



# 2024

## MUNUC – SFLS Conference

上海外国语大学附属外国语学校  
芝加哥大学国际模拟联合国大会

# United Nations Educational, Scientific and Cultural Organization (UNESCO)



United Nations  
Educational,  
Scientific and  
Cultural  
Organization  
**UNESCO**



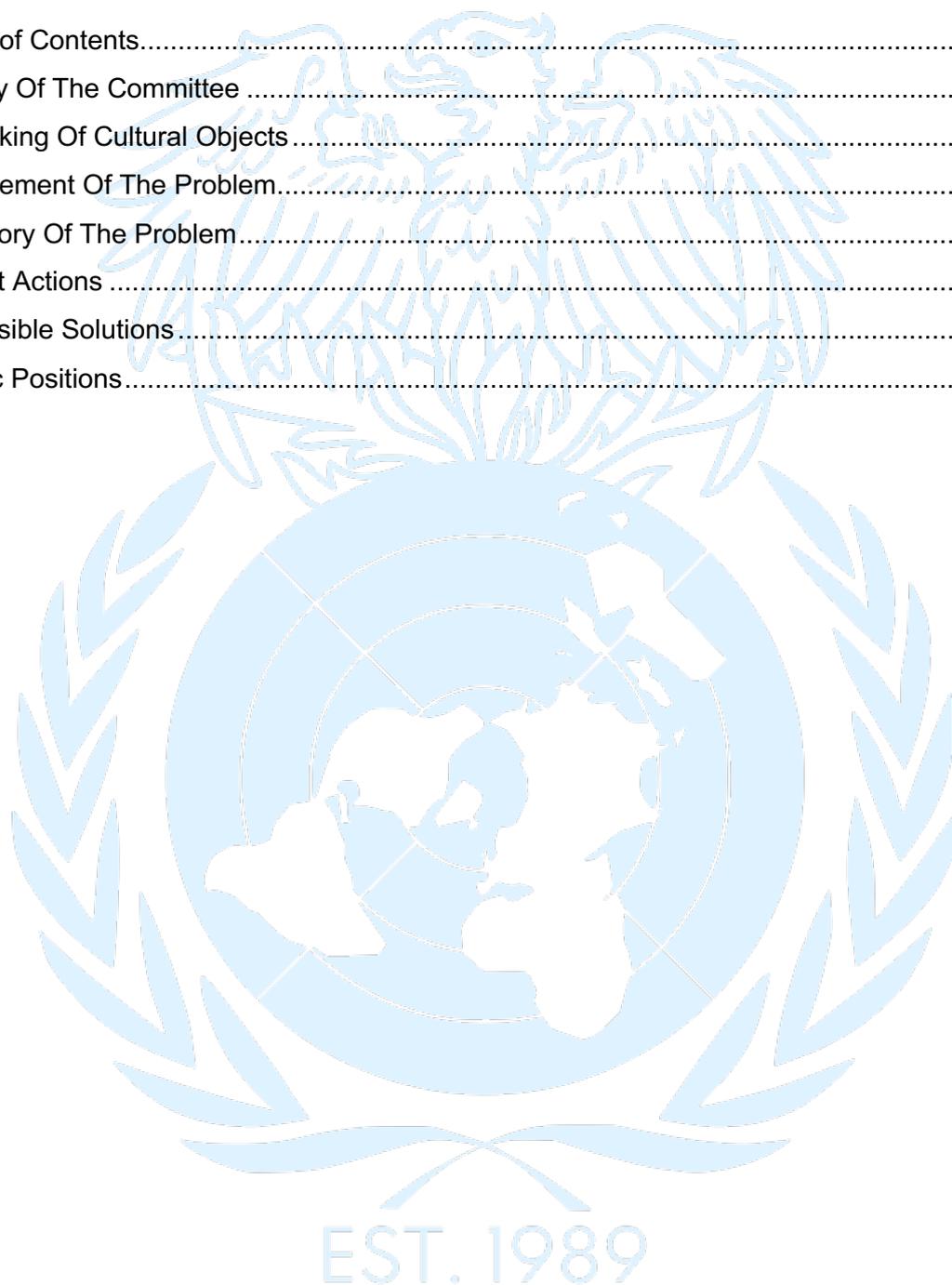
**MUNUC**  
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# MUNUC

## HISTORY OF THE COMMITTEE

UNESCO, the United Nations' Educational, Scientific and Cultural Organization, saw its constitution adopted in London in 1945 and was officially entered into force on November 4th, 1946. UNESCO seeks to build peace by promoting international cooperation in Education, Cultural Forces, and the Sciences.<sup>1</sup> UNESCO's founding body had 44 member countries, with many of the countries beginning to lay the groundwork for the organization as early as 1942 to plan how to rebuild their education systems following the end of World War II. Following the end of the war, UNESCO shifted its focus to other activities in line with this founding vision and sought to operate as an organization that could foster global cooperation and have a positive impact on the educational, scientific, and cultural world.

UNESCO has pursued these goals through the implementation of programs that focus on both international actions as well as support aimed at specific nations. Such programs include the promotion of cultural heritage, pro-literacy movements, networks for scientific collaboration, and programs for the protection of musical traditions. Past successes of UNESCO include preserving 1157 World Heritage sites in 167 countries, aiding in the return of cultural property, and creating training programs to help students fight against racism.<sup>2</sup>

Today, UNESCO contains 193 member states and a 58-member Executive Board, which is elected by the member states. The member states usually meet once every two years for UNESCO's General Conference, where it plans future actions for UNESCO. Each member state has one vote, and the Executive Board meets twice a year to advise on issues relevant to UNESCO's work.<sup>3</sup> UNESCO also operates through special commissions and committees that convene with expert participation. Finally, UNESCO has recently contributed to the Sustainable Development Goals defined in Agenda 2030, with a particular priority on development in Africa and Gender Equality.<sup>4</sup>

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<sup>1</sup> UNESCO.org, "UNESCO in Brief."

<sup>2</sup> UNESCO World Heritage Centre, "World Heritage List."

<sup>3</sup> UNESCO.org, "Member States."

