

Committee for Cultural Policy Inc.

**Commentary on Proposal to Extend the Memorandum of Understanding Between the
Government of the United States of America and the Government of the Republic of
Albania Under the Convention on Cultural Property Implementation Act**

Federal Register Docket No. DOS-2026-0628

July 5, 2026

Dr. Alexandra Jones, Chair
Cultural Property Advisory Committee
Cultural Heritage Center (ECA/P/C)
U.S. Department of State 2200 C Street, NW Washington, DC 20037

Dear Dr. Jones and Members of the Cultural Property Advisory Committee to the President:

The Committee for Cultural Policy¹ and Global Heritage Alliance² jointly submit this testimony on the extension of the Memorandum of Understanding (MOU) for the imposition of import restrictions between the United States and the Republic of Albania. We have addressed below whether the requests meet the legal criteria set by Congress for import restrictions under the Cultural Property Implementation Act.

However, the failure of the Department of State to include any facts establishing the State Party's continuing need for import restrictions under the Cultural Property Implementation Act (CPIA) hampers our ability to comment fully. This lack of evidentiary support for renewal of import restrictions appears to reflect Albania's inattention to the statute and - perhaps - CPAC's administrators' failure to make the CPIA's requirements clear to the requestor.

The current restrictions entered into force in 2022 and are scheduled to expire on February 28, 2027. Public comment is a necessary component of the regulatory process of renewal of an agreement under the CPIA.

¹ The Committee for Cultural Policy (CCP) is an educational and policy research organization that supports the preservation and public appreciation of the art of ancient and indigenous cultures. CCP supports policies that enable the lawful collection, exhibition, and global circulation of artworks and preserve artifacts and archaeological sites through funding for site protection. CCP deplores the destruction of archaeological sites and monuments and encourage policies enabling safe harbor in international museums for at-risk objects from countries in crisis. CCP defends uncensored academic research and urges funding for museum development around the world. CCP believes that communication through artistic exchange is beneficial for international understanding and that the protection and preservation of art is the responsibility and duty of all humankind. The Committee for Cultural Policy, POB 4881, Santa Fe, NM 87502. www.culturalpropertynews.org, info@culturalpropertynews.org.

² Global Heritage Alliance (GHA) advocates for policies that will restore balance in U.S. government policy in order to foster appreciation of ancient and indigenous cultures and the preservation of their artifacts for the education and enjoyment of the American public. GHA supports policies that facilitate lawful trade in cultural artifacts and promotes responsible collecting and stewardship of archaeological and ethnological objects. The Global Heritage Alliance. 1015 18th Street, N.W. Suite 204, Washington, D.C. 20036. <http://global-heritage.org/>

It is clear that the designated list is exceptionally broad. It covers archaeological material from the Middle Paleolithic through the Ottoman period, approximately 300,000 B.C. to A.D. 1750, and ethnological material from the Byzantine, Medieval, and Ottoman periods, A.D. 400 to 1913. The ethnological categories include architectural elements, funerary material, ritual and ceremonial objects, paintings, written records, textiles, weapons, and armor.

This is not a narrow restriction on a few clearly identified classes of objects demonstrated to be subject to present pillage and U.S. demand. It is a territorial embargo extending across hundreds of thousands of years of human activity and across the heritage of many ethnic, religious, linguistic, and regional communities.

Albania is an important partner of the United States and possesses a rich archaeological and cultural patrimony. That is not the statutory test. The CPIA does not authorize renewal because a country is friendly or its cultural heritage is important, because looting has occurred in the past, or because an agreement is diplomatically desirable. Renewal requires the same four determinations required for an initial agreement. The public record must show that Albania's cultural patrimony is presently in jeopardy from pillage; that Albania has taken measures consistent with the 1970 UNESCO Convention to protect that patrimony; that U.S. import restrictions would substantially deter a serious situation of pillage and that less drastic remedies are unavailable; and that the restrictions are consistent with the international community's interest in the interchange of cultural property for scientific, cultural, and educational purposes.

