

JOHN CABOT MODEL UNITED NATIONS

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Committee Study Guide



UNESCO

TOPIC A: Illicit Trafficking of Cultural Property

TOPIC B: Safeguarding of Cultural Property in Conflict Zones

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LETTER FROM THE CHAIRS

Greetings Delegates!

Welcome to John Cabot Model United Nations Conference 2020!

We have an amazing debate planned and hope that you are all just as excited as we are! JCUMUN is once again a blend of both the academic and the social, the international and the domestic. On behalf of the whole chairing team, we would like to congratulate you on being allocated to your positions as delegates to UNESCO. We do believe that the conference will be a real success with many comprehensive debating sessions.

Never forget that MUN is all about active engagement. This year, UNESCO will be debating a highly interesting, complex and pressing topic: Safeguarding Cultural Property. We believe this issue is broad and important enough for every country present in this committee to contribute in debate, but still specific enough to create a sufficiently concrete draft resolution. Accordingly, the stage is set for you to demonstrate your diplomatic skills and abilities.

This present study guide should serve as an introduction and overview for you get to know the different facets of the topics discussed and the major challenges to be tackled therein. We strongly encourage you to use the suggested reading for your research and look forward to your getting closely acquainted with your country's position on current issues.

This being an intermediate committee, it is the ideal opportunity for newer MUNers to prove themselves while giving experienced debaters a space to hone their skills further. You'll get the most out of it with active participation and openness to immersing yourself in the wonderful spirit of MUN. We are eager to see the quality of debate and discourse in our committee. Please do not hesitate to reach out to us if you have any questions or concerns.

We welcome all of you to JCUMUN and hope that through your participation in this conference you will gain invaluable insight into the connection between global issues and socio-cultural understanding, the art of rational thinking, and the skill that is discourse and negotiation.

We look forward to having you be part of the conference and wish you the best in your endeavors towards the same.

See you all soon!

Christoph Heinimann & Giulia di Fino



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Introduction to the Committee

Introduction

The constitution that defines the workings of UNESCO was signed in London on 16 November 1945 by 37 countries and came into force with its 20th ratification on 4 November 1946. The purpose of the Organization was defined as: "to contribute to peace and security by promoting collaboration among nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations."

Before its establishment, UNESCO was known as the International Committee of Intellectual Co-operation, operating out of Geneva between 1922-1946, with its executing agency, the International Institute of Intellectual Cooperation in Paris between 1925-1946, as well as the International Bureau of Education (IBE), in Geneva between 1925- 1968. Upon the proposal of the Conference of Allied Ministers of Education and in accordance with the recommendations of the United Nations Conference on International Organization, a United Nations Conference for the Establishment of an Educational and Cultural Organization was convened in London 1-16 November 1945, laying the foundation for UNESCO. Following this, the first session of the General Conference of UNESCO took place in Paris from 19 November to 10 December 1946.¹

Governance, Structure & Membership

UNESCO's headquarters are located in Paris. The General Conference and an Executive Board govern the work of UNESCO.² The Director-General oversees the different intergovernmental organizations of UNESCO.³ There are currently 195 Member States and 11 Associate Members of UNESCO.⁴ The organization's constitution affords membership to all UN Member States; non-Member States may also join upon the recommendation of the Executive Board and with the approval of two thirds of the General Conference.⁵ Associate Members, political or territorial entities that do not constitute independent Member States, can be admitted upon recommendation of the General Conference, and are accorded some rights and obligations.⁶ Members

1 UNESCO, History of UNESCO

2 *Ibid.* 328.

3 UNESCO, Constitution of the United Nations Educational, Scientific and Cultural Organization art.s 3 *et seq.*

4 UNESCO, Member States.

5 UNESCO, Constitution of the United Nations Educational, Scientific and Cultural Organization art. 2.

6 UNESCO, Member States.



suspended or expelled from the UN, may also be suspended or expelled from UNESCO, and members may also voluntarily withdraw from the organization.⁷ UNESCO operates on a two-year budget supported by voluntary contributions from Member States.⁸

General Conference and Executive Board

The General Conference, which consists of all UNESCO Member States, meets every two years.⁹ Every four years, the General Conference appoints a Director-General who is responsible for coordinating the work of the Secretariat.¹⁰ The General Conference may hold additional meetings as summoned by the Executive Board or upon request by at least one third of its Member States.¹¹ The General Conference is primarily responsible for electing members of the Executive Board, deliberating upon and approving recommendations from the Executive Board, summoning international conferences, considering reports from Member States, and advising UN organizations on matters of education, science, and culture. The General Conference may establish special and technical committees, create subsidiary organs, and invite observers on the recommendation of the Executive Board. UNESCO currently directs the work of several intergovernmental bodies, including the Intergovernmental Committee for Intangible Cultural Heritage, the Committee for the Protection of Cultural Property in the Event of Armed Conflict and the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions.¹²

These sub-organs provide expert research and policy recommendations to the General Conference.¹³ The Executive Board consists of 58 UNESCO Member States serving four-year terms.¹⁴ The Executive Board prepares the biennial agenda for the General Conference, submits policy recommendations to the General Conference, implements decisions adopted by the General Conference, recommends the admission of new Members, nominates the Director-General, and reviews the budget.¹⁵ Additionally, the

7 UNESCO, Constitution of the United Nations Educational, Scientific and Cultural Organization art. 2.

8 UNESCO, UNESCO at a glance 36.

9 New Zealand 328.

10 UNESCO, Constitution of the United Nations Educational, Scientific and Cultural Organization art.s 3-6

11 *Ibid.* art. 4, para. 8.

12 UNESCO, Intergovernmental Committees.

13 UNESCO, Constitution of the United Nations Educational, Scientific and Cultural Organization art. 4, para.s 11-14.

14 UNESCO, Constitution of the United Nations Educational, Scientific and Cultural Organization art. 5.

15 UNESCO Executive Board; UNESCO, Constitution of the United Nations Educational, Scientific and Cultural Organization art. 5.



