

**Testimony of Dr. Frances Hayashida on the Proposed Renewal of the US-Chile
Memorandum Of Understanding**

**Before the Cultural Property Advisory Committee
U.S. Department of State
February 4, 2025**

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Background: I am an archaeologist who has worked in the Andes since 1981, first in Peru and since 2011, in Chile. I co-directed a long-term field project in the high-altitude Atacama Desert of northern Chile with two colleagues from the Universidad de Chile and am currently collaborating with Chilean scholars on three other research projects. I was a Fulbright scholar in Chile, have taught short courses at two Chilean universities, and have advised Chilean archaeology PhD students and American graduate students working in Chile.

On behalf of myself and the Society for American Archaeology, I strongly support the renewal of the Memorandum Of Understanding (MOU) between the US and Chile to restrict the importation into the United States of archaeological materials. Below, I address the four determinations that must be met for renewal.

(A) that the cultural patrimony of Chile is still in jeopardy from the pillage of archaeological or ethnological materials

The pillage of archaeological sites in Chile is an ongoing problem driven by high demand in the US and other countries for pre-Columbian artifacts. A cursory online search reveals a range of Chilean artifacts recently or currently for sale including textiles, pottery, and wooden and stone objects by US galleries and other dealers.^{1,2,3,4}

Looting in Chile is difficult to control. Chile extends over 756,102 sq km and has a population of 18,664,652 people, 90% of whom live in and around Santiago, the capital.⁵ Areas with archaeological remains that are targeted by looters,⁶ such as Arica and Tarapacá in the Atacama Desert in the north, or the homelands of the Mapuche people in the south, are remote and difficult to monitor.

(B) that Chile has taken strong measures domestically to protect its cultural patrimony

Chile's National Cultural Heritage Service (Servicio Nacional de Patrimonio, or Serpat), a division of the Ministry of Cultures, Arts and Heritage, is the primary entity charged with the promotion and protection of Chilean national patrimony.⁷ In this work, they partner with the Council of National Monuments (Consejo de Monumentos Nacionales) and other national and regional entities (e.g., customs, the national police force, and museums).

There has been a broad range of initiatives by Serpat and partners aimed at reducing looting and artifact trafficking. Since 2020, these initiatives include (1) training sessions for customs and law enforcement on heritage protection and how to identify patrimonial objects (which include archaeological artifacts),^{8, 9, 10} (2) regional and national seminars on archaeology and the illegal trafficking of artifacts,^{11, 12, 13, 14, 15} (3) efforts to increase the penalties for looting and the sale and purchase of patrimonial objects,¹⁶ (4) the creation and celebration of a national Heritage Day

(*Día del Patrimonio*) for children and teenagers, which includes activities focused on archaeology and stewardship of the archaeological record,^{17, 18} and (5) the creation and dissemination of easily accessed resources for training and outreach on heritage, the archaeological record, and the need to protect archaeological sites.¹⁹

In addition to these initiatives, it should be noted that archaeological research and training in Chile receive robust financial support from Chile's National Fund for Scientific and Technological Development (Fondo Nacional de Desarrollo Científico y Tecnológico or FONDECYT). FONDECYT provides generous grants for field and laboratory work as well as multi-year PhD fellowships and postdoctoral funding. Grantees are expected to incorporate public outreach and education into their projects, with funds set aside specifically for these activities. Researchers offer workshops and talks, create curriculum, and develop resources (such as guides, books, and videos) in consultation with local community members. As part of our project in the high-altitude Atacama, the descendant community requested and we created a professionally produced video on their ancestral sites as well as a book of oral histories. The production of the video and the publication of the book were supported by our FONDECYT grant.

(C) that import restrictions on archaeological material from Chile into the US are still of substantial benefit in deterring looting and pillaging in that country

Because pre-Columbian artifacts are still in demand in the US, with US dealers actively selling patrimonial objects from Chile, the import restrictions are essential to deterring looting and pillaging. They put pressure on dealers and prospective buyers who may not want to risk penalties and the forfeiture of objects they have paid for. They also facilitate the recovery of objects that have been illegally obtained and sold.

An example of the success of the restrictions put in place by the 2020 MOU between Chile and the US illustrates these points.^{20,21} In 2021, Serpat discovered the imminent sale by a gallery and auction house in Philadelphia of textiles suspected to have been recently looted from the desert coast of northern Chile. Representatives of the Chilean government in the US sent a letter to the gallery and enlisted the help of the US Department of State. When contacted by the FBI the gallery turned over the textiles, which were then repatriated back to Chile. The successful enforcement of restrictions put in place by the 2020 agreement will discourage future sales and looting, but only if the MOU is renewed and restrictions are extended.

(D) that the application of the import restrictions is not deterring the interchange of cultural property between Chile and the U.S. for scientific, cultural, and educational purposes, or limiting the access of international researchers to work in Chile

Chilean law allows for the export of archaeological material for analyses that cannot easily be completed in Chile, such as radiocarbon dating or certain compositional analyses. Objects are also loaned for museum exhibitions outside of the country. There are specific permits that must be acquired from the Council of National Monuments for the export or loan of materials. To my knowledge, these exports and loans for scientific, cultural, and educational purposes have not been negatively impacted by the import restrictions established by the 2020 MOU.

Most US Andean archaeologists work in Peru rather than other Andean countries, such as Chile. This is a result of the historical development of the field (i.e., early interest in Peruvian monumental sites), which has guided subsequent research. While there are far fewer US

archaeologists working in Chile, the country has been and continues to be a welcoming and enriching place for collaborative research, much of it funded by Chilean sources (FONDECYT grants). In addition, Chilean researchers are active internationally, including as valued members of the Society for American Archaeology, where they serve in important service roles (e.g., on committees, in SAA leadership, and as journal editors and board members). In my experience, import restrictions have not limited the access of international researchers to work in Chile. To the contrary, they demonstrate a shared commitment to protecting the remarkable archaeological heritage of Chile and strengthen the relationship between the US and Chilean scientific communities.

I thank the Committee for its time and consideration and strongly support the renewal of the MOU with Chile.

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