<sup>4</sup> UNESCO.org, "UNESCO in Brief."

# TRAFFICKING OF CULTURAL OBJECTS

## Statement Of The Problem

Cultural property are objects defined by UNESCO as “property which, on religious or secular grounds, is specifically designated by each State as being of importance for archaeology, prehistory, history, literature, art or science,” and belongs to specific categories such as paintings or property related to the history or science or military in that culture.<sup>5</sup> There are many categories cultural property can fall into, but the important idea to consider is the role such property plays in our cultures, since cultural objects often tell the story of humanity’s history and development. For individual communities and cultural groups, cultural items can play a significant role in their way of life, such as being sacred religious items or a major source of tourism and responsible for contributing to boosts in their economy. In this way, it is imperative that cultural property remain connected to knowledge around its origin and culture, as it is only with this full context in mind that these objects can be fully appreciated. Furthermore, cultural objects are a core part of UNESCO’s mission, since the exchange of these objects for scientific, cultural, and educational purposes increases humanity’s knowledge as a whole.

Today, however, black markets that traffic cultural objects thrive and are increasingly on the rise.<sup>6</sup> Although these markets are meeting a huge demand for cultural objects, many objects displayed are stolen from their original cultures and rightful owners. A black market is a market which facilitates the sale of items that could not be sold in a public market, as their sale is in some way illegal. In the case of our topic this could include stolen artwork, looted cultural property, or any piece of cultural property procured through illegal means. Estimates place up to “70% of artifacts in some museums

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<sup>5</sup> “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.” UNESCO. Accessed August 21, 2023. <https://en.unesco.org/about-us/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and>.

<sup>6</sup> “The Art Market: A Victim of Its Own Success.” UNESCO, October 21, 2020. <https://en.unesco.org/courier/2020-4/art-market-victim-its-own-success>.

may be stolen,” with many museums outright refusing physical returns of stolen items.<sup>7</sup> Black markets are an existential threat to the protection of cultural objects as they provide a huge incentive to target such objects. Additionally, once a cultural object is stolen, it is rarely seen again. It is estimated that less than 10% of stolen artwork is ever recovered.<sup>8</sup> When these cultural objects are lost, communities not only lose a connection to their past but humanity also loses an opportunity to expand its knowledge through the object. Furthermore, communities also miss out on the ability to utilize such objects as sources of revenue through tourism and other mechanisms.

When considering how to identify cultural objects and the impact their loss has on communities, it may be useful to look at economic, political, and social factors. These factors all contribute to the success rate of trafficking cultural objects and also are an important standard to see the effects of such practices. For instance, nations with greater economic resources will be more capable of focusing resources on the retrieval of stolen items. Additionally, what items are considered stolen are heavily influenced by the factors stated earlier. Goods which were stolen during a colonial period are far less likely to be considered stolen items and have attention properly placed on them, though this is changing to a certain extent as many previously colonial nations have committed to the return of several items. Still, in 1970, UNESCO agreed upon a treaty for “prohibiting and preventing the illicit Import, export and transfer of ownership of cultural property,” resulting in items which were illicitly gained after 1970 to be returned to their original owners.<sup>9</sup> Still, this treaty did not enforce any regulation regarding goods taken prior to 1970, meaning many of the cultural artifacts taken during the colonial era still have not been returned to their original populations.<sup>10</sup>

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<sup>7</sup> “Up to 70 Percent of Artifacts in Some Museums may be Stolen Report Finds.” Arna Botemps Museum, October 19, 2022. <https://www.arnabontempsmuseum.com/up-to-70-percent-of-artifacts-in-some-museums-may-be-stolen-new-report-finds/>.

<sup>8</sup> Rovzer, Chris. “What Happens to Stolen Art after a Heist?” Claims Journal, June 15, 2015. <https://www.claimsjournal.com/news/international/2015/06/15/263956.htm>.

<sup>9</sup> “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.” UNESCO. Accessed August 21, 2023. <https://en.unesco.org/about-us/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and>.

<sup>10</sup> Haq, Husna. “After Centuries of Cultural Theft, Why More Nations Are Returning Looted Artifacts.” The Christian Science Monitor, March 13, 2018. <https://www.csmonitor.com/World/Points-of-Progress/2018/0313/After-centuries-of-cultural-theft-why-more-nations-are-returning-looted-artifacts>.

Similarly, international agencies which are dedicated to the recovery of stolen artifacts, such as INTERPOL and databases like the Lost Art Database, play key roles in the return of stolen goods.<sup>11</sup> While these agencies have historically been successful in retrieving stolen artifacts, their work is limited in scope. Additionally, agencies like INTERPOL often collaborate with UNESCO to protect cultural heritage items, but they are heavily reliant on individual nations to provide databases of stolen items or local police forces to collaborate with. While these international agencies can often be effective at retrieving stolen items, the infrastructure of individual nations is crucial to their operations, meaning nations without such infrastructure are often limited in the benefit they can receive from these agencies.

Furthermore, colonial forces throughout history have strictly prohibited the protection of cultural objects and their return. Members of a culture in colonized regions often were forced to choose between persecution or ceding their cultural objects. For instance, during colonization efforts, nations like Belgium specifically targeted cultural items such as statues, manuscripts, and musical instruments to take back to Belgium.<sup>12</sup> A crucial part of many colonial movements was the seizure of cultural items, with colonial powers presenting themselves as protectors of these items. Thus, through colonial laws and the power imbalance that occurred as a result of the colonial forces overtaking many regions, there is a deep inequality in terms of cultural object possession across the world.

Historically, colonization by European forces of Asian and African countries has led to an exploitative nature and inequality in the modern trade and trafficking of cultural objects. As European nations have colonized various nations, they have forced the seizure of cultural objects. This has directly contributed to increased inequality in attempts to deal with the trafficking of cultural objects, where as described above, colonized nations have to fight for their objects to be returned to them, but European nations and museums possess far more cultural objects

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<sup>11</sup> “How We Fight Cultural Heritage Crime.” INTERPOL. Accessed August 20, 2023. <https://www.interpol.int/Crimes/Cultural-heritage-crime/How-we-fight-cultural-heritage-crime>.