The public record does not satisfy those determinations. Since 2018, Albania has a modern statute and a centralized heritage bureaucracy. Albania has not adequately funded and implemented its own protective system, or that the restrictions have promoted meaningful cultural interchange with American museums, scholars, students, collectors, religious communities, and the public.

I. Determination A: The Public Record Does Not Establish a Current Serious Situation of Pillage Justifying Renewal

The CPIA requires a present basis for continuing extraordinary import restrictions.

Albania's legal structure is directed at the risks that are said to justify the MOU. Law No. 27/2018 on Cultural Heritage and Museums gives special treatment to archaeology. Under this law, unauthorized archaeological excavation and metal detecting are prohibited. Archaeological research requires authorization. Foreign institutions may conduct archaeological research only with local institutions under bilateral or multilateral agreements and with approval from the appropriate national body. Major infrastructure or construction projects encountering archaeological, ethnographic, or traditional architectural values must be revised, with archaeological research and project changes paid by the investor. Permits may be revoked for false documentation, failure to meet professional standards, or noncompliance identified by the heritage inspectorate.

These provisions show that Albania has legal authority. They do not show Albania's legal response. No data is available on current looting incidents by site, object type, and date; metal-detector violations; site damage reports; customs seizures tied to Albanian-origin material; online-

market monitoring; prosecutions and convictions; and evidence of U.S.-destination trafficking since the MOU took effect, The public record lacks the necessary evidence requiring U.S. import restrictions or legal actions taken by Albania.

The current designated list is especially overbroad in light of this evidentiary gap. Archaeological material from ca. 300,000 B.C. to A.D. 1750 covers nearly the entire known human past in the territory of modern Albania. Ethnological material from A.D. 400 to 1913 captures Byzantine, Orthodox, Catholic, Islamic, Bektashi, Ottoman, medieval, regional, communal, and minority materials over a period of more than fifteen centuries. The public record does not establish that all, or even many of these categories are in present jeopardy from pillage or that U.S. import restrictions are responsible for deterring the asserted harm.

Nor does the public record establish that the existing restrictions have changed the facts on the ground. Albania may possess vulnerable cultural heritage but the record does not show that the broad MOU has prevented looting, reduced metal-detecting, protected sites, increased prosecutions, improved inventories, or disrupted a U.S. market in Albanian-origin archaeological and ethnological material.

Determination A is therefore not met.

II. Determination B: Albania Has Formal Laws, But the Record Shows Weak Implementation, Insufficient Funding, and Capacity Failures

Albania can point to a formal legal framework. Law No. 27/2018 covers movable, immovable, archaeological, museum, landscape, and intangible heritage. Albania has centralized national ministry control and established a National Institute of Cultural Heritage. The law provides for specialized councils, licensing, inspection, inventories, export controls, and statutory restrictions on unauthorized excavation, survey, metal detecting, acquisition, circulation, and export of cultural objects.

The existence of a legal framework does not satisfy Determination B. The statute requires protective measures in practice. Albania's public record shows serious weaknesses in implementation, funding, staffing, museum capacity, and anti-corruption enforcement.

Albania reorganized heritage administration in 2019 by merging the Institute of Monuments "Gani Strazimiri" and the Archaeological Services Agency into the National Institute of Cultural Heritage. The Institute sets archaeological research criteria, reviews technical documentation, supervises and monitors projects, and maps and updates the digital platform for archaeological activities. Albania's 2018 law also contemplates a National Council of Cultural Heritage, National Inventory Council of Cultural Heritage, National Council of Property Management of Cultural Heritage, National Museums Council, and Museum Accreditation Board. It requires by-laws for stolen-object databases, archaeological research procedures, GIS databases, licenses, and permits.

This is a heavily centralized system. Its effectiveness depends on sustained funding, trained staff, working inventories, transparent licensing, regular inspection, and credible enforcement. The public record does not show that those prerequisites have been met.

