CULTURAL RELATIONS

Implementing Accord Between the
UNITED STATES OF AMERICA
and CHINA

Signed at Beijing May 4, 2012

NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966 (80 Stat. 271; 1 U.S.C. 113)—

". . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof."

CHINA

Cultural Relations

Implementing Accord signed at Beijing May 4, 2012;
Entered into force May 4, 2012.

Implementing Accord for Cultural Exchange
For the Period 2012 through 2014
Under the Cultural Agreement between the Government of the United States of America and the Government of the People's Republic of China

The Government of the United States of America and the Government of the People's Republic of China (hereinafter referred to as "the Parties");

Desirous of strengthening cultural cooperation and people-to-people engagement between the two countries;

Desirous of enhancing friendly relations between the peoples of the two countries;

Based on the principles of mutual respect for sovereignty, equality, reciprocity, and mutual benefit; and

In accordance with the Cultural Agreement between the Government of the United States of America and the Government of the People's Republic of China, signed on January 31, 1979;

Have agreed on the following basis for cultural exchange between the two countries for the period 2012 through 2014.

Article I – Cultural and the Arts

The Parties will encourage the sending of high-quality performing arts groups representative of the various cultures of the respective countries to the other country for visits and performances. Specific projects may be decided through separate agreements signed by relevant organizations of each country.

The Parties will encourage the sending of high-quality art exhibits to the other country. Specific programs may be decided through separate agreements signed by relevant organizations of each country.

The Parties will encourage the sending of artists and experts in fields such as music, dance, drama, painting, sculpture, arts and crafts, photography and animation to the other country for visits, short-term lectures, professional exchanges, and possible performances and exhibits. Specific projects may be decided through separate agreements signed by relevant organizations of each country.

The Parties will provide necessary facilitative assistance for cultural exchange projects between relevant organizations of each country, the nature and extent of such assistance to be decided through separate agreements signed by such relevant organizations.

The Parties will in particular encourage the cultural exchange between the youth of the two countries.

Article II – Journalism, Broadcasting, Film and Television

The Parties will encourage and facilitate the exchange of persons, materials and information in the fields of print journalism, film, television, radio, the Internet and other electronic media. Specific projects may be decided through separate agreements signed by relevant organizations of each country.

The Parties will encourage the exchange of films and will encourage film professionals to engage in in-depth exchanges, film workshops, and seminars. Specific projects may be decided through separate agreements signed by relevant organizations of each country.

Article III – Literature, Translation and Publication

A. The Parties will encourage the exchange of writers, translators, publishers, and printing technicians in order to further mutual understanding of each other's culture, history, and society; and cooperation in publishing and in the licensing of copyrights will be encouraged. The Parties will encourage cooperation in the publication of books, audio-visual and electronic publications, and newspapers and periodicals. Each Party will encourage the participation of its nationals in international expositions on books, audio-visual and electronic publications and publications in the other country. Specific projects may be decided through separate agreements signed by relevant organizations of each country.

B. The Parties will encourage their respective governmental and other relevant organizations to establish direct working relationships in press and publication sector. The Parties will encourage the exchange of high-level delegations in the publishing field.

Article IV – Intellectual Property Rights

The Parties will promote the protection of the intellectual property rights of artists, filmmakers, writers, and musicians, and other holders of copyright and neighboring rights. The Parties will encourage professional exchanges in the fields of copyright and publications. Specific projects may be decided through separate agreements signed by relevant organizations of each country.

Article V – Museums, Libraries, Archives, and Electronic Information Resources

The Parties will facilitate professional exchanges concerning museum, library, archive and electronic information issues. Both Parties will encourage exchanges of books, periodicals, and other publications and the sharing of information via the Internet. Specific projects may be decided through separate agreements signed by relevant organizations of each country.

Article VI – Education, the Humanities, Social Sciences and Sports

The Parties will encourage and facilitate exchanges in education, the humanities, social sciences, and sports. Specific projects may be decided through separate agreements signed by relevant organizations of each country. Exchanges in education will be discussed and carried out based on the principles of the Agreement between the Government of the United States of America and the Government of the People's Republic of China for Cooperation in Educational Exchanges signed May 25, 2010.

