, 2015, <http://www.peruviantimes.com/28/archaeologists-keep-wari-tomb-discovery-secret-to-prevent-looting/19555/>.

²² “In Pictures: Protecting Peru’s Ancient Burial Grounds,” *BBC News: Latin America & Caribbean*, November 4, 2014, accessed April 3, 2015, <http://www.bbc.com/news/world-latin-america-29832634>.

²³ “Archaeologists Keep Wari Tomb Discovery Secret to Prevent Looting.”

²⁴ Paola Flores and Frank Bajak, “Art Theft in Andean Churches on the Rise due to Foreign Demand,” *Huffington Post (via the Associated Press)*, August 26, 2013, accessed August 2, 2016, <http://wwrn.org/articles/40576/?&place=chile>.

patrimony from another existing use, Peru could endeavor to take advantage of creative resources (such as volunteers) to aid in efforts to protect cultural patrimony.²⁵

Similarly, authorities report that colonial churches in remote Andean towns are experiencing “cultural treasures . . . disappearing at an alarming rate[,]” a hemorrhaging that is only ““getting more brazen.””²⁶ In fact, as recently as August 2016, two more churches were robbed, one for the third time: (1) the Church of Santa Catalina in Juliaca²⁷ and (2) the Church of San Juan Bautista in Taurisma.²⁸ Although efforts have been made to fortify certain more prominent churches against theft and pillage, “poor, rural parishes are on their own . . .”²⁹

At least one regional cultural director appealed for enhanced monitoring on highways and at international airports; however, “the thefts almost always go unsolved.”³⁰ Moreover, “[n]o countries in the region have more than a handful of police working regularly on antiquities thefts[].”³¹ The Ministry of Culture acknowledged that “it is impossible, with the resources that it has, to keep guard of thousands of archaeological sites . . .”³² As a result, some opine that looting is worse now than during the Spanish Conquistador era.³³

²⁵ Volunteers appear more than willing to donate time and resources to conserve and protect Peru’s cultural property. See Via Andina, “UNESCO Volunteers Working on Chan Chan Conservation,” *Peru this Week*, July 8, 2014, accessed August 18, 2016, <http://www.peruthisweek.com/news-unesco-volunteers-working-on-chan-chang-conservation-103440>. This article provides an example of this willingness whereby UNESCO volunteers from Korea, Mexico, Germany, Italy, Poland, United States, France, and Peru are “carrying out conservation and restoration [] works [] at the . . . Chan Chan Archaeological Complex, one of the largest and most important prehispanic monuments built in America . . .”

²⁶ Paola Flores and Frank Bajak; quoting Donna Yates, Ph.D., a Lecturer in Antiquities Trafficking and Art Crime at the Scottish Centre for Crime and Justice Research at the University of Glasgow.

²⁷ “Denuncian Robos Sacrilegos en el Templo Santa Catalina de Juliaca,” *Diario Correo*, August 30, 2016, September 1, 2016, <http://diariocorreo.pe/edicion/puno/denuncian-robos-sacrilegos-en-el-templo-santa-catalina-de-juliaca-694808/>; “Juliaca: Perpetran Nuevo Robo Sacrilego en Templo Santa Catalina,” *RPP Noticias*, August 29, 2016, accessed September 1, 2016, <http://rpp.pe/peru/puno/juliaca-perpetran-nuevo-robo-sacrilego-en-templo-santa-catalina-noticia-990830>. As of September 17, 2016, none of the items stolen from the church were identified on the Cultural Ministry database, which discloses missing cultural patrimony to the public.

²⁸ “Roban Valiosos Objetos de la Iglesia de Taurisma,” *RPP Noticias*, August 25, 2016, accessed September 2, 2016, <http://rpp.pe/peru/arequipa/roban-valiosos-objetos-de-la-iglesia-de-taurisma-noticia-989831>; discussing theft of the crown of the Virgin of the Incarnation, a ciborium, a chalice, a small bucket, and a gold censer along with the two paintings. On September 7, 2016, the Cultural Ministry’s office disclosed that items were stolen during this robbery, but identified only the two paintings as missing.

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Hillary Ojeda, “Ministry of Culture Lacks Resources To Protect More Than One Thousand Archaeological Sites,” *Peru This Week*, January 8, 2015, accessed September 13, 2016, <http://www.peruthisweek.com/news-ministry-of-culture-lack-resources-to-protect-more-than-one-thousand-archaeological-sites-104924>; discussing, among other things, damages to Nazca Lines by Greenpeace activists.

