

TESTIMONY ON BEHALF OF
ASSOCIATION OF ART MUSEUM DIRECTORS
REGARDING REQUESTS FROM THE GOVERNMENTS OF EL SALVADOR
AND
COLOMBIA

TO
THE CULTURAL PROPERTY ADVISORY COMMITTEE

NOVEMBER 18, 2004

EL SALVADOR

On behalf of the Association of Art Museum Directors (AAMD) we thank the Cultural Property Advisory Committee for the opportunity to comment on the request from the government of El Salvador to extend the bilateral agreement that exists between the US and El Salvadorian governments. We applaud the efforts of the government of El Salvador to protect its cultural patrimony.

While a number of AAMD art museums have pre-Colombian collections drawn from all over Latin America, few pieces in these collections actually come from El Salvador. Artifacts from El Salvador do not appear to be part of an active commercial market – at least from the point of view of art museums; dealers on the Cultural Property Advisory Committee may have a different perspective. And while there may be some looting of archeological sites, we seriously question whether that looting is to supply the art market.

The destruction of archeological sites in El Salvador is caused by a number of factors – other than looting -- not the least of which is development within the country. The inevitable clash between El Salvador's interest in preserving its cultural patrimony at the same time it develops its tourist industry often has unfortunate consequences for its archeological sites, which are frequently destroyed by construction of roads, tourist facilities and other infrastructure elements. In addition, there are also environmental dangers to sites –El Salvador has several active volcanoes and hurricanes hit there frequently; and finally, there is also political unrest which contributes to the destruction of sites.

Maya style artifacts and artifacts from other cultures that appear to come from El Salvador are often indistinguishable from those that appear in Honduras, Guatemala, Belize, Nicaragua and Western and Southern Mexico. How does one distinguish those from pieces from El Salvador?

The original bilateral agreement spans over 3000 years and 20 pages of prohibited objects. We suggest that, given the relatively low level of commercial interest in objects from El Salvador and the fact that many of the works are indistinguishable from similar works from other countries, the Memorandum of Understanding either not be extended or, if extended, be brought into conformity with the requirements of the Cultural Property Implementation Act i.e. that specific sites that are endangered by looting be identified and certain objects coming from those sites then be prohibited from import into the US. To bring the force of a bilateral agreement and the energy of the US Customs and Border Patrol to bear on the existing bilateral agreement would appear to be overly zealous.

COLOMBIA

Since the Committee will continue its discussion about the request from Colombia for a bilateral treaty, it would be useful to know if there are plans for objects found outside the government controlled areas in Colombia. Many of the objects found in these areas are made of gold and as we mentioned in our testimony presented at the last Cultural Property Advisory Committee meeting objects of gold are in particular danger of being melted down for the value of the metal. This is even truer if those objects come from areas not under government control.

It would appear reasonable to allow the articles made of gold, found in non-government controlled areas, export permits to be preserved abroad rather than to be destroyed entirely.