Executive Board may advise primary organs of the UN on issues relevant to its mandate, consult with representatives of intergovernmental organizations (IGOs) and independent experts, and request advisory opinions from the International Court of Justice (ICJ).¹⁶

What is UNESCO responsible for?

UNESCO is responsible for coordinating international cooperation in education, science, culture and communication. It strengthens the ties between nations and societies, and mobilizes the wider public so that each child and citizen:

1. Has access to quality education, a basic human right and an indispensable prerequisite for sustainable development;
2. May grow and live in a cultural environment rich in diversity and dialogue, where heritage serves as a bridge between generations and peoples;
3. can fully benefit from scientific advances;
4. and can enjoy full freedom of expression; the basis of democracy, development and human dignity.

UNESCO functions as an organization that forges universal agreements on emerging ethical issues. The organization also serves as a clearinghouse - for the dissemination and sharing of information and knowledge - while helping Member States to build their human and institutional capacities in diverse fields. For all of UNESCO's major areas of focus (Culture, Education, Natural Science, Social and Human Science, and Communication and Information), it is still possible to trace the ideas on which UNESCO was based to the Organization's present activities. In its activities its initiatives are often flanked by those of other UN bodies with different but similar mandates, such as UNODC and ECOSOC.

¹⁶ UNESCO, Constitution of the United Nations Educational, Scientific and Cultural Organization art. 5; UNESCO, High-level Political Forum.



Topic A: Illicit Trafficking of Cultural Property

General Introduction to Cultural Property

An unfortunate offshoot of globalization, transnational crime has expanded both in geographic terms as well as scope, less constrained than ever by national borders.¹⁷ The criminal misappropriation of Cultural Property stands out in that realm of transnational criminality, as crimes involving culturally relevant material inhabit a unique spectrum of harm beyond what can be legally construed as simple tangible loss. More than merely of aesthetic and financial value, Cultural Property is the manifestation of heritage and history, a representation of human experience frozen in time. Therefore, loss of Cultural Property entails also considerable collective loss to humanity.¹⁸

For the purposes of discussion, the definition of 'Cultural Property' can be understood as all property that in some way holds religious or secular significance and/or importance for archaeology, prehistory, history, literature, art or science.¹⁹ Cultural Property can, therefore, be found in objects ranging from minute trinkets of ancient civilizations to grand architectural works of present time. Anything from Roman denarii to Etruscan boar vessels, late Ming dynasty paintings or Indian Kerala-style mosques could be considered Cultural Property in that sense. Consider also that property does not necessarily have to be physical, as intellectual property like songs or theatre plays is covered by that definition as well.

The Dynamics of Illicit Trafficking of Cultural Property

The Parties of Illicit Trafficking

For some time now, cross-border theft and smuggling have become a steady companion of international trade and the lowering of import and export barriers.²⁰ As the black-market trade in cultural objects continues to flourish, the illicit trafficking of Cultural Property is a growing concern, threatening both the physical integrity of the items themselves and simultaneously the cultural heritage of the affected nations.²¹

The most tangible instances of this group of crimes are that of art theft and the looting of archaeological sites, almost always accompanied by the subsequent export of

¹⁷ PASSAS & PROULX 52.

¹⁸ As illustrated by GILL & CHIPPINDALE 629 *et seqq.*

¹⁹ CARUTHERS 147.

²⁰ MACKENZIE, Do we need a Kimberley Process for the Illicit Antiquities Trade? 151.

²¹ VERES 93.



the spoils to safer harbors. Implicated in such offences is a wide spectrum of actors both on the "supply" and the "demand" side of criminality: Suppliers might be local, small-scale thieves and larger groups of looters, while demand originates from international auction houses, galleries, museums, dealers, and collectors. The sophistication of these networks results in illicitly acquired Cultural Property becoming intermixed with and near indistinguishable from what is legally traded on international markets. The "grey" markets emerging therefrom have reached what some scholars consider epidemic proportions, swallowing up swathes of the world's archaeological resources.²²

The geopolitical North-South divide splitting the world's rich and poorer nations is reflected in this area as well, with "source countries" largely concentrated in the southern hemisphere, while "demand countries" are reliably situated in the North.²³ Specifically, while Afghanistan, Egypt, Iraq, Mali, Syria and Yemen are perhaps the most prominent victims of transnational Cultural Property crime,²⁴ European civil law countries such as Belgium, France, Germany, the Netherlands and Switzerland,²⁵ but also the United States, United Kingdom, Australia and Japan are major importers of illicitly acquired Cultural Property.²⁶ Another, third category of country to consider contains those countries where illicitly transferred Cultural Property is "legitimized" by fraudulent certification or general "laundering" processes, only to be finally imported into the target demand country, generally referred to as "transit countries".²⁷ This could apply to any countries that share demand countries' *bona fide* purchaser law conceptions and are not demand countries in themselves. Middlemen in those countries act as the bridge between the black market and the legal sale market.²⁸

The Process of Illicit Trafficking and Bona Fide Purchases

Most theft of Cultural Property occurs under two circumstances: One scenario is during periods of war, military occupation, or colonial rule. In such times, plundering occurs and spoils of war are forcefully taken or transferred under capitulation agreements that are often coerced by the victor. The second scenario concerns Cultural Property looted during peacetime, stolen from collections, or excavated illegally and smuggled out of country.²⁹ Four general categories of origin can broadly be discerned: i) theft from

22 PASSAS & PROULX 59; MACKENZIE, 2009, 5.

23 MANACORDA & CHAPPELL 3.

24 DELEPIERRE & SCHNEIDER 129.

25 PROTT 59.

26 MACKENZIE, Protection against trafficking in cultural property 7.

27 *Ibid.* 13.

