

Testimony of John W. Hoopes, Ph.D. and Santiago Giraldo, PhD.

Before the Cultural Property Advisory Committee
United States Department of State
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I am John W. Hoopes, a professor at the University of Kansas and a specialist in Isthmo-Colombian archaeology and have been involved in research on the cultures of Costa Rica, Panama, and Colombia for 40 years. I have co-edited books about the archaeology of the Isthmo-Colombian area published by Dumbarton Oaks in the nation's capital. I have served as a consultant for a major exhibition of prehispanic art from Latin America and recently served as a committee member for a doctoral student from Colombia. In those capacities, I have developed collaborative relationships with colleagues in several universities and museums and with stakeholders in the cultural heritage of Colombia.

I am Santiago Giraldo, the Colombia Director for World Monuments Fund and the Executive Director of the ProSierra Nevada de Santa Marta Foundation, a Colombian cultural and natural heritage conservation not for profit. I have been involved in archaeological research and conservation in Colombia for the past 30 years, and as a specialist on the prehispanic cultures of Northern Colombia have published journal articles, book chapters, and a book on the Tairona culture. I have served as a consultant for art exhibitions in the US and Colombia, mentored undergraduate and graduate students from U.S. universities working in Colombia and have a close relationship with various U.S. higher education institutions, among them the University of Chicago where I completed my MA and PhD. I have managed cultural protection grants awarded by the U.S. Embassy in Colombia under this MOU in 2022 and am currently managing an Ambassador's Fund for Cultural Preservation award to World Monuments Fund for conservation and outreach activities at Teyuna-Ciudad Perdida Archaeological Park located in Northern Colombia.

We are testifying on behalf of the Society for American Archaeology (SAA). The SAA is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas. With more than 6,000 members, the SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at tribal agencies, museums, government agencies, and the private sector. The SAA has members throughout the United States, as well as in many nations around the world.

We hereby convey our strong support for the renewal of the Memorandum of Understanding (MOU) with Colombia for the protection of that nation's archaeological heritage. Our testimony will focus on the four determinations as outlined in the Cultural Property Implementation Act.

1. Colombian archaeology and cultural heritage remain under threat from the pillaging and illicit trade of archaeological and ethnographic materials.

Archaeologists have documented thousands of archaeological sites in Colombia, spanning a period of over 17,000 years. These range from camps by mobile hunters and gatherers to the

remains of complex chiefdoms and historic properties. They tell the story of the predecessors of Colombian people from the prehispanic Indigenous past into the present and inform us about the domestication of food sources, the origins of ceramic and metallurgical technology, and the origins of social complexity. Unfortunately, these sites have long been subject to damage and destruction from looting and the illicit trade of archaeological objects. These objects include pottery, stone monuments, and especially gold ornaments, the majority of which come from looted Indigenous cemeteries. Looting of archaeological sites also affects cultural tourism.

Colombian cultural heritage is prone to looting for several reasons. The most prized material is gold, which has a high value as bullion as well as art. It is obtained primarily from the destruction of Indigenous graves and tombs that are associated with the remains of Indigenous settlements which are also destroyed by looting. According to the Colombian Ministry of Culture, the nation has registered thousands of archaeological sites. It is likely that thousands more remain undocumented, as indicated by recovery of hundreds of thousands of artifacts during mitigation work for the building of transportation and electrical infrastructure.¹ Colombia has three archaeological UNESCO World Heritage sites, and two others have tentative designations. It is impossible to protect all archaeological and cultural sites in the country, much less effectively police them. Most of Colombia has a heavy tropical rainforest cover and low population density. Furthermore, Colombia has significant coastlines on both the Caribbean Sea and the Pacific Ocean. Practically all looted goods from Colombia come from undocumented sites. Because these are impossible to monitor, the MOU is an effective method for protecting sites from looting as it impedes the export of antiquities towards the United States, which unfortunately continues to be the principal market for these objects.

2. Colombia is taking steps domestically to protect its archaeological record.

Colombia has taken clear steps domestically to protect its cultural heritage. In 1986, it ratified the UNESCO convention of 1970 for the protection of cultural property. Law 197 of 1997 defined cultural patrimony and established regulations for its protection as well as for research, designating the Ministry of Culture for its oversight. In 2002, it launched a National Program against the Illicit Trafficking of Cultural Property. The 1997 law was modified by Article 4 of Law 1185 of 2008 to define archaeological heritage, establish a national registry, and established criminal penalties to deter illicit excavations and the trafficking of antiquities. It introduced a legal framework for a registry of cultural property, the repatriation of Colombian antiquities, and enhanced heritage protection policies.² These legal frameworks have been modified by subsequent legislation and demonstrate an ongoing commitment of the Colombia government to protecting Colombia's archaeological and cultural heritage.

Law 1185 of 2008 charged the Ministry of Culture and other public entities to “make all efforts to restitute goods of cultural interest that have been illegally removed from the Colombian territory.” The government of Colombia has worked actively to protest auctions of illicitly procured Colombian antiquities abroad. It has also sought repatriation of looted artifacts through its embassies. Today, Colombia is actively seeking the repatriation of 122 archaeological objects from the Museum of the Americas in Madrid, Spain.³ It is also seeking the return of 35 statues from San Agustín in the Humboldt Forum in Berlin, Germany.⁴ In June 2025, 940 precolonial artifacts were repatriated to Colombia from private collections in Italy, Switzerland, and Germany.⁵ From

August 2022 to date, and according to data from the Colombian Ministry of Foreign Affairs provided to us, 3640 objects have been returned, of which 280 came from the United States of America. The MOU greatly assists with these repatriations and facilitates interagency cooperation.