<sup>12</sup> Cotton, Johnny. “Belgium Begins Long Road to Returning Looted Congolese Art Works.” Reuters, July 6, 2021. <https://www.reuters.com/lifestyle/belgium-begins-long-road-returning-looted-congolese-art-works-2021-07-06/>.

consequently having more developed private art markets, making it harder for colonized nations to recover their objects.

While current solutions have often been related to this relationship between private markets and enforcement officials, with nations and international groups like the European Union (EU) collaborating directly with market forces, this ignores two significant concerns with the illicit cultural artifact trade. First, as mentioned in the previous paragraph, such markets are heavily euro-centric and ignore colonial history. Second, these markets are highly affected by black markets.

Finally, the trafficking of cultural objects presents a unique problem as it directly worsens inequality. Cultural objects are a huge source of revenue for many nations, and since many colonized nations possess far fewer of their cultural objects, they do not reap the economic rewards they ought to. Museums are a crucial part of many nations' economies, with cultural and creative sectors being responsible for hundreds of billions of dollars across the EU.<sup>13</sup> As such, possession of objects is crucial for tourism and job creation, yet nations which do not have full control of their cultural objects, do not reap these benefits.

At the present moment, there are many efforts towards fighting the trafficking of cultural objects and dealing with the inequality caused by the cultural object trade. UNESCO has held multiple conventions in which the right to cultural property has been repeatedly affirmed as well as an obligation of state parties to protect such objects. Additionally, UNESCO has in the past supported professional training to increase the ability of law enforcement to identify and retrieve stolen artifacts. As mentioned, UNESCO also frequently collaborates with international organizations like INTERPOL which work to recover stolen artifacts. However, despite these efforts, many cultural artifacts remain outside their home nations, with specific regions often suffering at much greater levels. For instance, “up to 90% of Sub-Saharan Africa’s material cultural legacy is outside of the continent,” with much of this legacy in formerly colonial states.<sup>14</sup> Now more than ever, it is the

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<sup>13</sup> “MARKET ANALYSIS OF THE CULTURAL AND CREATIVE SECTORS IN EUROPE.” Cultural and creative sectors guarantee facility (CCS GF), December 12, 2017. [https://www.eif.org/what\\_we\\_do/guarantees/cultural\\_creative\\_sectors\\_guarantee\\_facility/index.htm](https://www.eif.org/what_we_do/guarantees/cultural_creative_sectors_guarantee_facility/index.htm).

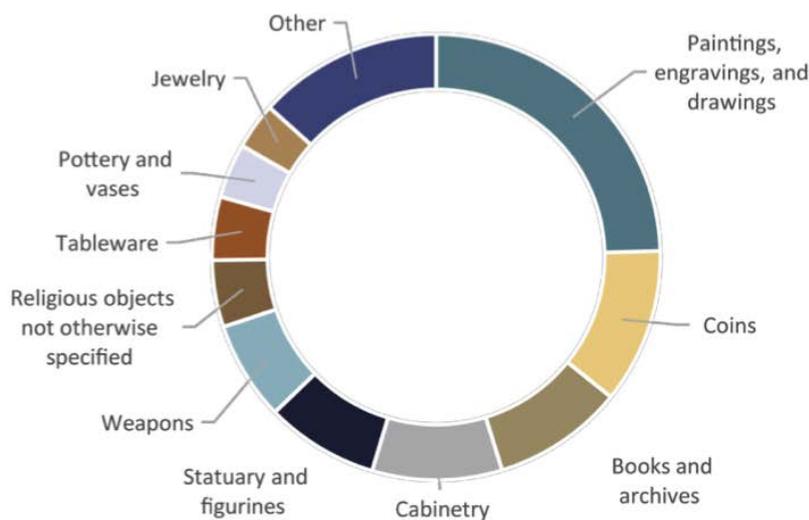
<sup>14</sup> Kimeria, Ciku. “The Battle to Get Europe to Return Thousands of Africa’s Stolen Artifacts Is Getting Complicated.” Quartz, November 29, 2019. <https://qz.com/africa/1758619/europes-museums-are-fighting-to-keep-africas-stolen-artifacts>.

responsibility of UNESCO to confront the illicit cultural artifact trade and the historic impact of colonialism on the ownership of cultural objects.

## History Of The Problem

A wide variety of objects may be considered cultural property, and this is apparent throughout the illegal object market. As such, delegates should consider the wide-ranging scope of this issue and the many cultural items this committee represents. Whether it be manuscripts, religious objects, or paintings, each type of object represents a unique cultural issue. This scope is demonstrated by the results of the Leonardo database, a database of “illegally removed cultural artifacts,” within Italy.<sup>15</sup> The database is one of the oldest and largest databases in the world, detailing information about stolen cultural objects in order to aid investigations into the missing objects.

**FIGURE 2: Types of objects in the Leonardo database, 1980-2021**



*Examples of objects in the Leonardo database<sup>16</sup>*

Throughout history, powerful colonialist governments have benefited from the trafficking of cultural objects by taking such objects from colonized nations and bringing them back to the

<sup>15</sup> Me, Angela, and Sonya Yee. FALSE TRADES: UNCOVERING THE SCALE AND SCOPE OF TRAFFICKING IN CULTURAL PROPERTY. Accessed August 22, 2023. [https://www.unodc.org/documents/data-and-analysis/briefs/Trafficking\\_in\\_cultural\\_properties\\_brief.pdf](https://www.unodc.org/documents/data-and-analysis/briefs/Trafficking_in_cultural_properties_brief.pdf).

<sup>16</sup> Ibid.

colonizer nation. Such practices have resulted in colonized nations often missing out on much of their cultural heritage and losing out on financial rewards that come with these objects. At the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, UNESCO members were urged to take measures against threats to the protection of cultural objects, which in the modern era is often manifested in black markets.