28 LAZÄR 111.

29 COHEN 5.



individual or institutional private or public owners; ii) theft from known archaeological sites or national monuments; iii) theft from undiscovered excavation sites; and iv) illegal export of Cultural Property from a source country.³⁰

Central to the process of illicit trafficking, and the crux of any private law implementation of measures against it, is the private law concept of a *bona fide* purchaser. When illicitly acquired goods are transferred, different legal systems offer different solutions for when the original, now dispossessed, owner, seeks remedial action: Common law legal systems do not recognise a transfer of title from the original owner to the new owner when the transferred good is stolen, thereby not protecting the purchaser even if acting in good faith (*bona fide*). Any dispossessed original owner can, therefore, at any time request the return of the stolen property. Many civil law systems, however, allow for such a possibility under certain circumstances, in most cases (amongst others) the expiry of a statute of limitations. The statute of limitations here relates to the maximum time during which a dispossessed owner can demand the return of a stolen object from a *bona fide* purchaser. After expiry of the statute of limitations (e.g. 5 years), future purchasers are, unless proven not to be *bona fide*, protected in their purchase.³¹

Generally, integration into the legitimate art market exploits this civil law conceptions of ownership: After illicit export from a source country, illegally obtained Cultural Property is secretly stashed in a transit (or sometimes directly in the demand) country for the amount of time required by its *bona fide* purchaser laws to let the statute of limitations expire.³² After the statute of limitations has expired, the property concerned is then sold in the demand country with a legal bill of sale and subsequently re-emerges on the "white" art market. At the end of the process, any prospective purchaser is entirely insulated from exploring the pedigree of a piece of Cultural Property, making requests for its return impossible,³³ as these purchasers can be considered *bona fide* and the statute of limitations has expired.³⁴ To regain lost property, the dispossessed owner would have the very difficult burden of proving a lack of good faith on the part of the purchaser.

Why Combatting Illicit Trafficking is Difficult

30 CHANG 834.

31 REICHELTI 19.

32 Though sometimes lesser-known exhibits are even placed in museums for that duration (LAZÄR 112).

33 PASSAS & PROULX 58.

34 CARUTHERS 159n92.



Transnational looting and smuggling of Cultural Property happen precisely in situations of the breakdown of the rule-of-law, making legal prohibitions against such activity rather utopian.³⁵ Moreover, in poorer source countries, Cultural Property crime provides a source of income for local populations. Meanwhile, richer market countries provide a ready marketplace for looted objects with steady demand for the cross-border transportation of illicitly acquired Cultural Property. The obscurity of these markets, making it near impossible to distinguish licit and illicit objects once they become intermixed, is further compounded by a culture of privacy in the antiquities market.

Two kinds of information are crucial for identifying and remedying illicit traffic in Cultural Property: Provenience and Provenance. **Provenience** concerns information on the circumstances in which the object was excavated or sourced originally. This is necessary information to determine whether Cultural Property was acquired legitimately or illicitly. **Provenance**, meanwhile, concerns the ownership history of an object. This is necessary information to determine how Cultural Property was trafficked, and whether good faith purchase has since been made, possibly preventing restitution and repatriation. In connection with Cultural Property, this information can be very hard to secure: Advanced technologies have made it even easier for illegally sourced property to be sold, while, at the same time, Cultural Property dealers still appreciate and respect confidentiality of their business partners.³⁶ Establishing provenance can be especially difficult.³⁷

From a pure enforcement perspective, further challenges present themselves: In some demand countries, law enforcement and policy response to this issue conflict, since market and free trade principles stand in clear opposition against controls on the cross-border movement of Cultural Property.³⁸ Striking the correct balance in enforcement policy between border control and open markets, therefore, proves difficult. At the same time, in source countries, effective enforcement of relevant laws is complicated by a lack of resources as well as varying levels of corruption, the latter being an especially strong correlate of illicit Cultural Property trafficking.³⁹

MAJOR STEPS UNTIL TODAY

35 MACKENZIE, Protection against trafficking in cultural property 5 *et seq.*

36 LAZÄR 111.

37 CASERTANO 2; LAZÄR 113.

38 MACKENZIE, Protection against trafficking in cultural property 5.

39 FISMAN & WEI 94.



1970 UNESCO Convention

After World War Two, the international market for works of art, especially archaeological objects, increased dramatically. With colonialism coming to its end, many of the now newly independent countries started looking for legal and practical measures to preserve what remained of their cultural heritage, after much had been lost to colonial powers.⁴⁰ UNESCO, as the foremost international body with the mandate of preserving culture, was chosen as the avenue for change.

Building on its 1968 recommendations,⁴¹ UNESCO took a decisive step towards regulating the international trafficking of Cultural Property in its 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (hereinafter the 1970 UNESCO Convention). The core philosophy that convention is founded upon is that of government action. Accordingly, though the convention offers a description of what a cultural object roughly is,⁴² for a cultural object to be returned to a state, the state requesting return must designate the individual objects as such. If the state did not designate an object or if it did not wish to take action, private owners were, therefore, left without recourse.⁴³

The 1970 UNESCO Convention bans (to a limited extent) the import, export or transfer of ownership of Cultural Property effected contrary to its provisions,⁴⁴ calls for the creation of national Cultural Property protection agencies⁴⁵ and requires states to introduce national export certificates for Cultural Property⁴⁶ A model export certificate to be used for this purpose was developed by UNESCO in cooperation with the World Customs Organization.⁴⁷ The convention further sets up a mechanism by which states can request that Cultural Property stolen from a museum or a religious or secular public monument or similar institution be returned, while *bona fide* purchasers that have acquired it after it was stolen are compensated monetarily.⁴⁸ It is notable that the phrasing

40 MINANA, 1.

41 UNESCO, Records 139.

42 1970 UNESCO Convention art. 1.

43 PROT 62.

44 1970 UNESCO Convention art. 3.

45 1970 UNESCO Convention art. 5.

46 1970 UNESCO Convention art. 6.

