

No. 48189

**Turkey
and
Peru**

Agreement for the protection, preservation, recovery and restitution of cultural, archaeological, artistic and historical cultural property traded, exported or transferred illicitly between the Republic of Turkey and the Republic of Peru. Vienna, 6 February 2003

Entry into force: *12 February 2010 by notification*

Authentic texts: *English, Spanish and Turkish*

Registration with the Secretariat of the United Nations: *Turkey, 26 January 2011*

**Turquie
et
Pérou**

Accord pour la protection, la conservation, la récupération et la restitution des biens culturels, archéologiques, artistiques et des biens culturels historiques échangés, exportés ou transférés illicitement entre la République turque et la République du Pérou. Vienne, 6 février 2003

Entrée en vigueur : *12 février 2010 par notification*

Textes authentiques : *anglais, espagnol et turc*

Enregistrement auprès du Secrétariat des Nations Unies : *Turquie, 26 janvier 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
FOR THE
PROTECTION, PRESERVATION, RECOVERY AND RESTITUTION OF CULTURAL,
ARCHAEOLOGICAL, ARTISTIC AND HISTORICAL CULTURAL PROPERTY
TRADED, EXPORTED OR TRANSFERRED ILLICITLY
BETWEEN
THE REPUBLIC OF TURKEY
AND
THE REPUBLIC OF PERU**

The Republic of Turkey and the Republic of Peru, hereinafter referred to as “the Parties”;

CONSCIOUS of the serious damage that theft and illicit export of objects considered part of their cultural heritage represents for the countries, both to these objects themselves and in particular by the pillage of archeological sites and of subjacent archaeological sites and of others of a historical and cultural value;

RECOGNIZING the fundamental importance of protecting and preserving their cultural heritage, in accordance with the principles and regulations established in UNESCO Convention, 1970, on Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and, the UNESCO Convention, 1972, concerning the Protection of the World, Cultural and Natural Heritage;

CONVINCED that collaboration between the Parties to return cultural property illicitly stolen, imported, exported or transferred constitutes an effective means to protect and acknowledge the right of each Party as the original owner of their corresponding cultural property;

DESIRING to establish common rules for the restitution and return of said property upon having been illicitly stolen or exported, as well as to protect and preserve them;

ACKNOWLEDGING the unique and distinctive character of the cultural property of each country and therefore should *not* be object to trade;

HAVE AGREED as follows:

Article 1

The Parties undertake to prohibit and prevent illicitly traded, exported, transferred and stolen cultural, archaeological, artistic and historical cultural property from entering their corresponding territories.

Article 2

For the purposes of this Agreement, the term "cultural, archaeological, artistic and historical property", shall have the following meaning:

- (a) objects and devices that have been classified as antiques by both Parties, including architectonic, sculptures, ceramics, metal objects, textiles and other traces of human creation or fragments thereof;
- (b) rare collections and specimens of fauna, flora, minerals and anatomy, and objects of paleontological interest classified or not;
- (c) religious or secular artistic objects from the different cultural periods, dynasties and historical periods of both countries or fragments thereof;
- (d) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;
- (e) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;
- (f) elements of artistic or historical monuments or archaeological sites which have been dismembered;
- (g) documents from the official archives of the central, state or municipal administrations or from their corresponding agencies, according to the laws of each Party or more than fifty years old, which belong to them or to religious organizations whom both governments have been authorized to represent;
- (h) antiquities more than one hundred years old, such as coins, inscriptions and engraved seals;
- (i) property of artistic value such as pictures, paintings and drawings produced entirely by hand on any support and in any other material, original works of statuary art and sculpture in any material, original engravings, prints and lithographs and, original artistic assemblages and montages in any material;
- (j) rare manuscripts and incunabula, old books, documents and publications of special historic, artistic, scientific or literary interest, singly or in collections;
- (k) postage, revenue and similar stamps, singly or in collections;

- (l) archives, including sound, photographic and cinematographic archives;
- (m) articles of furniture, work equipment and instruments, including musical instruments of a historical and cultural interest more than one hundred years old;
- (n) objects of ethnological interest, classified or not, including those belonging to ethnic groups of the Amazon in danger of becoming extinct;
- (o) cultural patrimony found underwater.

Likewise included are privately owned cultural property and documents deemed by each Party as necessary for their special characteristics. They must be duly registered and classified by the corresponding cultural authority.

Article 3

At the express request of one of the Parties the other Party shall take the appropriate legal steps at its disposal to recover and return from its territory, any cultural, archaeological, artistic and historical property which have been stolen, exported or transferred illicitly from the territory of the requesting Party, according to its legislation and to international agreements in force.

Requests to return and recover specific cultural, archaeological, artistic and historical property shall be formalized through diplomatic channels.

Expenses related to the restitution and recovery of the above-mentioned property shall be borne by the requesting Party.

Article 4

Each Party shall notify the other Party regarding the theft of cultural, archeological, artistic and historical property, and regarding the methodology employed when there is reason to believe that said objects shall probably be traded at international level.

For said purpose and based on police investigation carried out for such purpose, all possible descriptive information shall be submitted to the other Party as to enable identification of the objects and of those who have participated in the theft, sale, illicit import/export and/or related criminal behavior. Likewise, to determine the *modus operandi* employed by the criminals.

Likewise, the Parties shall spread among their corresponding customs authorities and port, airport and border police forces, all possible information regarding cultural property that has been stolen or illicitly trafficked as to facilitate the identification process and the application of the corresponding protective and cohesive measures and shall take other necessary measures against the illicit traffic of cultural, archaeological, artistic and historical property and shall cooperate in case this traffic exists.

Article 5

The Parties shall exempt cultural, archaeological, artistic and historical property which has been restituted and returned from customs duties and other taxes imposed, in the application of what is foreseen by this Agreement.

Article 6


Upon request of one of the Parties, this Agreement may be modified by mutual accord between the Parties. The modifications may become official by mutually exchanging the corresponding diplomatic notification, or by means of a procedure agreed upon by the Parties.

Article 7

This Agreement is effective as from the moment the ratification was exchanged and shall remain in force, unless one of the Parties notifies the other Party one year in advance, of its intention to terminate it.

Done in duplicate at Vienna this 6th day of February, 2003, in Spanish, Turkish and English, each text being equally authentic.

**FOR THE GOVERNMENT OF
THE REPUBLIC OF TURKEY**



A. Mithat Balkan
Ambassador of Turkey

**FOR THE GOVERNMENT OF
THE REPUBLIC OF PERU**



Javier Paulinich
Ambassador of Peru