³³ Marsha Dubrow, “Looting of Peru’s Ancient Treasures Is Worse Now than in the Spanish Colonial Era,” *DC Art Traveler*, April 12, 2014.

Finally, destruction due to mining appears to be gaining momentum. In 2014, the Nazca Lines, a collection of geoglyphs made over 1,500 years ago and a designated UNESCO World Heritage Site, experienced ten instances of damage due to mining operations or looting.³⁴ In addition, portions of these ancient geoglyphs, designated a World Heritage Site in 1994, were destroyed by a limestone firm asserting private ownership; a claim which the regional head of culture did not dispute.³⁵ Similarly, gold mining and asparagus farming destroyed a 2,300-year-old solar observatory and ancient cemetery located in Chankillo.³⁶

Economic sprawl compounds the damage to cultural heritage sites and immovable objects.³⁷ For example, since 2012:

- a. The Moche Temples Archaeological Complex in La Libertad was damaged due to a brick operation in the vicinity producing smoke permeating the walls and murals of the complex.³⁸
- b. The site of Farfán was destroyed by an individual claiming ownership to the land. The destruction exceeded levels caused over the last century by looters, agriculture, and construction *combined*.³⁹
- c. Cerro Colorado, part of the oldest civilization in the Americas, the Caral-Supe, was damaged due to mining and road construction.⁴⁰
- d. A developer hired by Peruvian officials damaged El Paraíso by using a front-loading tractor and leveling a 20-foot pyramid. He planned to destroy three more to make room for housing.⁴¹

³⁴ “Peru Investigating Instances of Looting and Other Activities Threatening Nazca Lines,” *Fox News Latino*, July 25, 2014, accessed March 20, 2015, <http://latino.foxnews.com/latino/lifestyle/2014/07/25/peru-investigating-instances-looting-and-other-activities-threatening-nazca/>. See also Lisa Winter, “Greenpeace Irreparably Damage Ancient Nazca Lines,” *IFL Science*, December 12, 2014, accessed March 20, 2015, <http://www.iflscience.com/environment/greenpeace-irrevocably-damages-fragile-nazca-lines-peru-during-publicity-stunt>.

³⁵ Manuel Vigo, “Peru: Heavy Equipment destroys Nazca Lines,” *Peru This Week*, March 14, 2013, accessed March 20, 2015, <http://www.peruthisweek.com/news-3743-peru-heavy-machinery-destroys-nazca-lines/>.

³⁶ Ryan Dube, “Peru’s Modern Economy clashes with its Past,” *The Wall Street Journal*, September 10, 2014, accessed March 20, 2015, <http://www.wsj.com/articles/development-in-peru-clashes-with-its-ancient-past-1410397160>.

³⁷ Ibid.

³⁸ “Trujillo: Camal Clandestino y Ladrilleras afectan las Huacas de Moche,” *RPP News*, October 16, 2012, accessed April 6, 2015, <http://rpp.pe/peru/actualidad/trujillo-camal-clandestino-y-ladrilleras-afectan-las-huacas-de-moche-noticia-531309>.

³⁹ “Ancient Peruvian Site Damaged,” *Archaeology Magazine*, February 19, 2015, accessed March 20, 2015, <http://www.archaeology.org/news/3025-chimu-inca-peru-farfan-looting-damage>.

⁴⁰ Ryan Dube.

⁴¹ Ibid.

- e. Machu Picchu is being bulldozed to create wider paths, and damaged due to development, erosion, mining, and over-crowding due to tourism.⁴² UNESCO even counseled authorities to take “rigorous emergency measures to counter the growing disorganization” and to create a buffer around the site in order to protect it from urban encroachment.⁴³
- f. Pipeline developers from Brazil and Spain refused to cooperate with a state mandate to have an archaeologist onsite to recover and protect artifacts and tombs during construction, due to the anticipated delay such efforts might cause.⁴⁴

According to Peruvian Archaeologist, Walter Alva, “it is very difficult to juggle the protection of cultural heritage with economic interests,” a tension which is causing bigger problems than looting.⁴⁵ This is due largely to Peru’s increased economic growth, increase in foreign investments (\$1.6 billion in 2004 to \$10 billion in 2013 alone), and declining poverty; all of which resulted in a larger Peruvian middle class demanding homes and cars.⁴⁶ Notably, such significant economic growth suggests that legitimate opportunities exist to enhance funding for the protection of cultural property, if not by way of generally applicable taxes and fees, then by way of taxes and fees levied specifically on projects impacting or likely to impact cultural property.