47 UNESCO and World Customs Organization.

48 1970 UNESCO Convention art. 7.



of article 7, in the interests of demand countries, drastically limited the scope of article 3:⁴⁹ While article 3 extended applicability of the convention to ostensibly all illicit import, export or transfer of ownership of Cultural Property, the heavily negotiated article 7 limits its actual scope to the import of Cultural Property stolen from a museum or a religious or secular public monument or similar institution, provided that such property is documented as appertaining to the inventory of that institution, and only calls on states to prevent museums from acquiring illegally exported Cultural Property. The convention furthermore calls for the punishment of those natural persons infringing upon its provisions⁵⁰ and creates an instrument for states to ask for emergency assistance⁵¹. Lastly, it also calls on states to employ education, information, and vigilance to restrict movement of Cultural Property illegally removed from any other state party and, as appropriate, oblige antique dealers to maintain a register recording the origin of each item of Cultural Property, names and addresses of the supplier, description and price of each item sold and to inform the purchaser of the Cultural Property of the export prohibition to which such property may be subject.⁵²

The 1970 UNESCO Convention today enjoys relatively wide, though far from universal, adoption.⁵³ But while its overall intent was the creation of a network of import and export controls with the capacity to impact the illicit market substantially, it did not manage to bridge the gap that existed in the wildly diverse national legislation on the subject. Furthermore, it only restricts acquisition by museums, not private individuals, and its restitution mechanism, besides the limitations of article 7 discussed before, covers only stolen, not illicitly exported Cultural Property. As some source countries have placed export bans on all Cultural Property, demand countries were not prepared to have to honour such export bans and enable restitution. In response, some source countries have implemented legislation that considers all Cultural Property to be property of the state, and all illegal export therefore a case of "national theft", falling under the 1970 UNESCO Convention's restitution clause.⁵⁴ The issue of statutes of limitations or detailed regulation on compensation is left out entirely as well.⁵⁵ And as described above, without state action, private individuals are left without means for restitution. The necessary negotiations on resolving private law conflicts between Member States, however, failed, as UNESCO does not have the required mandate. Legal loopholes remained, as described

49 PROTT 63.

50 1970 UNESCO Convention art. 8.

51 1970 UNESCO Convention art. 9.

52 1970 UNESCO Convention art. 10.

53 UNESCO, Conventions.

54 MERRYMAN & ELSEN, 13 *et seq.*

55 MACKENZIE, Protection against trafficking in cultural property 7.



above in 0, allowing for continued, easy exploitation via the *bona fide* purchaser law exploit.⁵⁶

ICPRCP

The Intergovernmental Committee for Promoting the Return of Cultural Property (hereinafter the ICPRCP) was set up in 1978 to aid UNESCO Member States which have lost certain cultural objects of fundamental significance and are calling for their restitution or return, in cases where international conventions cannot be applied.⁵⁷ To an extent, this can be considered to be an attempt to patch the holes left by the 1970 UNESCO Convention. Consisting of 22 UNESCO Member States mandated for four years, the ICPRCP is tasked with seeking ways and means of facilitating bilateral negotiations for the restitution or return of Cultural Property to its countries of origin. For this, it can offer mediation between countries or conciliation in the form of a settlement procedure, neither result of which is binding. Its other primary tasks are to promote multilateral and bilateral cooperation, to encourage the necessary research and studies for the establishment of coherent programmes for the constitution of representative collections in countries whose cultural heritage has been dispersed and to foster a public information campaign on the problem of restitution or return of Cultural Property.⁵⁸

1995 UNIDROIT Convention

The UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (hereinafter the 1995 UNIDROIT Convention), a scheme under private, not public law, stands in drastic contrast to the 1970 UNESCO Convention.

Created at the behest of UNESCO by the International Institute for the Unification of Private Law (UNIDROIT), it is largely dependent on action by private individuals. This is already reflected in its definition of Cultural Property which, although highly similar in scope to the 1970 UNESCO Convention, does not require a cultural object be designated as such by the State for it to be covered by the 1995 UNIDROIT Convention. Cultural objects purloined from private collections not registered with a State can, therefore, be claimed back, even without the State registering or designating them.⁵⁹ It is also notable

56 PROTT 59 *et seq.*

57 DELEPIERRE & SCHNEIDER, 132.

58 ICPRCP Statutes art. 4.

59 PROTT 62.



that, unlike the 1970 UNESCO Convention, the 1995 UNIDROIT Convention did not require certain objects to be "old" for them to be "cultural".⁶⁰

The 1995 UNIDROIT Convention covered many things the 1970 UNESCO Convention could not or was not supposed to, such as extending the power to request restitution in the case of theft to private individuals⁶¹ as well as expanding the scope of restitution to some cases of illicit exports and illegal excavations⁶². It furthermore foresaw the involvement of national courts to achieve restitution and compensation, grounding its mechanism not in diplomatic processes but the national judiciary.⁶³ Having a private law solution, making most of the convention's contents applicable to anyone and streamlining the restitution process considerably were the biggest innovations provided by that convention. Its biggest short-coming, however, is that, while popular with source countries, next to none of the relevant market countries have acceded to the 1995 UNIDROIT Convention to date.⁶⁴

2015 International Guidelines

The most recent development in this area for the UN are the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences created in 2014 by UNODC in consultation with Member States and in close cooperation with UNESCO, INTERPOL and other competent international organizations (hereinafter the 2015 International Guidelines). Adopted by the General Assembly a year later in A/RES/69/196, they are intended to serve as the non-binding operational guidelines of the 1970 UNESCO Convention, acting as a reference for national policymakers and as a tool for capacity-building in the area of crime prevention and criminal justice responses to trafficking in cultural property and related offences. Recognising the challenges still faced today, the guidelines for example encourage cooperation by internet providers and web-based auctioneers and vendors⁶⁵, the stringent criminalization of illicit trafficking offences,⁶⁶

60 CARUTHERS 147.

61 1995 UNIDROIT Convention art. 3.

62 1995 UNIDROIT Convention art.s 3, 5.

63 1995 UNIDROIT Convention art. 8.

64 UNIDROIT, Status.

65 2015 International Guidelines Guideline 8.