Albania's own National Strategy for Culture 2019–2025 states that the state remains the main funder of culture, that institutional expenditures are mainly state-funded, and that grant budgets for independent operators are insufficient. The strategy identifies a lack of in-country training as a serious capacity problem, making capacity building difficult or impossible unless specialists are trained abroad. These are not marginal issues. They go directly to whether Albania has taken meaningful domestic measures to protect its cultural patrimony.

The budget record confirms the weakness. The 2019 Ministry of Culture budget was 2,165,867,000 Albanian lekë (approximately 1.9 million \$US at today's rates), making up only 0.68% of the state budget. Twenty-eight subordinate institutions absorbed approximately 50% of that budget, leaving the remainder for ministry activities and independent operators. The public record does not provide a reliable current line-item budget for 2025 or 2026 breaking out archaeology, preventive archaeology, ethnography, anthropology, museum storage, conservation, customs training, site guards, police/prosecutor cultural-property units, or inventories. The absence of such a public breakdown is not a minor accounting problem. It reflects the lack of priority given to heritage matters by the Albanian State.

The Albania National Strategy reports that from 2014 to 2018 approximately 68 million Albanian lekë was allocated for heritage preservation, - equivalent to roughly \$600,000 to \$630,000 USD in 2018. These minimal funds were invested in preservation and restoration of 689 monuments, with annual totals rising from 53 monuments in 2014 to 214 in 2018. The same strategy describes this 'preservation' as involving only about 24% of monuments. It does not state whether guards have been hired or fences put up, or prior or current damage documented.

The museum sector shows the same pattern. Albanian law recognizes central, local, and private museums, and classifies museums by funding structure as public or private. Museums may acquire objects through field research, purchase, donation, exchange, and other lawful means, but public and private museums may not enrich their collections with objects of suspicious origin, missing certificates, unlawful possession or export history, or suspected connection to site destruction or damage. These are sound rules. The public record does not demonstrate their effective implementation.

In actual fact, external funding has been essential for virtually all important preservation and conservation work in Albania. The European Union's €40 million EU4Culture program, launched after the 2019 earthquake centered near the coastal city of Durrës, supported rehabilitation of museums and sites including the Archaeological Museum, the National Gallery of Art in Tirana, the Durrës Amphitheatre, castles, and religious monuments. The Durrës Archaeological Museum, Albania's largest archaeological museum, was fully restored under EU4Culture supervision and funding after earthquake damage. UNOPS reports that the program restored or revitalized 23 heritage sites and generated 64,000 working days.

Those projects are welcome, but they do not support claims that Albania is adequately funding or implementing its own heritage protection. They show the opposite: Albania's most visible recent preservation successes depend heavily on external funding.

Albania's own public strategy identifies insufficient budgets and human-capacity gaps. The Durrës Archaeological Museum took four years of restoration to reopen. After two years of protests, the National Theater in Tirana was demolished in 2020, which Albania's highest court ruled -after demolition - that the law transferring the building to the municipality was unlawful. It was revealed that the land was being sold to a private investor to build not only a new theater, but also high rise buildings on the plot. Five years later, in late 2025, plans were said to be almost ready to build another theater and other buildings.

Governance concerns reinforce the conclusion that Albanian heritage is primarily at risk from neglect, underfunding, and internal interference with its laws. Albania is not a low-corruption environment. It is rated Partly Free by Freedom House. The European Commission's 2025 Rule of Law report states that Albania's corruption legal framework is broadly in place but that prevention remains incomplete. It notes positive work by SPAK, the Special Anti-Corruption Structure, but also identifies transparency shortcomings, vulnerable police structures, and capacity constraints. Recent reporting places Albania at 91st of 182 countries in the 2025 Transparency International corruption perception context. These conditions are directly relevant to cultural property enforcement, export licensing, customs control, police action, and the integrity of inventories and permits.

Determination B is therefore not met. Albania has laws, but the public record shows insufficient domestic funding, incomplete preservation, weak capacity, dependence on external heritage funding, lack of current transparent budget detail, and governance conditions that undermine confidence in implementation.