Article VII – Parks, Historical Preservation and Related Matters

The Parties will encourage cooperation between relevant organizations in the areas of park, urban and landscape planning, environmental protection, and the conservation of natural and cultural resources. Specific projects may be decided through separate agreements signed by relevant organizations of each country.

Article VIII – Protection and Exchange of Cultural Heritage

Pursuant to the terms of the Memorandum of Understanding between the

Government of the United States of America and the Government of the People's Republic of China Concerning the Imposition of Import Restrictions on Categories of Archaeological Material from the Paleolithic Period through the Tang Dynasty and Monumental Sculpture and Wall Art at Least 250 Years Old, signed by the Parties on January 14, 2009, and consistent with the laws and policies of each country, the Parties agree to encourage respect for the protection of the cultural property of the other country and to restrict illicit traffic in cultural artifacts between the two countries. With the understanding that the Memorandum of Understanding is independent of any other agreements of a cultural nature between them, the Parties agree to give their highest consideration to a request for extension or emendation of the Memorandum of Understanding at the appropriate time and consistent with the applicable procedures for such extension or emendation.

The Parties will encourage exchanges in the field of cultural heritage protection, exhibitions of cultural relics, scientific conservation and preservation of cultural property, training and visits, to promote mutual understanding of the histories and cultures of the two countries.

Article IX – Private Exchanges

The Parties will encourage and promote privately-funded cultural and artistic people-to-people exchanges between non-governmental organizations, including sister provinces/states and sister cities, and facilitate the further development of friendly relations between the peoples of the two countries.

Article X – Commercial Information

The Parties will cooperate to promote the exchange of information on the commercial practices, operations, and legal requirements of their respective countries in the cultural area. This will be done by fostering exchanges of persons and written or electronic materials, and by encouraging meetings and training activities to be held by relevant organizations of each country.

Article XI – Financial Provisions

Specific financial arrangements for the activities and exchanges conducted under the provisions of this Accord will be determined through negotiation between relevant organizations of each country.

If either Party encounters financial difficulties in the course of carrying out an individual project, a suitable adjustment or postponement of the project will be decided upon by consultation between the organizations involved.

Article XII – Laws and Regulations

The activities under this Accord will be carried out in accordance with the applicable laws and regulations of each country, including those concerning the availability of funds.

Article XIII – Executive Agents

The Executive Agent of this Accord for the Government of the United States of America will be the United States Department of State. The Executive Agent for the Government of the People's Republic of China will be the Ministry of Culture of the People's Republic of China.

Article XIV – Entry Into Force

This Accord will enter into force upon signature and cover the period May 4, 2012 through May 4, 2014.

In Witness Whereof, the undersigned, being duly authorized by their respective Governments, have signed the present Accord.

Done at Beijing, in duplicate, this day of May 4, 2012, in the English and Chinese languages, each text being equally authentic.

For the Government of
The United States of America:

For the Government of
The People's Republic of China:

美利坚合众国政府和中华人民共和国政府文化协定
２０１２年至２０１４年文化交流执行计划

美利坚合众国政府和中华人民共和国政府（以下简称“双方”），本着发展两国人民之间的友好关系和加强两国文化合作的愿望，在相互尊重主权、平等、互惠、互利的原则基础上，根据 1979 年 1 月 31 日签定的美利坚合众国政府和中华人民共和国政府文化协定，就 2012 年至 2014 年间两国文化交流的基础达成协议如下：

第一条　文化艺术

一、双方鼓励互派高水平的、代表各自国家各种文化的表演艺术团到对方国家进行访问演出。具体项目由两国有关机构另行签约予以确定。

二、双方鼓励互派高水平的艺术展览。具体项目由两国有关机构另行签约予以确定。

三、双方鼓励互派音乐、舞蹈、戏剧、绘画、雕塑、工艺美术、动漫和摄影等方面的艺术家和专家到对方国家进行访问、短期讲学和业务交流，也可进行表演或举办展览。具体项目由两国有关机构另行签约予以确定。