66 2015 International Guidelines Guideline 16.



including corporate liability⁶⁷, and address issues like the status of *bona fide* owners⁶⁸ or intensified international cooperation in tracking and seizures.⁶⁹

WHERE WE STAND TODAY

UNESCO's actions have certainly shown effect. For example, after 1970, museums in the United States, host to nearly a quarter of the world's museums, began to adopt greater self-control in expanding their collections, with acquisition policies having been largely formalized and requiring the transfer of legal title. The result might often fall short of the lofty goals set by the 1970 UNESCO Convention, however, and another major player on the demand side, auction houses, continue to operate largely unregulated and without giving much care to the prevention of illicit trafficking of cultural property.⁷⁰ In the broader picture, following the 1970 UNESCO Convention, UNESCO succeeded in forming a broad international coalition with bodies such as INTERPOL, the World Customs Organization, the United Nations Office on Drugs and Crime, the International Council of Museums⁷¹ and, especially recently, the European Union⁷². The recovery and return of stolen assets and the fight against organized crime is furthermore specifically addressed by target 4 of Sustainable Development Goal 16, while the issue of corruption and bribery is covered by target 5 thereof.⁷³

More recently, UNESCO undertook further steps with the creation of a new governing system in 2012, made up of a Meeting of States Parties organized every two years and a Subsidiary Committee meeting on a yearly basis, which lead to an increase in the implementation of education awareness-raising activities. Such activities include information campaigns aimed at the general public and local communities, programmes aimed at raising awareness amongst youth and sensitizing professionals, specifically judiciary, law enforcement and customs forces, governmental representatives, museum staff as well as other involved actors. Cooperations with tourism organizations, meanwhile, are aimed at informing tourists of the threat of illicit trafficking and warning them against purchasing Cultural Property without the required authorization to export⁷⁴ In addition to

67 2015 International Guidelines Guideline 23.

68 2015 International Guidelines Guideline 26.

69 2015 International Guidelines Guideline 39.

70 CARUTHERS 151 *et seq.*

71 MINANA, 1.

72 EUROPEAN COMMISSION.

73 UNITED NATIONS.

74 MINANA, 3 *et seqq.*



this, UNESCO has together with its partners developed a suite of technical tools at the disposal of states, such as the UNESCO Database of National Cultural Heritage Laws, the Model Legislative Provisions on State Ownership of Undiscovered Cultural Objects (UNESCO-UNIDROIT), the Inventory and Object ID standard as well as the UNESCO International Code of Ethics for Dealers in Cultural Property.⁷⁵ Without wishing to restrict the sharing of culture across borders, UNESCO continues seek ways in education and outreach to enable countries to do so consensually.

QUESTIONS FOR THE GENERAL CONFERENCE

- i. How can more attention be drawn to illicit trafficking of cultural property, especially when trying to address unintentional participants?
- ii. How can awareness of organized crime in the area of illicit trafficking be generated?
- iii. How can UNESCO cooperate more effectively with its international partners to fight illicit trafficking?
- iv. How could Art.s 7 or 9 of the 1970 UNESCO convention be expanded to reach the scope envisioned by art. 3 of that convention, for example to extend to illicit exports?
- v. How could international solutions to preventing illicit trafficking find wider adoption?
- vi. How can the goals of free trade and prevention of illicit export of cultural property be balanced effectively?
- vii. How can the 2014 international guidelines be disseminated and communicated appropriately to all relevant stakeholders?

75 DELEPIERRE & SCHNEIDER, 131

Topic B: Safeguarding of Cultural Heritage in Conflict Zones

Introduction

UNESCO is responsible for taking global measures to safeguard cultural heritage in conflict zones. Cultural heritage, as defined by the 1972 World Heritage Convention is, “monuments, groups of buildings, or sites that hold outstanding universal value.” After the adoption of the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), the international community began to recognize the intangible aspect of cultural heritage such as practices, representations, and expressions of a group or society. Heritage provides societies with tangible manifestations of history and contributes to a variety of fields such as archaeology, architecture, and science and technology of a specific culture. The New Urban Agenda, which was adopted at the United Nations (UN) Conference on Housing and Sustainable Urban Development in 2016, underscored cultural heritage as a key enabler for sustainable development emphasizing its role in making human settlements more habitable by strengthening the social participation and inclusion of people. 76

According to the World Heritage List (WHL) established through the 1972 Convention, there are currently 845 cultural sites, 209 natural sites, and 38 mixed sites. The WHL marked 54 of those sites as being in danger from pollution, natural disasters, poaching, uncontrolled urbanization, and in some cases armed conflict and war. Damages to tangible cultural heritage in conflict stem from shelling, gunfire, looting, illegal construction, and robbery. During conflict, intangible cultural heritage (ICH) faces increased risk of disappearance or deterioration. Between 1979 and 2013, 22% of world heritage properties in Africa were affected by conflict. As of March 2016, all six of Syria’s official heritage sites have been reported damaged.⁷⁷ Damages to cultural heritage are often a by-product of proximity to conflict zones. However, intentional destruction of cultural heritage has also become a method of victimizing certain groups based on their cultural and ethnic identities. The shared sense of belonging to a community is often deeply rooted in cultural heritage. Non-state armed groups exploit this cultural connection to dominate local historical narratives and suppress particular communities. During a March 2016 colloquium hosted by the International Council on Monuments and Sites (ICOMOS), participants debated whether world heritage could retain its historic identity after being destroyed and later reconstructed.

76 UN General Assembly, New Urban Agenda (A/RES/71/256), 2017, p. 3.

77 UNESCO, Syrian Heritage: Built Heritage



The consequences of the destruction of cultural heritage are unimaginable. First, the destruction of heritage involves costs to humanity: culture is viewed as a shared endeavor across peoples and time, the possibility exists for connecting to long-lost or faraway peoples through tangible items. A substantial cost is the loss of a way of experiencing and passing down cultures. Destruction of heritage involves the loss of cultural identity and social cohesion. The buildings, museums, libraries and infrastructure around which societies organize themselves in part help define a society. Robert Bevan describes the phenomenon: 'To lose all that is familiar - the destruction of one's environment - can mean a disorienting exile from the memories they have invoked. It is the threat of a loss to one's collective identity and the secure continuity of those identities'.⁷⁸ Moreover, threats or attacks on populations cause human displacement, affecting people's relationship to a place or their ability to live in a community supportive of their culture.