Although Peru has made meaningful strides protecting its cultural property, serious concerns still remain. The Committee should be mindful of these concerns during its review of the MOU, particularly by requiring Peru to substantiate existing and anticipated efforts to address them and how, if at all, the MOU is beneficial in this regard.⁴⁷ Anything short of this necessarily undermines the spirit and intent of the MOU and the CPIA itself.

B. Cultural Exchange

Another of the four determinants the Committee must consider is whether the import restrictions under the MOU are consistent with the general interest of the international community in the interchange of cultural property.⁴⁸ That interchange includes the exchange of cultural property,

⁴² Gillen E. Solutions. “Peru,” *The Antiquities Coalition*, 2014, accessed March 20, 2015, <http://theantiquitiescoalition.org/a-global-problem/peru/>; Christine Sarkis, “Ten World Heritage Sites to See Before They’re Gone Forever,” *Smarter Travel*, May 10, 2013, accessed April 6, 2015, <http://www.smartertravel.com/photo-galleries/editorial/disappearing-wonders-world-heritage-sites-in-danger.html?id=437&all=1>.

⁴³ Christine Sarkis.

⁴⁴ Ibid.

⁴⁵ Ryan Dube.

⁴⁶ Ibid.

⁴⁷ This includes, without limitation, providing all required information in connection with interim reviews of the MOU.

⁴⁸ 19 U.S.C. §§ 2602(a)(1)(D) and 2602(e)(1).

which is part and parcel of considering whether the MOU is achieving one of its purposes: encouraging long-term loans of objects of archaeological and ethnological interest in the United States. As a result, the Committee's meaningful review of Article II of the MOU is certainly appropriate, and in fact required, both to determine if exchange will be fostered and assess whether, in fact, exchange has been fostered. Recommendations by the Committee to improve Article II are certainly appropriate in that context and, as discussed below in the case of Peru, necessary.

The MOU contains only one provision addressing the exchange of cultural property:

The Government of Peru will consider granting, within Peruvian law, long-term loans of objects of archaeological and ethnological interest for exhibit or study at museums and academic institutions in the United States, under circumstances in which such exchange does not jeopardize the cultural patrimony of Peru.⁴⁹

Despite its obviously well-intended nature, this provision is deficient not only because it conflates exhibition loans with long-term loans,⁵⁰ but also because it provides hardly any basis for an objective review of Peru's actions over the last five years by the Committee. The language "will consider . . . within current Peruvian law . . . under circumstances in which such exchange does not jeopardize the cultural patrimony of Peru" is so vague that it allows almost *any* activity or *no* activity to satisfy its requirements.

Loans from Peruvian institutions to the United States, whether for exhibition purposes or on a long-term basis, suffer from a number of different impediments. Loan fees are extremely high, especially in comparison to loans from other countries, and they bear little logic in terms of the size of the loan, the institution requesting the loan, or the objects to be loaned. Particularly in the case of long-term loans, the government's approval process is extremely burdensome. Completing the paperwork involved in a loan is lengthy and literally requires presidential authorization, which apparently is not delegated and, therefore, remains contingent upon the president's schedule and willingness to sign an enabling resolution. In addition, all loans, including objects owned by private collectors or private museums, also require the approval of the Ministry of Culture.

Certainly, a genuine interest exists on the part of AAMD members to have both exhibition and long-term loans with Peru, but Peru's processes are inhibiting what otherwise should be a wonderfully collaborative arrangement—especially given Peru's relatively recent surge in museum development.⁵¹ Furthermore, the length of long-term loans under current Peruvian law

⁴⁹ MOU, Art. II(E).

⁵⁰ Provisions for short-term and exhibition loans, originally present in the Article II(D) of the 1997 MOU and Article II(D) of the 2002 MOU were inexplicably omitted in Article II(E) of the 2007 MOU and 2012 MOU.

⁵¹ See, e.g., Rachel Chase, "New Museums a Boon for Tourism and Culture in Peru, says Archaeologist," *Peru this Week*, May 9, 2014, accessed August 18, 2016, <http://www.peruthisweek.com/news-new-museums-boon-for-tourism-and-culture-in-peru-says-archaeologist-102933>; discussing the construction of three new modern museum complexes; Michele Bittner, "Preserving the Cultural Heritage of Peru: a New Museum and More Security," *Non-*

cannot exceed one year, with a one-time renewal. This is far too abbreviated of a period for a meaningful long-term loan, the length of which should be at least five to ten years. The government process should not overshadow the fact that there is excellent collaboration at the curatorial level between museums in the United States and Peru.