Focusing first on the impact of black markets, these markets are extensive and are a primary motivator of the illicit cultural object trade today. These markets are where thieves of cultural objects can monetize their stolen works. The markets impact nearly the entire world at all levels in which cultural items could be procured. Art theft is estimated to cost nearly 4 to 6 billion dollars yearly, making it the fourth largest illegal trade in dollar value.<sup>17</sup> Art theft is most often an issue in areas of conflict as there is far less likely to be local law enforcement presence. According to INTERPOL data from 2018, the four countries with the highest amount of art thefts were Iraq, Afghanistan, Syria, and Libya. After these countries though, regions of the world that possess art at much higher rates appear in the reporting, such as European countries like France and Austria. It is important to note that much of this data is reliant on thefts actually being reported and collaboration with INTERPOL. As such, these statistics may understate the actual range of art theft, particularly for countries which do not have the infrastructure in place to deal with such issues.

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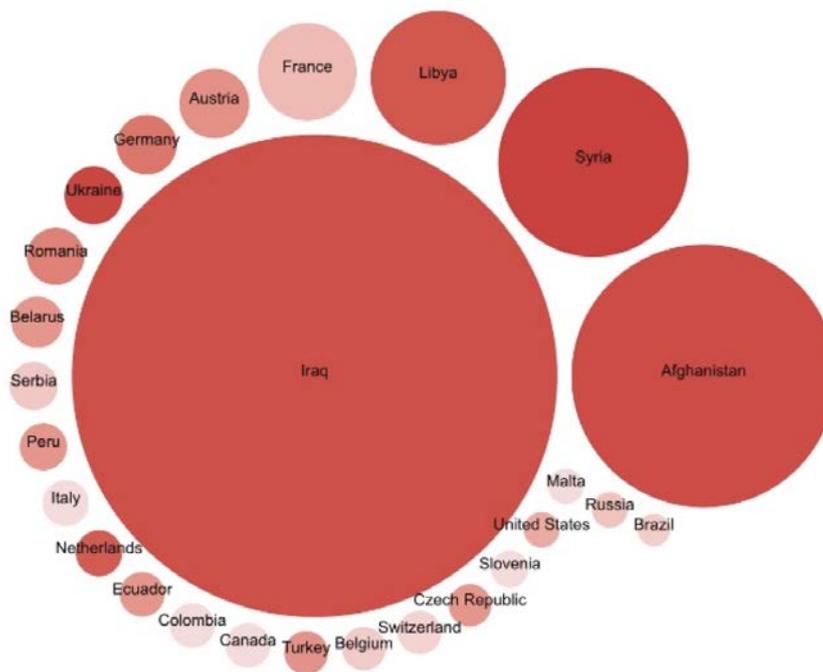
<sup>17</sup> “What Do the Interpol Stats Reveal about Art Theft?” Widewalls, March 23, 2018. <https://www.widewalls.ch/magazine/interpol-art-theft>.

## Countries with the Most Art Theft

Larger circles indicate more theft.

Percentage Recovered

100% 0%



Source: Interpol

### *Art Theft by Country and Recovery*<sup>18</sup>

One of the main components of this market is museums. Museums are often complicit in the illicit goods trade as they will not exercise proper care to ensure that the goods they purchase were not sourced in an illegal fashion. While there may be cases where such goods are procured by accident, UNESCO has promoted a code of ethics and guideline in the previously mentioned 1970 Convention to create a standard and guideline for how such institutions should behave to ensure an earnest effort is made to prevent such mistakes and avoid illegally trafficked goods.<sup>19</sup>

Auction houses are a particular example of this issue where employees at auction houses like Sotheby's have been charged in the past with employing people on the black market to loot culturally important sites like temples in order for the auction house to have a unique sale.<sup>20</sup> Understanding conflicts of interests in this case are crucial as they are a major reason why institutions fail to act in dealing with illegal goods. For instance, museums will struggle with effectively checking suppliers

<sup>18</sup> Ibid.

<sup>19</sup> "Codes and Practical Instruments." UNESCO, February 9, 2021. <https://en.unesco.org/fightillicittrafficking/tools>.

<sup>20</sup> "Art Antiquities on the Worldwide Black Market-a Big Business." Wellesley College, May 17, 2017. <https://www.wellesley.edu/news/2017/node/117601>.

since doing so could negatively impact their relationship with these suppliers and cost them valuable items in the future.

While there is a heavy economic impact of these markets, there is also a cultural one to consider. Because these objects are stolen or looted, they cannot be studied in the context of which they might be found. For instance, architectural works in archeological sites might contain important insights into the history of a specific culture or region, but these insights could be lost forever if the works were stolen and sold on the black market before archeologists were given the opportunity to properly study them.<sup>21</sup> Additionally, these markets can result in improper record keeping, where artifacts might be labeled with a fake date or culture to increase their value, meaning once they are found again, they can be improperly identified.

Turning now to the past, different regions have had different experiences with loss of cultural objects. The most common thread in these experiences, however, is the relationship between looting and violence. As previously mentioned, art theft is particularly common in areas where there is little or highly corrupt law enforcement to protect cultural artifacts. This issue has most often manifested itself throughout the colonial era as well as in modern war zones. Formerly colonized regions in particular have suffered in losing cultural artifacts and are often reliant on former colonizer nations to return stolen artifacts from the colonial period.

In regions such as sub-Saharan Africa, the situation is particularly dire, with “up to 90% of sub-Saharan Africa’s material cultural legacy” currently under control outside of the continent.<sup>22</sup> In other regions, such as India, many activists can find exact artifacts within the British museum that can be identified as stolen and requested for return, yet the museum refuses to do so.<sup>23</sup> In addition, India does not possess an enforcement agency for heritage, meaning it is very limited in ways to deal with past and current thefts of cultural objects.

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<sup>21</sup> Ibid.

<sup>22</sup> Kimeria, Ciku. “The Battle to Get Europe to Return Thousands of Africa’s Stolen Artifacts Is Getting Complicated.” Quartz, November 29, 2019. <https://qz.com/africa/1758619/europes-museums-are-fighting-to-keep-africas-stolen-artifacts>.