III. Determination C: The Public Record Does Not Show That U.S. Import Restrictions Substantially Deter Pillage

Determination C requires evidence that U.S. import restrictions are of substantial benefit in deterring a serious situation of pillage and that less drastic remedies are unavailable. Albania has not made that showing.

The public record does not establish that the United States is a significant market for recently looted Albanian archaeological or ethnological material. It does not show U.S.-routed trade volumes, U.S. customs seizures, U.S. prosecutions, U.S. market listings, or U.S. acquisitions linked to post-2022 pillage. It does not show that the existing MOU has reduced looting, reduced metal detecting, reduced trafficking, improved site protection, or changed market behavior.

This evidentiary absence is particularly important because Albania allows a degree of domestic circulation and 'regulated' private ownership of cultural property. Private owners, possessors, and religious communities are recognized as having duties to secure, preserve, and inventory cultural properties they possess. Transfers must be notified to cultural heritage registration and inventory authorities within 30 days. Failure to notify can nullify the alienation deed, and the Ministry or public institutions may exercise a pre-purchase or pre-emption right over privately owned cultural objects. Commercial trade in cultural objects requires licensing. Albania bans export contrary to its laws and international agreements, treats failures to return temporary exports as illicit export, and bans permanent export of certain movable cultural objects.

That is a restrictive domestic regime. A U.S. import restriction does not fill a void in Albanian law. It operates as an additional foreign burden without a demonstrated foreign market. Where the public record does not show significant U.S. demand or U.S.-routed trafficking, broad U.S. restrictions cannot be found to substantially deter pillage.

The record does not show that less drastic remedies are unavailable. Albania's own law provides the tools. The public record shows that there are legal alternatives but not proof that Albania has implemented them.

Specific Issues with Coins

Coins, examples of which circulated widely across the Mediterranean and beyond in the tens of thousands if not millions, are a special case under which CPAC has routinely stretched the boundaries of the statute in disregard of its plain meaning. With respect to coinage, we refer you for details to the expert submissions of the International Association of Professional Numismatists (IAPN).

In sum, any renewal should not continue broad import restrictions on historical coins unless Albania can show that the specific coin types were exclusively found in Albania and are culturally significant. (19 U.S.C. § 2601(2)(c)). Coins must be shown to be culturally significant, not archaeologically significant.

The 2022 designated list restricted coins of Illyrian, Greek, Macedonian, Roman provincial, Byzantine, Medieval, and Ottoman types said to have “circulated primarily” in Albania from roughly the 6th century B.C. to A.D. 1750. IAPN notes correctly that “circulated primarily” is not the legal standard under the CPIA; it argues that the relevant standard should be whether the material was first discovered in, and subject to export control by, Albania.

IAPN's 2021 numismatic research emphasized that silver coins from Apollonia and Dyrrhachium appear in hoards across the Balkans, the Mediterranean, and beyond. For example, more Apollonia and Dyrrhachium hoards are recorded in Romania than Albania.

Determination C is therefore not met.

IV. Determination D: Renewal Is Not Shown to Be Consistent With Cultural Interchange and May Harm Minority and Religious Communities

The CPIA requires that restrictions be consistent with the international community's interest in cultural interchange. The public record does not establish that renewal satisfies that requirement.

Albanian law contains a framework for interchange. Temporary export is permitted for exhibitions, public-interest cultural presentations, research, screening, conservation, and restoration abroad. Temporary export is formalized through a temporary circulation certificate. Albanian law also permits cultural agreements with foreign museum institutions on the basis of reciprocity, for terms up to four years, renewable once.

That legal framework is not evidence of actual interchange. The public record does not show a Albanian archaeological or ethnological loans to U.S. museums during the current MOU period. The evidence of actual U.S. museum loans is paper-thin.