四、双方对两国有关机构之间开展的文化交流项目提供必要的协助，这种协助的性质和范围由上述有关机构另行签约予以确定。

五、双方尤其鼓励两国年轻人之间的文化交流

第二条　新闻、广播、电影、电视

一、　双方鼓励并促进新闻出版、电影、电视、广播、网络和电子媒介领域的人员往来和资料信息交换。具体项目由两国有关机构另行签约予以确定。

二、双方鼓励电影交换，鼓励电影专业人员进行深入交流，举办电影培训班和研讨会。具体项目由两国有关机构另行签约予以确定。

第三条　文学、翻译、出版

双方鼓励作家、翻译家、出版工作者和印刷技术人员相互交流，以促进相互了解对方国家的文化、历史和社会；鼓励开展出版及版权许可方面的合作。双方鼓励在出版图书、音像、电子出版物以及报刊杂志方面的合作。各方鼓励本国人员参加在对方国家举办的图书、音像、电子出版物、报纸和其它出版物的国际博览会。具体项目由两国有关机构另行签约予以确定。

双方鼓励政府及相关行业机构在新闻出版领域建立直接工作关系，双方鼓励出版界高级代表团开展交流。

第四条　知识产权

双方促进保护艺术家、电影摄制者、作家、音乐家及其它版权和相关权益拥有者的知识产权。双方鼓励版权和出版界人员的业务交流。具体项目由两国有关机构另行签约予以确定。

第五条　博物馆、图书馆、档案馆和电子信息资源

双方为博物馆、图书馆、电子信息和档案馆方面的业务交流提供便利，鼓励双方开展专业交流培训项目，相互间交换图书、期刊和其他出版物并通过网络共享信息。具体项目由两国有关机构另行签约予以确定。

第六条　教育、人文、社会科学、体育

双方鼓励教育、人文、社会科学和体育方面的交流并提供便利。具体项目由两国有关机构另行签约予以确定。教育交流将根据 2010 年 5 月 25 日签定的中华人民共和国政府和美利坚合众国政府教育交流合作协定书的原则进行讨论实施。

第七条　园林、历史古迹及相关事项

双方鼓励两国有关机构在公园、城市和园林规划、环境保护以及自然和文化资源保护方面开展合作。具体项目由两国有关机构另行签约予以确定。

第八条　文化遗产保护与交流

一、根据双方签署的《中华人民共和国政府和美利坚合众国政府对旧石器时代到唐末的归类考古材料以及至少 250 年以上的古迹雕塑和壁上艺术实施进口限制的谅解备忘录》以及各自国家的法律法规，双方同意加强对对方国家文化财产的尊重和保护，禁止和防止非法贩运文物。考虑到此谅解备忘录独立于双方签署的其他文化领域合作谅解备忘录，双方同意高度重视在适当时机采取双方认可的程序续签该谅解备忘录或进行修订这一要求；

二、双方鼓励开展在文化遗产保护、文物展览、文物科技保护、人员培训和互访等方面的交流，以增进对两国历史和文化的相互了解。

第九条　民间交往

双方鼓励和促进两国非政府机构，包括友好省 / 州、友好城市之间开展文化艺术交流，并为两国人民间的友好关系进一步发展提供便利。

第十条　商业信息

双方共同促进文化领域内各自国家的商业习惯做法、运作及法规要求方面的信息交流，通过鼓励两国有关机构进行人员交流、文字和电子信息的交换、召开会议和开展培训活动的方式进行。

第十一条　财务规定

一、根据本计划各条款进行的活动和交流，其财务事宜由两国有关机构通过谈判确定。

二、如一方在实施某单一项目中遇有财务困难，有关机构将通过协商，对该项目作适当调整或推迟。

第十二条　法律规定

根据本计划所开展的活动，均应根据各自国家的适用法律和规定进行，包括与落实资金有关的法律和规定。

第十三条　执行机构

本计划的中华人民共和国政府执行机构是中华人民共和国文化部。本计划的美利坚合众国政府执行机构是美国国务院。

第十四条　生效

本执行计划自签字之日起生效，有效期自 2012 年 5 月 4 日起至 2014 年 5 月 4 日止。

下列签约人由各自国家政府正式授权签署本计划，以昭信守。

本执行计划于 2012 年 5 月 4 日在北京签定，一式两份，用中文和英文写成，两种文本具有同等效力。

美利坚合众国政府
代　　表

中华人民共和国政府
代　　表