

No. 22319

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**BRAZIL
and
PERU**

**Agreement on cultural exchanges. Signed at Lima on 14 July
1973**

Authentic texts: Portuguese and Spanish.

Registered by Brazil on 30 August 1983.

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**BRÉSIL
et
PÉROU**

**Accord relatif aux échanges culturels. Signé à Lima le
14 juillet 1973**

Textes authentiques : portugais et espagnol.

Enregistré par le Brésil le 30 août 1983.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON CULTURAL EXCHANGES BETWEEN THE FEDERATIVE REPUBLIC OF BRAZIL AND THE REPUBLIC OF PERU

The Government of the Federative Republic of Brazil and the Government of the Republic of Peru,

Convinced that closer mutual understanding between the two countries is important for the fuller development of inter-American culture and co-operation,

Considering that in order to enhance and consolidate the traditional friendship which unites Brazil and Peru it is necessary to promote cultural, educational, artistic and scientific exchanges between the two countries,

Have decided to conclude the following Agreement on cultural exchanges:

Article I. Each Contracting Party undertakes to promote cultural exchanges between Brazil and Peru and to support the work being carried out in its territory by institutions engaged in the dissemination of the language, education, sciences and cultural and artistic values of the other Party.

Article II. Each Contracting Party undertakes to encourage and promote, through its competent bodies, co-operation between the institutions of higher learning of the two countries, and to intensify the exchange of professors and professionals by means of specialized, advanced and extension courses and scientific research activities.

Article III. Under the cultural, scientific and technical co-operation programme, each Contracting Party shall annually transmit to the other, through the diplomatic channel, a list of the post-graduate and advanced courses and scientific research programmes to be conducted in its country, indicating the number of scholarships to be offered in each speciality, by one country to the other, to graduates, members of the liberal professions, technicians, scientists and artists.

Brazilian and Peruvian recipients of the scholarships shall be exempt, according to the requirements of each country, from any educational fees.

Article IV. The Contracting Parties shall annually give notice, through the diplomatic channel, of their offers concerning the areas of study and the number of students of the other Party who, without taking entrance examinations, may be admitted, exempt from any educational fees, to its institutions of higher education.

The selection of these students shall be made by the appropriate bodies in accordance with the legal provisions in force in the territory of each Party.

Article V. Diplomas and degrees for the exercise of liberal and technical professions awarded by institutions of higher education of one Contracting Party to nationals of the other Party shall be fully valid in the country of origin of the person concerned, provided that the legal formalities of each Party have been complied with.

¹ Came into force on 5 December 1976, i.e., 30 days after the exchange of the instruments of ratification, which took place on board the vessel *Ucayali* on the Amazon River on 5 November 1976, in accordance with article XVI.

Article VI. Transfers of students of one of the Parties to educational establishments of the other shall be subject to the presentation by the person concerned of a certificate of passing grades for the studies completed, duly recognized and authenticated in the country of origin.

Validation and placement shall take place in accordance with the standards prescribed in the legislation of each country in which the studies are to be pursued.

Transfers shall in any event be contingent on prior acceptance by the educational institution to which the student wishes to transfer.

Article VII. Each Contracting Party shall facilitate the presentation of exhibitions or performances of a cultural, artistic, technical and scientific nature, relating to the other country, and shall through its competent bodies encourage mutual co-operation in the fields of literature, music, theatre, the plastic arts, cinema and folk music and dance.

Article VIII. The Contracting Parties shall, on a reciprocal basis, promote contacts between their official broadcasting stations with a view to facilitating the transmission of radio and television programmes designed to publicize their cultural values and tourist attractions.

Article IX. On a reciprocal basis, each Contracting Party shall, in accordance with its legal provisions in force, promote the entry into its territory of documentary, artistic and educational films originating from the other Party.

Article X. On a reciprocal basis, each Contracting Party shall, in accordance with its legal provisions in force, facilitate the free circulation of newspapers, magazines and cultural publications.

Article XI. Each Contracting Party shall recommend to official and private institutions, especially societies of writers and artists and publishers' associations, the submission of copies of their publications to the national or university libraries of the other Party, and shall also encourage the translation and publication of the major literary, technical and scientific works of authors of the other country.

Article XII. Each Contracting Party shall, in accordance with its legal provisions in force, facilitate the entry and, where appropriate, the exit from its territory of scientific and technical instruments, teaching materials, works of art, books and documents of a cultural nature which will contribute to the effective conduct of the activities covered by this Agreement, or which are intended for temporary exhibition and are to be returned to the country of origin, subject in all cases to the provisions governing the protection of the national heritage.

Article XIII. After the entry into force of this Agreement, the Contracting Parties undertake, in accordance with their respective legislation in force:

- (a) To adopt the necessary measures to prevent museums and similar institutions in their territories from acquiring cultural property of the other Party which has been illegally exported;
- (b) Whenever possible, to inform the other Party of any offer of cultural property illegally removed from the territory of the said Party;

- (c) To prohibit the importation of cultural property illegally taken from museums, civic or religious monuments or similar institutions, or archaeological sites located in the territory of the other Party;
- (d) After the entry into force of this Agreement, to prevent, by all suitable means, transfers of possession and ownership of cultural property resulting from the illegal importation or exportation of the said property;
- (e) After the entry into force of this Agreement, to ensure that the competent bodies co-operate to restore illegally exported cultural property to its rightful owners in the shortest possible time;
- (f) To admit claims filed by or on behalf of the legitimate owners of lost or stolen cultural property;
- (g) To recognize the indefeasible right of each Party to this Agreement to classify and declare certain cultural property to be inalienable, so that it cannot be exported, and, in the event it has been so classified and declared, to facilitate its recovery by the State concerned.

Article XIV. In order to monitor the implementation of this Agreement and with a view to the adoption of such measures as may be necessary to promote the subsequent development of cultural relations between the two countries, a Brazilian-Peruvian Joint Commission shall be established.

The Joint Commission shall be composed of representatives of the Ministry of Foreign Affairs, the Ministry of Education and Culture, and the diplomatic mission accredited to the country in which the meeting is held, together with such technical experts and advisers as may be deemed necessary.

The Joint Commission shall have, *inter alia*, the following main functions:

- (a) To evaluate periodically the operation of the Agreement in the two countries;
- (b) To submit suggestions to the two Governments with respect to the detailed implementation of the Agreement and any doubts concerning its interpretation;
- (c) To formulate cultural, scientific, technical and educational exchange programmes;
- (d) To recommend to the Parties topics of mutual interest within the purview of the Agreement.

The Joint Commission shall meet once a year, alternately in Brasília and Lima.

Article XV. This Agreement shall, as from the date of its entry into force, supersede the Cultural Agreement between the Governments of Brazil and Peru, concluded on 28 July 1945.¹

Article XVI. This Agreement shall enter into force 30 days after the exchange of the instruments of ratification, which shall take place at Brasília, and shall remain in force for six months after the Contracting Parties have decided by mutual agreement to denounce it, or after one of the Parties has given notice of its decision to denounce the Agreement, which shall not affect the implementation of any programme during the period for which it was established.

¹ United Nations, *Treaty Series*, vol. 1364, No. II-925.

IN WITNESS WHEREOF, the Ministers for Foreign Affairs of Brazil and Peru have signed and sealed this Agreement, in two equally authentic copies in the Portuguese and Spanish languages.

DONE at Lima on 14 July 1973.

For the Government
of the Federative Republic of Brazil:

[Signed]

MARIO GIBSON BARBOZA

For the Government
of the Republic of Peru:

[Signed]

MIGUEL ANGEL DE LA FLOR VALLE