Second, the destruction of cultural heritage results in severe economic losses. When museums or cultural attractions are destroyed, employees of the respective sites lose their jobs, their towns lose tourism generated revenue.

Third, cultural destruction complicates significantly the process of post-conflict reconciliation. Destruction during war deepens wounds, intensifies animosities, and increases the value of the accounts to settle.

Fourth, the disappearance of artifacts and sites prevents any future study and hinders the resolution of open archaeological, anthropological and historical researches.

Lastly, human costs are substantial when targeting cultural heritage. Curators and archivists, recognizing the warning signals, have died trying to save heritage from violent attacks. A recent example was the 2015 beheading of Khaled al-Asaad, the retired director of antiquities for the city of Palmyra, who refused to divulge the location of the city's antiquities under ISIS interrogation. The destruction of tangible and intangible heritage foreshadows a forthcoming genocide or ethnic cleansing - as during Kristallnacht in 1938⁷⁹

History of UNESCO and Safeguard of Cultural Heritage

Before World War II

The International Committee of Intellectual Co-operation (CICI), founded in Geneva in 1922 and its executing agency, the International Institute of Intellectual Co-operation (IICI), established in Paris, during 1925. These Institutions lasted until 1946

The International Bureau of Education (IBE), created in Geneva in 1925, has been part of the UNESCO Secretariat under its own statutes from 1969

⁷⁸ Bevan, *Destruction of Memory*, 24.

⁷⁹ Lemkin, *Totally Unofficial*.



During World War II

As early as 1942, in wartime, the allied European countries, met in the United Kingdom for the Conference of Allied Ministers of Education (CAME). The Second World War was far from over, but those countries were already looking for ways and means to reconstruct their systems of education once peace was restored. Very quickly, the project gained momentum and soon took on a universal note. New states, including the United States, decided to join in.

After World War II

Upon the proposal of CAME, a United Nations Conference for the establishment of an educational and cultural organization (ECO/CONF) was organized in London from 1 to 16 November 1945. The Conference started right after the end of the war. It gathered together the representatives of forty-four countries who decided to create an organization that would embody a genuine culture of peace. In their eyes, the new organization must establish the "intellectual and moral solidarity of mankind" and, in so doing, prevent the outbreak of another world war. At the end of the conference, thirty-seven countries decided to found the United Nations Educational, Scientific and Cultural Organization. The Constitution of UNESCO, signed on 16 November 1945, came into force on 4 November 1946 after ratification by twenty countries (Australia, Brazil, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Egypt, France, Greece, India, Lebanon, Mexico, New Zealand, Norway, Saudi Arabia, South Africa, Turkey, United Kingdom and United States).

The first session of the General Conference of UNESCO was held in Paris from 19 November to 10 December 1946 with the participation of representatives from 30 governments entitled to vote. The composition of the founding Member States of UNESCO was decided by the political divisions of the Second World War, in fact, it was not until 1951 that Japan and the Federal Republic of Germany became Members, and Spain was accepted in 1953. Other major historical factors that left their trace on UNESCO were: The Cold War, the decolonization process and the dissolution of the USSR. The USSR joined UNESCO in 1954 and was replaced by the Russian Federation in 1992, alongside the 12 former Soviet republics. Nineteen African states became Members in the 1960s. As a consequence of its entry into the United Nations, the People's Republic of China has been the only legitimate representative of China at UNESCO since 1971. The German Democratic Republic was a Member from 1972 to 1990, when it joined the Federal Republic of Germany. Some countries withdrew from the Organization for political reasons at various points in time, but they have today all re-joined UNESCO. South Africa was absent from 1957 to 1994, the United States of America between 1985 to 2003, the United Kingdom of Great Britain and Northern Ireland from 1986 to 1997 and Singapore from 1986 to 2007.



The United Nations Educational, Scientific and Cultural Organization (UNESCO) has addressed the topic of safeguarding cultural property in conflict zones since its inception on the 16th of November 1945. After the Second World War, UNESCO implemented and ratified The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict which aimed at securing a respect and protection to world heritage sites in case of conflict in regions all around the world. The main goal of the law is to prevent what happened during the WWII during which hundreds of significant cultural sites were destroyed. The law was further updated in 1999 due to the fact that it lacked a clear definition of what was actually considered as a site to be protected.

UNESCO decided to further address the topic in the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property which aimed to prohibit the misuse of cultural property not only in the means of conflict. By this agreement UNESCO wanted to demonstrate the collaboration of all member states due to the fact that the highest number of signatories was achieved in the history of UNESCO, 123 member states. All states were obliged to collaborate in the implementation of this policy. The problem which was shown later in the years is the fact that the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of

Cultural has a very clear definition of cultural property and many sites were omitted. Despite the fact that the convention lacked some major points, it was very successful because under it any country may seek the recovery and assistance of a different state for the recovery of stolen or illegally exported cultural property imported into another state party. Once again, however, this is a flaw in a sense that this can only happen if both countries are signatories of this convention.

In 1995, UNESCO attempted to address an issue which was omitted by the previous conventions. The 1995 UNIDROIT Convention on Stolen and Illegally Exported Cultural Objects focused on restoring the privately-owned cultural sites which were being used for illicit export of materials. The Italian government was the depositary of this Convention and the most famous examples when the Convention came into action were Claude Monet's painting, *Marina*, which had been stolen from the Museu da Chácara do Céu, Rio de Janeiro, in 2006 and Matthias Withoos' *De Grashaven*, stolen from the Westfries Museum, in Hoorne, in 2005.

In recent years UNESCO has bolstered its actions against the misuse of cultural property after conflicts in Syria, Mali and Iraq. In collaboration with the Security Council it has been able to ratify the Resolution 2100 on Mali and Resolution 2139 which calls for the preservation of cultural heritage sites on Syria. UNESCO has in 2014 established a cooperation with INTERPOL, WCO and ICCROM in order to prevent the misuse of cultural property in regions tormented by a civil war or terrorism.

