

After Long Delay, US and Egypt Sign Historic MoU Restricting Endangered Heritage from American Import

The United States and Egypt signed a cultural property Memorandum of Understanding (MoU) on Wednesday after lengthy consideration. The agreement, authorized by the Convention on Cultural Property Implementation Act (CPIA), restricts American imports of designated archaeological objects from Egypt in jeopardy of looting. The bilateral agreement covers ancient objects dating between 5200 BC through 1517 AD.

According to a State Department [press release](#), the MoU will "reduce the incentive for pillage and trafficking."

The agreement took two years and seven months to finalize. Asked why the process took so long compared with [other agreements](#), Nathan Arnold, Director for Media Affairs at the State Department's Bureau of Educational and Cultural Affairs, declined to comment. "It is the State Department's policy to not comment on our private diplomatic negotiations with countries or internally," Arnold explained. "Achieving agreement on specific language for bilateral agreements involves a process."

Since the tumultuous spring of 2011, Egyptian cultural material has been subject to [particular danger](#). Damage to archaeological sites, houses of worship, and museums was extensive, and cultural heritage objects remained under constant threat of plunder. That prompted [urgent calls](#) from the United Nations Educational, Scientific and Cultural Organization (UNESCO), Saving Antiquities for Everyone (SAFE), and other heritage preservation groups to take action. The International Council of Museums quickly published an Egyptian [Red List](#) to focus attention on illegal trafficking, and CHL in [January 2011](#) and [July 2013](#) urged adoption of emergency legislation.

Egyptian authorities did not officially ask for American assistance quickly under the terms of the CPIA and the treaty it implements, the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property Convention. Officials reportedly spoke with the White House on March 11, 2014, [according](#) to Tom Mashberg at The New York Times, discussing "fast action on [US import] restrictions."

At that time, CHL [recommended](#) that import controls be implemented "with all deliberate speed" because "the lack of comprehensive action to stem the looting and smuggling of cultural heritage [since 2011] has afforded heritage traffickers the advantage of a three year head start to move their ill-gotten gains to the United States."

Egyptian authorities formally asked the State Department to enact CPIA import controls in April 2014. The move prompted immediate [comments](#) from preservationists, ancient coin collectors, the [Association of Art Museum Directors](#), and other stakeholders. The Cultural Property Advisory Committee (CPAC) held a public hearing in June that same year, and then the matter retreated from public view. Meanwhile, [news](#) of heritage destruction continued to pour out from Egypt and the Middle East/North Africa region. Then came last week's sudden public announcement that a bilateral deal would be signed, just seven weeks before the end of President Barack Obama's final term in office.

While the US-Egypt cultural property MoU is an important cultural property protection agreement, it does not cover antiquities imported into the American marketplace prior to its adoption, overlooking imports that already occurred during the recent years of heightened heritage destruction. Customs officials and federal prosecutors conceivably could [take action](#) against prior shipments of illicit Egyptian artifacts under other federal laws. Homeland Security Investigations and US Attorneys' offices did just that in Operation Mummy's Curse, which involved the case of [United States v. Khouli et al.](#), and resulted in the [repatriation of artifacts](#) to Egypt during the MoU signing ceremony this week, including [a mummy's hand](#).

Cultural objects covered by the new MoU's import restrictions may legally pass through America's borders under certain conditions, such as when accompanied by either an export permit or proof showing that the artifacts left Egypt before the adoption of US import regulations. Prohibited cultural material may be detained, seized, and forfeited by customs authorities as contraband, and smugglers could face criminal prosecution, although that [rarely occurs](#).

The US now has [bilateral agreements with 16 countries](#) around the world, as well as emergency import restrictions on cultural property originating from Iraq and Syria.

Deborah Lehr of the Antiquities Coalition noted her organization's role in the US/Egypt MoU process, [tweeting](#) "proud to have been a partner," and observing that "US and Egypt sign first cultural heritage MOU in Arab region."

Video source: US Department of State

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