Finally, one of the major impediments to obtaining loans is simply not knowing what is available. While some museums are very good about creating and making available inventories of the objects within their collections, the National Museum of Archaeology, Anthropology and History of Peru in Lima is not.⁵² For smaller museums, especially those located in the interior of the country, budgetary issues preclude the hiring of employees for this purpose.⁵³ Every effort should be made to enhance existing databases and ensure that they are readily available for access by the public, whether for purposes of seeking exhibition or long-term loans, or verifying whether an item is subject to a potential repatriation claim by Peru in connection with any acquisition.

V. Recommended Changes

A. Article II

In light of the foregoing, the AAMD recommends that, if the MOU is renewed, Article II be revised in order to expand the obligations Peru undertakes to make available significant objects for cultural exchange, whether through exhibition loans or long-term loans. Specifically, salient portions of Article II should be revised to read as follows:

* * *

- D. *Each Government shall keep the other informed of the effectiveness of the measures agreed to in this MOU; reports shall be exchanged in August 2019 to coincide with an interim review, and in November 2021, should there be a proposal to extend the MOU.*
- E. *The Government of the Republic of Peru will seek to expand the exchange of its archaeological objects and its ethnological materials through:*

Profit Quarterly, January 30, 2015, accessed August 15, 2016, <https://nonprofitquarterly.org/2015/01/30/preserving-the-culture-heritage-of-peru-a-new-museum-and-more-security/>; discussing the commissioning of first large-scale national museum; and Oficina Regional de Cultura para América Latina y el Caribe, UNESCO, “Inauguran Nuevo Museo de Sitio de Pachacámac,” *Noticias*, February 17, 2016, accessed August 12, 2016, http://www.lacult.unesco.org/noticias/showitem.php?uid_ext=&getipr=2&pais=25&id=4606 ; discussing opening of Museum of Site of Pachacamac.

⁵² As of 2013, the museum employs only 6 people for the purpose of cataloguing and registering artifacts. Of the more than 200,000 pieces in the museum, only about 13,300 pieces have been registered. Rachel Chase, “Public Peruvian Museums Struggle to properly care for Artifacts,” *Peru This Week*, December 2, 2013, accessed August 18, 2016, <http://www.peruthisweek.com/news-public-peruvian-museums-struggle-to-properly-care-for-artifacts-101614>.

⁵³ Ibid.

1. *Increasing the number of exhibition loans of objects of archaeological, ethnological, or artistic interest to American museums and universities, encouraging the standardization of fees for such loans and streamlining the approval process for such loans;*
2. *Increasing the number and overall length of long-term loans of objects of archaeological, ethnological, or artistic interest for research and education purposes, agreed upon, on a case by case basis, by American and Peruvian museums or similar institutions, recognizing the spirit of goodwill that exists between cultural institutions in both countries;*
3. *Encouraging American museums and universities to propose and participate in joint research (including excavation) and exhibition projects authorized by the Ministry of Culture, with the further understanding that certain of the scientifically excavated objects from such projects could be loaned to the American participants through specific agreements with the Ministry of Culture;*
4. *Promoting agreements for exchanges and study programs agreed upon by museums and universities of Peru and America; and*
5. *Creating and maintaining a single point of contact within the Ministry of Culture for obtaining loan approvals and assisting in the authorization and export process.*

* * *

- G. *The Government of Peru shall continue its efforts in the registration of objects pertaining to its national cultural heritage, including those held in public institutions, religious institutions, and private collections, for purposes of identifying objects (i) available for exhibition or long-term loans; or (ii) known or believed to have been illegally removed from Peru or subject to repatriation by the Government of Peru. Best efforts shall be made to make all such registrations available to the general public.*

B. Designated List

As outlined above, the Designated List is too generic and expansive. This list or the objects need to be confined to those that are truly significant and can be demonstrated to come exclusively or predominantly from Peru.

VI. Conclusion

Subject to the concerns set forth above, including salient revisions to MOU Article II and the Designated List, as well as a mandatory interim review of the MOU in 2019, the AAMD supports Peru's request to extend the MOU.

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The AAMD is a professional organization consisting of approximately 240 directors of major art museums throughout 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.