Destroying Cultural Heritage

UNESCO identifies four types of destruction: collateral damage, forced neglect, looting and trafficking, and strategic damage. Collateral damage occurs during the course of war but the tangible cultural heritage is not the real objective. Forced neglect occurs when displaced or overburdened populations can no longer take care of local sites or museums.

Among the types of intentional destruction, the first is organized looting and illicit trafficking. Militant groups as well as looters can pillage archaeological sites. Such an activity entails huge costs for the integrity of the items and sites.

The second form of intentional destruction is strategic and inflicted to pursue war aims, because a target has military or cultural value. Legally speaking, cultural heritage can be a target if it has strategic value. The loss is deplorable but can be justified according to the provisions of The Hague convention 1954, if precautions are taken to spare the site or minimize damage.

Damage inflicted on targets explicitly to destroy heritage that has no military significance - for instance, places of worship or cemeteries - are war crimes and arguably crimes against humanity. This category captures a broad range of damage - by regimes long past (e.g. the Great Mosque of Cordoba during the Reconquista) and presently by non-state actors (e.g. Palmyra).

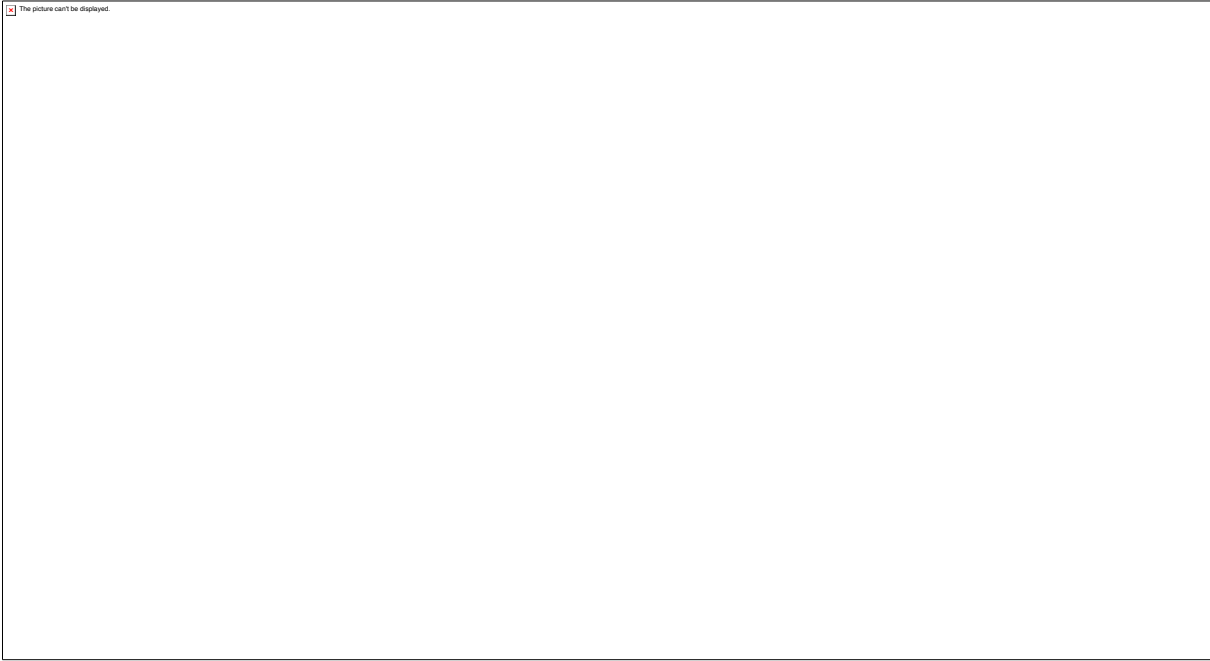
Deliberate attacks on culture for culture's sake fall into two categories. Both are strategic cultural cleansing - that is, 'the deliberate targeting of individuals and groups on the basis of their cultural, ethnic or religious affiliation ... combined with the intentional and systematic destruction of cultural heritage, the denial of cultural identity, including books and manuscripts, traditional practices, as well as places of worship, of memory and learning'. Attacks on the cultural institutions of current populations often foreshadow mass atrocities.⁸⁰ Raphael Lemkin - the drafter of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide - originally had included cultural destruction in the first draft. Governmental delegates decided to focus on the physical and biological aspects of genocide rather than on the arguably vaguer cultural and social elements.⁸¹ Attacks on antiquity may not attempt to erase the contributions or existence of living peoples, but this type of cultural erasure usually serves to solidify the post-battle position of the victors as part of a competing historical narrative.

80 Bevan, *The Destruction of Memory*. This position was also adopted in a dissenting opinion in the ICJ case between Croatia and Serbia in the "Dissenting Judgment of Judge Cañado Trindade."

81 Moses, "Raphael Lemkin, Culture, and the Concept of Genocide."



Figure 1 depicts the types according to intentionality and motives



Discussion of the Problem

Wars and armed conflicts are the most critical threats to the preservation of Cultural Heritage. In recent years, several cases of deliberate destruction of Cultural Heritage sites have caught the attention of the international community, such as the destruction of mausoleums and shrines in Timbuktu, Mali in 2012 by Tuareg rebels, or attacks on the ancient fortified city of Hatra in Iraq by the terrorist organization ISIL in 2015. In both of these examples, Islamist terrorist organizations carried out these deliberate attacks for religious reasons, with the goal to destroy cultural goods of “idolatrous” nature. In addition, they aimed to openly provoke or mock the international community, and thereby demonstrating its powerlessness in protecting the Cultural Heritage sites. Particularly in the cases of ISIL, this served the purpose of propaganda, to attract new members who are impressed by an act of defying the West.

