BILATERAL

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE PEOPLE’S REPUBLIC OF CHINA ON PREVENTING THE THEFT, CLANDESTINE EXCAVATION AND ILLI...

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The Government of the Republic of the Philippines and the Government of the People's Republic of China, hereinafter referred to as the Parties, both believe that furthering bilateral cooperation in the field of the protection of cultural property serves as an important means to forge closer bilateral relations and as an effective approach to fulfill the mission of protecting cultural heritage of mankind,

Whereas the theft, clandestine excavation and illicit import and export of cultural property have posed serious threats on cultural heritage of mankind;

Whereas the Parties have laid, a good foundation .for bilateral cooperation in the field of the prevention of the theft, clandestine excavation and illicit import and export of cultural property,

Have reached the following agreement:

ARTICLE 1

1. The Parties agree to collaborate in adopting, preventive, mandatory and remedial measures to combat unlawful and criminal practices concerning the theft, clandestine excavation and illicit import and export of cultural property, in accordance with their respective domestic laws.

2. Concerning cultural property and practices of the theft, clandestine excavation and illicit import and export of cultural property mentioned in this Agreement, those involved with China shall be defined in accordance with China's laws and regulations; those involved with the Philippines shall be defined in accordance with the Philippines' laws and regulations.

3. When conflicts arise between provisions of the laws of the two countries concerning cultural property and the theft, clandestine excavation and illicit import and export of cultural property and such conflicts are involved with the implementation of this Agreement, relevant departments of the Parties shall solve them through consultation.

ARTICLE 2

1. For the effective implementation of this Agreement, the Parties shall designate respectively the National Commission for Culture and Arts of the Philippines and the State Administration of Cultural Heritage of China to be responsible for bilateral' cooperation in preventing the theft, clandestine excavation and illicit import, and export of cultural property.

2. The National Commission for Culture and Arts of the Philippines and the State Administration of Cultural Heritage of China shall designate specific organizations respectively to be responsible for concrete work for the bilateral cooperation in preventing the theft, clandestine excavation and illicit import and export of cultural

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property. The designated specific organizations of the Parties shall establish hotline communication with each other.

ARTICLE 3

1. For the purpose of this Agreement, the Parties shall exchange information in time. The information shall include following aspects:

A. Laws and regulations on the protection of cultural property, especially on preventing the theft, clandestine excavation and illicit import and export of cultural property, as well as relevant policies and measures worked out by administration authorities;

B. Databases for cultural properties prohibited from being exported, including archeological artifacts, which are established based on the same rules and standards;

C. Issuing of cultural property export licenses;

D. information on composition and structure of organizations of cultural property protection and preservation;

E. Basic information on burial of underground artifacts and archeological discoveries;

F. Basic procedures for transaction of cultural property;

G. Dynamic states of the theft, clandestine excavation and illicit import and export of cultural property.

2. All above-mentioned information shall be updated in time.

ARTICLE 4

The Parties shall strengthen exchanges and training of personnel in the field of the prevention of the theft, clandestine excavation and illicit import and export of cultural property, in particular, concerning the security of cultural property, administration of cultural property markets, control of the import and export of cultural property, law drafting, information collecting and coordination in international affairs.

ARTICLE 5

For the purpose of this Agreement, the Parties shall enhance coordination and further improve each other's license system on the export of cultural property, cultural property registration system, information release system on stolen cultural properties and supervision system on the import of cultural property.

ARTICLE 6

Relevant departments of the Parties shall solve through consultation problems concerning expenses occurring during the implementation of this Agreement and reasonable compensation for returning cultural property acquired through the theft, clandestine excavation or illicit import and export.

ARTICLE 7

1. The Parties shall conduct consultation and coordinate positions on multilateral affairs concerning the prevention of the theft, clandestine excavation and illicit import and export of cultural property.

2. The Parties shall strengthen collaboration in further enhancing awareness of the public, museums and other cultural organizations in threats brought about by the theft, clandestine excavation and illicit import and export of cultural property in the international community, increase cooperation with organizations implementing relevant

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international conventions of UNESCO and UNIDROIT when coordinating cultural relations with the third country, and reduce or suspend contacts with organizations suspect of involvement with the theft, clandestine excavation and illicit import and export of cultural, property.

3. The Parties shall inform each other of information on illegal cultural properties appearing in the international cultural property market which are involved with the Parties and share information related to identifying, registering, retrieving and returning lost cultural properties of the Parties when conducting relevant investigations.

ARTICLE 8

A Joint Commission shall be established in order to oversee the implementation of the Agreement. The Joint Commission shall be composed of an equal number of members from the Parties. Each Party shall designate one Chairperson as Head of its delegation. The members shall be determined upon consultations through diplomatic channels.

ARTICLE 9

This Agreement shall enter into force upon the date when the Parties complete each other's relevant domestic legal procedures and inform each other, and shall remain valid for a period of five (5) years.

Done in duplicate in Manila on 15 January, 2007 in Chinese and English languages, both texts being, equally authentic.

For the Government of
the Republic of the Philippines For the Government of
the People's Republic of China

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