<sup>23</sup> Martínez Cantera, Angel. “Reclaiming India’s Stolen Cultural Heritage.” – The Diplomat, October 25, 2019. <https://thediplomat.com/2019/10/reclaiming-indias-stolen-cultural-heritage/>.

## Cultural Objects And Indigenous Populations

One particularly relevant issue here is related to the cultural objects of indigenous populations. Indigenous populations are particularly vulnerable to the effects of cultural object trafficking as they often do not maintain majorities in their governments, and it can be the governments under which they reside which possess their cultural objects.<sup>24</sup> One such example is in the United States where Native tribes are often targets of theft and abuse by private citizens and historically the United States government.<sup>25</sup> Such thefts include the stealing of items from sacred burial grounds, culturally significant items for religious purposes, and even human remains.

In spite of federal law that is supposedly meant to guarantee the return of sacred objects, private institutions and universities continue to possess items stolen from native tribes throughout history, such as ceremonial clothing or objects taken by the U.S. government during wars with native tribes.<sup>26</sup> The repatriation process for these objects is incredibly slow with tribes either being reliant on the owners to return the items, or the United States Legal System to force them to adhere to their word. This timeline can last decades as the repatriation process can often be unclear and benefit the present owner of the objects as opposed to the original tribes.

According to the U.S. Government databases, Native American cultural items were frequently targeted by U.S. civilians in order to sell these items at high prices.<sup>27</sup> Reviews of agency data that track such incidents found hundreds of cases of damage or theft of native objects between 2009 and 2018. The U.S. Federal Government has unique responsibilities and agreements with these tribes to help protect their objects.<sup>28</sup>

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<sup>24</sup> Dresser, Jordan. "Native American Artifacts Tell a Story of Loss, Betrayal and Survival." PBS, September 6, 2019. <https://www.pbs.org/independentlens/blog/native-american-artifacts/>.

<sup>25</sup> Ibid.

<sup>26</sup> Marcelo, Philip. "Return of Wounded Knee Artifacts Spotlights Slow Repatriation Pace for Native Americans." USA Today, July 30, 2022. <https://www.usatoday.com/story/news/nation/2022/07/30/native-american-wounded-knee-artifacts-repatriation/10191921002/>.

<sup>27</sup> Office, U.S. Government Accountability. "Efforts to Protect and Repatriate Native American Cultural Items and Human Remains." U.S. GAO, November 1, 2022. <https://www.gao.gov/blog/efforts-protect-and-repatriate-native-american-cultural-items-and-human-remains>.

<sup>28</sup> Ibid.

In attempting to deal with this issue, there are several steps activists and oversight agencies have suggested the government take. One such position is the dedication of specific agencies to protecting Native American cultural objects, with the Departments of Defense, Agriculture, and Interior all providing support in identifying ways to better protect such objects.<sup>29</sup> However, arguments for clearer guidelines on the repatriation process of cultural objects to Native Tribes or more strict enforcement of such processes have not seen as much success.

## Past Actions

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The 1954 Hague Convention was one of the first establishments of international standards for the treatment of cultural property. The convention established that “any damage to cultural property, irrespective of the people it belongs to, is a damage to the cultural heritage of all humanity, because every person contributes to the world’s culture,” leading to states who agreed to the convention also agreeing to the preservation of cultural heritage.<sup>30</sup> Procedures decided on in this process included adopting preventative measures in military action to ensure cultural property would not be harmed, establishing special units in military forces to protect cultural property, and setting sanctions for those who violated the agreement.<sup>31</sup>

Since then, UNESCO has been at the forefront of actions taken by the United Nations and other international organizations to halt the trafficking of cultural objects, protect marginalized communities, and prevent future destruction of cultural heritage. This will be discussed in the next section (Potential Solutions), but UNESCO has built significantly on its 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, in both action and further guidelines for international actors. Following the 1970

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<sup>29</sup> Office, U.S. Government Accountability. “Native American Cultural Resources: Improved Information Could Enhance Agencies’ Efforts to Analyze and Respond to Risks of Theft and Damage.” Native American Cultural Resources: Improved Information Could Enhance Agencies’ Efforts to Analyze and Respond to Risks of Theft and Damage | U.S. GAO, November 1, 2022. <https://www.gao.gov/products/gao-21-110>.

<sup>30</sup> “1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict.” UNESCO, October 10, 2021. <https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>.

<sup>31</sup> Ibid.

convention, UNESCO tasked UNIDROIT with drafting a Convention on Stolen or Illegally Exported Cultural Objects, which reinforced regulation on the illegal sale of cultural items.<sup>32</sup>

Additionally, in 2003, UNESCO established a “Database of National Cultural Heritage Laws,” which was a program that offered UNESCO members easily accessible rules and regulations of individual countries related to cultural objects.<sup>33</sup> The database allows nations and courts to rapidly access relevant laws that could settle disputes related to the legality of possession of certain cultural objects.

UNESCO has not just focused its efforts on emphasizing legal guidelines for how countries should behave, but it has also taken on an advisory role to assist in specific repatriation processes. In 1978, the UNESCO “Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation” (ICPRCP) was formed. This agency has often assisted in repatriation processes upon request, with the organization helping resolve many cases since its founding. For example, in the 1980s, the Uma Maheshwor and Buddha stone statues were stolen from Nepal and found their way to the Metropolitan Museum of Art in New York. In 2018, the Nepalese Government was made aware of their location and requested the return of the stolen objects. The ICPRCP provided assistance throughout this process and oversaw the successful return of these objects. However, the ICPRCP also identified limits in its scope throughout this situation, since a lack of a proper inventory procedure of Nepalese cultural objects puts such artifacts at continued risk of further illicit trafficking and a lack of repatriation.

UNESCO has historically dealt with the aforementioned limitation through raising awareness about such issues and providing training to deal with these cases. Such training includes online courses which UNESCO provides to allow easy access to relevant legal information for anyone interested. This allows for a democratization of legal procedure and an increased ability of activists to assist in the repatriation of stolen artifacts. UNESCO has also facilitated training and meetings between nations on how to deal with the illicit cultural object trade.

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<sup>32</sup> “1995 Convention.” UNIDROIT, November 24, 2022. <https://www.unidroit.org/instruments/cultural-property/1995-convention/>.