The Colombian Ministry of Culture oversees national cultural heritage policy and the protection of archaeological resources. The lead agency that focuses on archaeology is the Colombian Institute of Anthropology and History (ICANH), which monitors archaeological sites, issues research permits, and manages cultural heritage protection for development projects. It is also the agency responsible for registering archaeological heritage and managing international repatriation in cooperation with the Ministry of Foreign Affairs. ICANH maintains an online database of archaeological sites.⁶ At the provincial level, local governments invest in museums to highlight the cultural heritage of their individual provinces. These measures demonstrate an excellent caliber of local infrastructure at both national and local levels to support the protection and curation of Colombian cultural heritage. In October 2018, over 100 people attended a seminar in heritage protection organized by the Cultural Antiquities Task Force (CATF), the U.S. Embassy in Bogota, and the Colombian Ministry of Culture, accompanied by the repatriation of antiquities. ICANH has also recently provided to the U.S. Embassy in Colombia an extensive document detailing all actions carried out to protect and safeguard antiquities in the past years, including police confiscation of 252 prehispanic objects that were being illegally trafficked.

Efforts to protect Colombian antiquities are not limited to governmental measures. There are several cultural institutions that inform the general public about Colombia archaeology and cultural heritage. One example is the Erigaie Foundation, created in 1986, which is accredited by UNESCO and engages in archaeology for development projects. Other NGOs that protect archaeological heritage include the World Monuments Fund, which engages in preservation of specific sites such as the Teyuna-Ciudad Perdida Archaeological Park and has recently received an Ambassador's Fund for Cultural Preservation grant. From 2008 to 2022, the Global Heritage Fund, now merged with World Monuments Fund, worked in collaboration with ICANH to provide year-on-year conservation at Teyuna Ciudad Perdida Park. Since 1990, the ProSierra Nevada de Santa Marta Foundation has owned and protected the property where the Tairona site known as Teyuna is located in the Sierra Nevada de Santa Marta. The Colombia Nature Foundation and the Foundation for Conservation and Sustainable Development (FCDS) integrate archaeological monitoring into biodiversity conservation. In addition, major public and private projects requiring environmental licensing must also hire Cultural Resource Management specialists and archaeologists charged with designing and executing archaeological management plans, including community outreach and education components.

3. Import restrictions are the most effective means at the U.S.' disposal to deter looting and trafficking of these items.

Sadly, and as numbers of confiscated objects clearly portray, the U.S. continues to be the major market for illicit antiquities. While the destinations for black-market antiquities are poorly documented, the U.S. is a known destination for a substantial proportion of these materials. Importation of contraband antiquities to the U.S. is the first step in its illegal trafficking both here and abroad. Renewal of the MOU will continue to deter this.

Import restrictions are crucial for curbing the trafficking of illicit antiquities from Colombia. Colombia has extensive coastlines, borders with Ecuador, Brazil, and Venezuela, and multiple

international airports. Antiquities are often trafficked in combination with illicit drugs, arms, and other materials. Blocking the smuggling of black-market antiquities into the U.S. is the most effective method of deterring looting.

Colombia actively promotes international research and exchange of cultural items and import restrictions do not impede those. Certain archaeological studies require the export of antiquities to the United States for analysis. A renewed MOU would not impede this exchange. An explicit legal framework promotes and facilitates legitimate scientific research.

4. Colombia is open to international research and exchange of cultural items and import restrictions would not impede that exchange.

Graduate programs in anthropology and archaeology at the National University of Colombia and at the Universidad of the Andes encourage the training of both national and international students in research and the protection of cultural property. The Colombian Institute of Anthropology and History (ICANH) publishes educational materials and actively collaborates with international institutions such as World Monuments Fund, with whom a five-year MOU was signed in 2024.

International collaboration includes the use of high-tech remote sensing to document transformation of the landscape by precolonial settlements in the Sierra Nevada de Santa Marta, published in 2023.⁷ Other collaborative international projects include documentation of rock art in the Serranía La Lindosa and human activities dating to 8500 BP at Checua, near Bogotá.⁸

Law 1185 of 2008 authorized the temporary export of antiquities, “for a period not exceeding three (3) years, with the sole purpose of being exhibited to the public or studied scientifically.” Examples of successful cultural exchanges in recent years include exhibitions such as *Golden Kingdoms: Luxury Arts of the Americas* (2017-2018) organized by the Getty Museum in Los Angeles and the Metropolitan Museum in New York City⁹ and *Golden Worlds: The Portable Universe of Indigenous Colombia* (2022-2023),¹⁰ organized by the Los Angeles County Museum and also featured by the Houston Museum of Fine Arts.

The existing MOU plays a key role in ensuring Colombian antiquities enter the U.S. only through legal cultural exchanges. Trafficking in illicit materials is controlled by the interdiction of agencies such as U.S. Customs, Homeland Security Investigations (HSI), and the FBI. Renewal of the MOU, which has been effective now for twenty years, is essential for protecting Colombia’s cultural heritage and enhancing the goodwill between our nations.

In conclusion, the MOU and its import restrictions remain the best tools available for deterring looting and facilitating the preservation of Colombia’s cultural heritage. We strongly support the proposed renewal of the MOU with Colombia and urge the Committee to recommend its approval to the State Department. Thank you for your consideration.

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