Foreign archaeological access is stronger, but narrow. U.S.-linked field schools and research opportunities exist, including Lake Ohrid, Matohasanaj, and Butrint-related work. These programs show that Albania permits foreign students and researchers when work is formal, licensed, and collaborative, and paid for by foreign sources. This do not establish broad cultural interchange under the CPIA. Controlled excavation access for a limited number of institutional partners is not a substitute for museum exchange, teaching collections, or ordinary movement of documented cultural property.

The current designated list also raises serious minority and religious heritage concerns. Albania's population and history are not culturally uniform. The country includes or has historically included Greek, Macedonian, Roma, Egyptian, Aromanian/Vlach, Montenegrin, Bosniak, Jewish, Catholic, Orthodox, Muslim, Bektashi, and other communities. Much of the material captured by the ethnological categories, such as icons, ceremonial objects, textiles, and written records, may be community, family, religious, diasporic, or cross-border heritage rather than simply "Albanian national" property.

Albania's own law recognizes that private owners, possessors, and religious communities may own, possess, or administer cultural properties. That legal recognition confirms that not all cultural property within Albania is state property and not all cultural heritage claims can be reduced to a modern territorial claim by the Albanian state. A broad U.S. import restriction burdens these non-state owners and communities by treating objects within sweeping chronological and typological categories as presumptively restricted, even where they have lawful private, religious, family, or diaspora histories.

The risk is heightened for minority or religious materials. Such objects and communal records often move through displacement, migration, religious custody, family inheritance, or diaspora institutions. A broad designated list can impede the movement of such materials to and from the United States while offering no demonstrated reciprocal access to U.S. communities. It can also place minority heritage under the practical control of a centralized state system affected by insufficient funding, capacity constraints, incomplete preservation, and corruption concerns.

The same issue applies to cross-border cultural traditions. Albania's archaeological and ethnological heritage overlaps historically with Greek, Roman, Byzantine, Ottoman, Balkan, and Mediterranean worlds. Many object types circulated across modern borders long before the Albanian state existed. A territorial import restriction that treats wide categories of such material as subject to Albanian control conflates modern state boundaries with older cultural, religious, and commercial networks.

Determination D is therefore not met. The public record shows a loan framework but not a meaningful U.S. loan record. It shows highly controlled research access but not general public access or interchange - more is expected of a EU nation. It shows a designated list broad enough

to burden minority, religious, diasporic, and transnational heritage without corresponding evidence of reciprocal access or benefit.

Conclusion

Albania has important cultural heritage and a formal legal structure for its protection. That is not enough for renewal under the CPIA.

Determination A is not met because the public record does not establish a current serious situation of pillage or any U.S. connection justifying continuing broad import restrictions.

Determination B is not met because Albania's formal laws are not matched by investment or implementation. Albania's own public strategy identifies insufficient budgets and human-capacity gaps. The 2019 Ministry of Culture budget was only 0.68% of the state budget. Twenty-eight subordinate institutions absorbed roughly half of that amount. From 2014 to 2018, preservation and restoration work reached only about 24% of monuments. Recent major preservation successes have depended entirely on the €40 million EU4Culture program and other external funding. The public record lacks current line-item budget evidence for archaeology, ethnography, anthropology, museum storage, preventive archaeology, conservation, customs training, site guards, inventories, or cultural-property enforcement.

Determination C is not met because the public record does not show that the United States is a significant market for recently looted Albanian archaeological or ethnological material or that the existing restrictions have substantially deterred pillage. Albania already has domestic legal tools controlling excavation, temporary export, private ownership and museum acquisition. The record does not show illicit trafficking to the U.S. or any lack of legal alternatives.

Determination D is not met because Albania has not shown a record of U.S. museum loans or broad cultural exchange under the current MOU. Controlled archaeological field opportunities do not substitute for general interchange. A broad designated list also risks harm to minority, religious, family, and diaspora interests in communal heritage.

For these reasons, Albania has not shown that the four statutory determinations required by the CPIA are met. The MOU should not be renewed.

Thank you very much for your attention. I look forward to speaking with you on July 14, 2026.

Kate Fitz Gibbon

Executive Director, Committee for Cultural Policy, Inc.