<sup>33</sup> “UNESCO Database of National Cultural Heritage Laws.” UNESCO, March 3, 2020. <https://en.unesco.org/cultnatlaws>.

Furthermore, UNESCO has been heavily involved in conflict regions. As previously discussed, these regions are far more likely to see cultural objects lost or destroyed. UNESCO has attempted to mitigate these risks through training and collaboration with other branches of the UN and international agencies. For instance, following the invasion of Ukraine in 2022, UNESCO noticed that many important pieces of cultural property belonging to Ukraine were being illegally sold.<sup>34</sup> In response to this, UNESCO set up training sessions with neighboring countries to allow their Culture Ministries to identify stolen work that might cross into their country.

In its collaboration with other UN agencies, UNESCO has frequently partnered with the Security Council to condemn the destruction and looting of cultural heritage by armed forces. Often this is related to the destruction of culturally important objects as well as the way in which the illicit cultural object trade often benefits terrorist organizations. For instance, in 2017, UNESCO partnered with the Security Council in efforts to prevent terrorist groups like Al-Qaeda and ISIL from their sale of cultural objects in regions they had seized control over, sales which at their peak accounted for millions in revenue for these organizations.<sup>35</sup> UNESCO worked with the Security Council to increase global cooperation against these groups as well as increase funding for UNESCO's heritage emergency funds which provides funding to preventative and emergency operations aimed at protecting cultural heritage.<sup>36</sup>

Finally, UNESCO has maintained relationships with international law enforcement agencies outside of the U.N. to effectively respond to black markets trades and transactions related to cultural property. One such example is UNESCO's collaboration with Interpol. In 1999, UNESCO and Interpol signed a mutual cooperation agreement that set up standards by which the two organizations would share information, participate in each other's meetings, and develop programs

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<sup>34</sup> "UNESCO Trains Professionals to Fight against Illicit Trafficking of Ukrainian Cultural Property." UNESCO.org, January 20, 2023. <https://www.unesco.org/en/articles/unesco-trains-professionals-fight-against-illicit-trafficking-ukrainian-cultural-property>

<sup>35</sup> Osborn, Andrew. "Islamic State Looting Syrian, Iraqi Sites on Industrial Scale -UNESCO." Reuters, July 2, 2015. <https://www.reuters.com/article/uk-mideast-crisis-unesco/islamic-state-looting-syrian-iraqi-sites-on-industrial-scale-unesco-idUKKCN0PC1OS20150702>.

<sup>36</sup> "Security Council Condemns Destruction, Smuggling of Cultural Heritage by Terrorist Groups, Unanimously Adopting Resolution 2347 (2017) | UN Press." United Nations, March 24, 2017. <https://press.un.org/en/2017/sc12764.doc.htm>.

to respond to mutual threats.<sup>37</sup> UNESCO and Interpol have frequently collaborated to identify risks to cultural heritage, issue alerts about stolen items, and lead operations to seize stolen objects.<sup>38</sup> UNESCO additionally cooperates with organizations that have a particular relevance to specific repatriation cases. One such example of this is UNESCO's collaboration with the EU to identify inter-regional issues that might promote the illicit trafficking of cultural objects.<sup>39</sup>

## Possible Solutions

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Looking to the future, there is so much UNESCO can do to continue the fight against the illicit cultural object trade as well as the preservation and protection of important cultural heritage. Throughout this committee, we would like you to focus on solutions that prioritize the protection of cultural heritage as an extension of educational, scientific, and cultural aims from a wide scope of historical considerations. Furthermore, we are excited to see how you create programs and plans of action that promote repatriation of cultural objects from before 1970, instead of the modern approach post-1970 which often prioritized current issues over past ones, effectively threatening endangered languages further. Both past actions by UNESCO including the effects of its collaboration with international law enforcement agencies, influence of professional training and goals stated in the 1970 Convention as well as the aims of modern repatriation movements provide a strong foundation for UNESCO's next steps. The two primary areas of concern that your solutions should address fall into the following: the return of illicitly procured cultural objects to their rightful owner and the prevention of future damage or theft to cultural objects.

The effective protection of cultural objects will require both individual action by nations and international cooperation. On a domestic level, countries can protect cultural objects by honoring agreements to protect cultural objects that belong to members of marginalized communities within

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<sup>37</sup> "Relations with the International Criminal Police Organization (INTERPOL) and Draft Cooperation Agreement between UNESCO and That Organization." Unesdoc.unesco.org, 1999. <https://unesdoc.unesco.org/ark:/48223/pf0000115849>.

<sup>38</sup> "How We Fight Cultural Heritage Crime." INTERPOL. Accessed August 20, 2023. <https://www.interpol.int/Crimes/Cultural-heritage-crime/How-we-fight-cultural-heritage-crime>.

<sup>39</sup> "UNESCO's Cooperation with the European Union to Fight Illicit Trafficking of Cultural Property." UNESCO, April 24, 2023. <https://en.unesco.org/fighttrafficking/eu-cooperation>.

their country and properly catalog missing and present cultural objects. This would act as a preventative measure to stop illicit goods trafficking before it can begin, while also ensuring that when such cases might occur, there is a clear understanding of what objects are missing. Furthermore, individual nations can work directly with marginalized communities to ensure that they are taking into full account the complexities surrounding different cultural items as well as effectively dealing with questions of ownership. This includes formerly colonial nations considering ways to return stolen cultural objects in a manner which effectively supports the nations from which the objects were stolen while also preserving the artifacts themselves.

In terms of an international and responsive solution for protecting cultural objects, there is the idea of creating a better collaboration between international law enforcement agencies. In the past, UNESCO has collaborated with agencies such as INTERPOL as well as individual countries' security forces to effectively shut down illicit cultural goods sales.<sup>40</sup> Still, these agencies are heavily reliant on home nations' law enforcement infrastructure, since without the support from local authorities, it will be very difficult for them to operate effectively. Additionally, these agencies rely on clear legal guidelines for how to deal with such cases as well as the support of local judicial systems. Still, this solution is highly reactive rather than preventative and is limited in scope. It is not a substitute for clearer guidelines, nor is it a lasting solution for nations which cannot afford to maintain the protective infrastructure for their cultural goods once these international agencies leave.

International responses also include the potential for better training programs and awareness surrounding cultural property. These programs have historically had long lasting impacts as they create trained professionals who will be able to carry out analysis in the future and deal with issues as they arise. While this response struggles in many ways similar to the previous one, it benefits in that with more trained professionals, countries might better identify ways in which weaknesses that thieves and looters exploit could be fixed. Additionally, this program should be somewhat self-sustaining as trained professionals will be able to support other trained professionals, creating a broader network of individuals capable of dealing with the illicit cultural object trade.

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<sup>40</sup> Ibid.

The United Nations is committed to decolonization as stipulated by the equal rights self-determination clause in its Charter. One of the largest issues related to cultural property is dealing with the legacy of colonization on these items. Therefore, in addition to the UN's commitment to protection of cultural heritage, repatriation movements also promote decolonization efforts and the reclaiming of fundamental United Nation's principles. Looking ahead, as more and more cultural objects are identified to rightfully belong to a group which does not currently possess them, UNESCO should hold up repatriation efforts of these goods as crucial to preserving cultural heritage.

Databases have been one of the most critical resources for establishing international codes of conduct as well as keeping track of cultural objects. Accordingly, technology should be used as a resource for documenting and protecting statutes related to possession of cultural objects as well as the objects themselves. Museums and private markets often function in a similar fashion, though their goals are often hyper-focused on protection and storage of these objects.

In crafting your solutions throughout the conference weekend, we hope you take into consideration the efficacy of past actions and these potential solutions, as well as bring your own creative ideas into the fold. We encourage you to branch into solutions that have never been done before, while still keeping your country's position and international diplomacy in mind. With the cultural heritage of nations around the world on the line, it is more important than ever that countries work together to tackle these imminent threats.

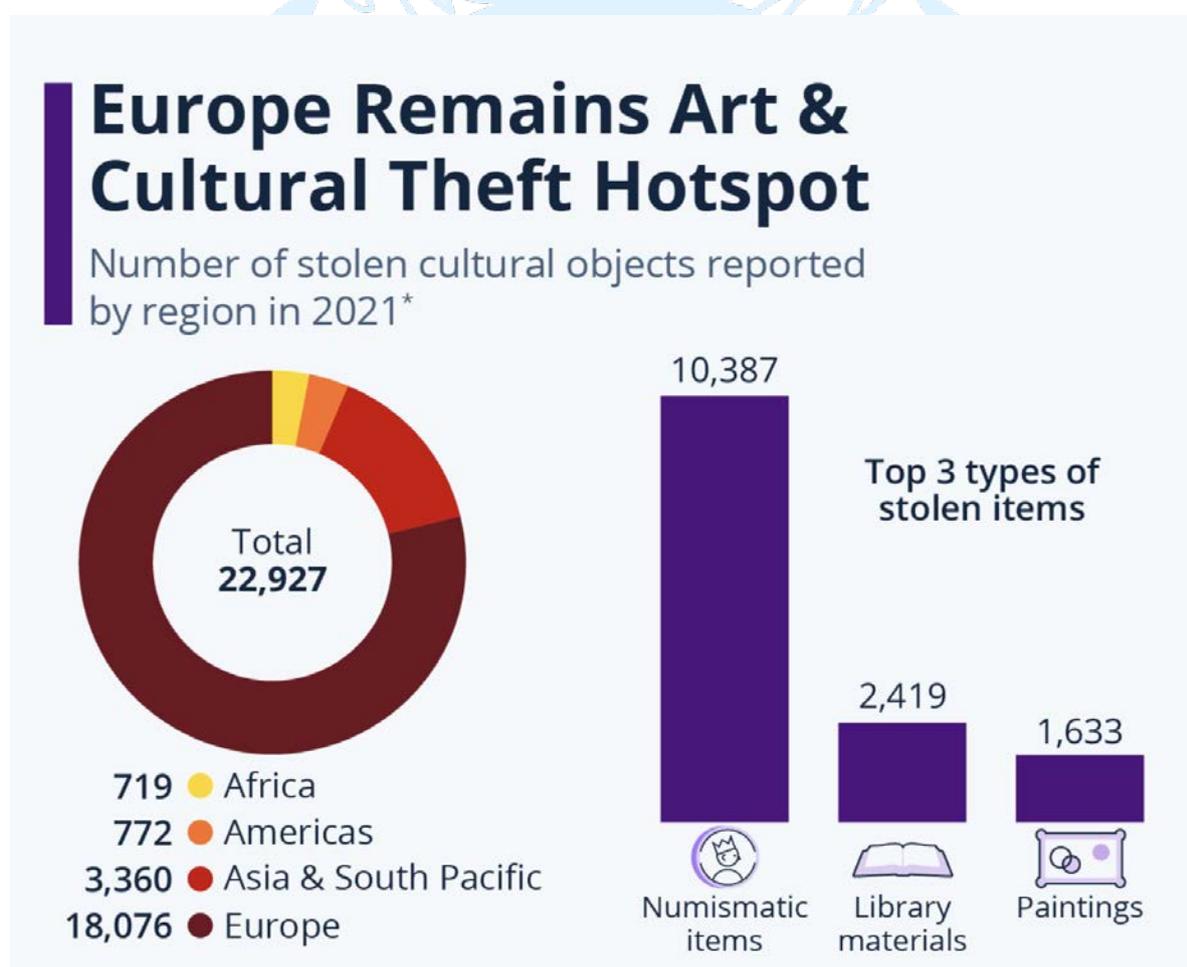
## **Bloc Positions**

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This section of the background guide will describe different positions that various countries might find themselves in as it relates to the protection of cultural objects. However, during committee, please do not feel pressured to create blocs based on these distinctions, as they are simply for the purposes of organizing the next few pages and serving as a basis point for further research and consideration. In fact, we encourage delegates to work with a variety of countries in order to hear contrasting perspectives and create more diverse resolutions.

## Europe

European nations face unique challenges when it comes to this topic. Many European nations have historically benefited from colonialism and as such possess a disproportionate amount of cultural property belonging to other groups. This often leads to power imbalances which can further exploit marginalized regions. Additionally, Europe has a well-developed infrastructure to deal with theft of cultural property, with the European Union setting clear regulations and having a history of collaboration with UNESCO.<sup>41</sup> Finally, Europe is also the primary victim of art theft as over 78% of cultural artifacts reported stolen in 2021 were reported within Europe.<sup>42</sup>



<sup>41</sup> “UNESCO’s Cooperation with the European Union to Fight Illicit Trafficking of Cultural Property.” UNESCO, April 24, 2023. <https://en.unesco.org/fighttrafficking/eu-cooperation>.

<sup>42</sup> Zandt, Florian, and Felix Richter. “Infographic: Europe Remains Art & Cultural Theft Hotspot.” Statista Daily Data, August 17, 2023. <https://www.statista.com/chart/30613/number-of-stolen-cultural-objects-reported-by-region/>.

## Africa

A significant amount of stolen cultural property originates from Africa. With “up to 90% of sub-Saharan Africa’s material cultural legacy,” outside of the continent, it is safe to say that many African nations do not have proper ownership over their cultural heritage. This has significant costs to cultural heritage movements as well as financial costs in terms of tourism. Several African unions, such as ECOWAS, have attempted to rectify this situation by raising awareness of the issue and calling for restitution of African Cultural Property.<sup>44</sup>

## Latin America

While UNESCO recognized world heritage sites, it also notes which ones it believes are in danger from threats such as armed conflict, deterioration, or environmental disaster. There are seven Latin American nations which possess endangered world heritage sites and are in need of more protection.<sup>45</sup> Delegates in this group may want to see how such issues overlap with protections for cultural property.

## Arab States

Arab States have frequently collaborated and kept an open dialogue on issues related to protecting cultural property, with examples of such dialogue including holding celebrations and discussions on the 50th anniversary of the UNESCO 1970 Convention. Arab states often hold similar interests related to protection of cultural heritage. For instance, some of these states are frequently impacted by terrorist activity from organizations such as Al-Qaeda and ISIL, which can lead to the export,

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<sup>43</sup> *ibid*

<sup>44</sup> Limited, Daniel Inaju - Challydoff. “ECOWAS Tasks Stakeholders on Restitution of African Cultural Property to Its Country of Origin: Economic Community of West African States (ECOWAS).” image, March 22, 2023. <https://ecowas.int/ecowas-tasks-stakeholders-on-restitution-of-african-cultural-property-to-its-country-of-origin/>.

<sup>45</sup> “In Danger: Managing Risks to Cultural Properties in Latin America.” ASIS Homepage, August 31, 2022. <https://www.asisonline.org/security-management-magazine/latest-news/online-exclusives/2022/in-danger-managing-risks-to-cultural-properties-in-latin-america/#:~:text=UNESCO%20is%20a%20specialized%20agency,and%20transmit%20to%20future%20generations.>

theft, and destruction of cultural property.<sup>46</sup> Additionally, some of these nations have recently experienced military interventions from western powers such as the United States. There are many cases in this region where cultural property belonging to those in this region are stolen by the intervening military actors, meaning there is a need for repatriation for these items.<sup>47</sup>

### **Environmental Concerns**

Nations who have cultural property that may be taken advantage of due to environmental disasters should consider how best to prepare for the future. Environmental disasters have historically led to a more chaotic enforcement of laws. As climate change worsens, cultural heritage sites are not immune and disasters could leave important cultural property exposed for robbers to take advantage of.

### **Active Conflict Zones**

Beyond certain geographic regions, countries with conflict zones or high terrorist activity face unique challenges in that they will need support to prevent looting by private civilians and greater security around their cultural objects. Additionally, nations which are under threat of terrorist forces will have an interest here as the cultural object trade is a major source of revenue for many terrorist orgs.<sup>48</sup>

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<sup>46</sup> Osborn, Andrew. "Islamic State Looting Syrian, Iraqi Sites on Industrial Scale -UNESCO." Reuters, July 2, 2015. <https://www.reuters.com/article/uk-mideast-crisis-unesco/islamic-state-looting-syrian-iraqi-sites-on-industrial-scale-unesco-idUKKCN0PC1OS20150702>.

<sup>47</sup> Al Jazeera. "Twenty Years after the US Invasion, Where Are Iraq's Antiquities?" The Iraq War: 20 years on | Al Jazeera, April 7, 2023. <https://www.aljazeera.com/features/2023/4/7/20-years-after-the-us-invasion-where-are-iraqs-antiquities>.

<sup>48</sup> "Tackling Illicit Trafficking of Antiquities and Its Ties to Terrorist Financing - United States Department of State." U.S. Department of State, December 1, 2020. <https://2017-2021.state.gov/tackling-illicit-trafficking-of-antiquities-and-its-ties-to-terrorist-financing/>.

## Glossary

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**Art Market:** Markets where works of art are legally sold. This can include elements of cultural property beyond paintings. Some items sold in these markets can still be illegally sourced if private forces do not effectively screen them.

**Black Markets:** Markets in which the sales that occur contain some measure of illegality in their exchange. In the context of this topic this primarily relates to stolen cultural property.

**Code of Ethics:** A set of agreed upon terms to ensure that private forces do not buy immorally sourced items

**Cultural Heritage:** Tangible and intangible elements which make up and distinguish the identity of groups of people.

**Cultural Property:** Physical items which help make up a group's cultural heritage.

**Database:** A collection of information about an item or collection of items. Many nations develop databases of cultural property to effectively track them.

**Enforcement Agencies:** These agencies can take different names but in the context of our topic individual nations may fund enforcement agencies within their country to fight against potential threats to cultural property.

**Exportation:** the transfer of an item from one country to another. In this context, this is often an illegal removal of a cultural item to a country that is not its origin, however, under the 1970 convention, legal transfers of ownership are permissible.

**Repatriation:** The return of an item to its country of origin.

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