Another example of the destruction of Cultural Heritage during wars is the destruction of Buddha of Bamyán statues in Afghanistan by the Taliban in 2001. Moreover, the Virunga National Park in the Democratic Republic of the Congo, a Natural Heritage site renowned for its biodiversity and endangered species, has been regularly threatened by the military clashes in the region. However, deliberate attacks on Cultural Heritage sites are not the only form in which these sites are threatened or harmed by wars and armed conflicts. A second form of such a severe threat is the illicit trafficking of stolen artifacts from Cultural Heritage sites. Terrorist organizations and criminal organizations have discovered this lucrative source of income, and have generated significant revenue by removing artifacts from Cultural Heritage sites and selling them on the black market. This form of crime is fostered by the general instability in many of these



countries, where theft of artifacts cannot be efficiently prevented by the police force, or because terrorist organizations control the regions in which the Cultural Heritage sites lie. In principle, the destruction of Cultural Heritage sites can be viewed as a crime of war according to the Rome Statute of the International Criminal Court.

In article 8.2.b.ix it is stated that “Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments” is a war crime, which can be punished by the ICC. However, the Rome Statutes have not been signed or ratified by many States (including the United States of America, the People’s Republic of China, the Russian Federation, and several others), which heavily reduces the significance of the provided definition. In addition, terrorist organizations such as the Islamic State do not consider the International Laws, making the provided definition largely ineffective in many cases.

Case Study

The Syrian Arab Republic

This conflict escalates on a daily basis. August 23, 2015, saw an escalation in the violence when the Islamic State (IS) demolished the Temple of Baal-Shamin by detonating explosives (BBC August Palmyra, 2015). War, insurgency and terrorism are all relevant to the Syrian conflict, which is not only affecting the socio-economic and political stability in Syria, but also the neighboring countries. Furthermore, this conflict is severely detrimental to this historically rich cultural heritage of the nation, where numerous ancient sites are in jeopardy not merely of being looted, but destroyed for eternity.

The Syrian conflict started in March 2011 and can be classified as the world’s largest humanitarian crisis in recent years. Five of the six Syrian UNESCO World Heritage Sites (WHS) have been damaged or destroyed in the process, whilst almost 300 other sites of great cultural heritage value have been also affected (UNESCO, 2015). The six WHS sites are as follows with the year that they became a WHS site in brackets

1. the Ancient Cities of Aleppo (1986),
2. Bosra (1980),
3. Damascus (1979),
4. Palmyra (1980),
5. Crac des Chevaliers and Qal’at Salah El-Din (2006),
6. Ancient villages of Northern Syria (2011).

UNESCO and the WHS

UNESCO’s role is to protect its WHS sites, thus it is focusing on protecting and preserving Syria’s rich cultural heritage. Irina Bokova, the Director-General of UNESCO, addressed all parties of the conflict to safeguard their cultural heritage in March 2012. Nevertheless, this did not accomplish much, with the political situation declining rapidly.



In June 2013, the six WHS sites were placed on the List of World Heritage in Danger in order to “draw attention to the risks they are facing because of the situation in the country”. Today the conflict still rages on, which shows that the Director-General’s appeal to the Syrian government, as well as the other parties involved in the civil war, had no effect. In addition, the sites were placed on the Danger List a year into the conflict, meanwhile being on the List did not help protect the sites: its purpose was to alert the international community of the severity of the situation.

Palmyra

Palmyra is a city in the middle of a desert, which is used by the rebels in order to take cover from the military. To name but one example, the Temple of Bel, which was consecrated in 32 CE, has bullet and shell holes on its southern and eastern walls. One can see traces of open fire on the northern, western and southern walls, as well as the damages on the columns of the Temple’s north-eastern corner.

Compared to its antebellum state, Palmyra looks very different today, with new roads cutting across the site. Numerous temporary structures have been erected, thus altering the outline of the Palmyra Archaeological Park. The ground upon which the site is built is shifting. Possible explanations of the terrain softening could be because of military activities on the territory of the archaeological park since 2012, as well as the pressure created by the shell blasts and collapsed monumental structures.

Recent Developments

In June 24, 2015, the Syrian government has confirmed that ISIS have destroyed a further two ancient Muslim shrines at Palmyra.

As the world watches the military conflict rage on, cultural objects and architecture of significant value are being destroyed or looted by the day. On August 19, 2015, the torture and murder of 83-year-old Khaled Asaad happened, the retired director of the Palmyra Museum and curator of the antiquities. It is believed that ISIS militants tried to discover the location of secret treasures, which have either been on the site for thousands of years in various tombs and burial grounds, as well as the artefacts which were hidden at the start of the occupation of Palmyra. He was a renowned scholar who had dedicated his life to studying and safeguarding Palmyra for posterity. Furthermore, on August 23, 2015, The Islamic State of Iraq and the Levant (ISIL) detonated the Temple of Baalshamin, which was consecrated in 17CE.

Further Actions Required

1. Prioritizing Prevention

Prevention is essential to mitigate the impact of any crisis, be it natural or man-made. This requires strong leadership, as well as national and local capacities that UNESCO helps its Member States build through advocacy and awareness raising, as well as advice and training - preparedness of local professionals and communities is the best guarantee to keep cultural heritage safe when a situation of crisis occurs.



For this reason, efforts to strengthen national capacities and local awareness on emergency protection of cultural heritage must focus on prevention rather than last-minute endeavours. This is especially true in times of conflict, when it is difficult if not impossible for international assistance to reach affected areas.

2. Mobilizing for the safeguarding of heritage in times of conflict

When and where prevention and mitigation fail, continuous monitoring and early assessment of damage is a priority to prepare a sound and coordinated response for recovery and future rehabilitation. This is why UNESCO has launched a web-based international observatory to monitor the situation of cultural heritage in Syria and help international cooperation to protect the country's heritage.

Globally, illicit trafficking appears to be one of the worst threats to cultural heritage during conflicts. When law and public order are challenged, the looting of archaeological sites and museums is not only easy, but highly profitable to criminal groups. UNESCO is mobilized to stop illegal trafficking in cultural heritage properties from countries at risk of pillage, such as Syria and Iraq, in close partnership with the international community, particularly neighbouring countries, and institutional stakeholders; notably INTERPOL, the World Customs Organization (WCO), the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) and the International Council for Museums (ICOM). UNESCO regularly alerts the art market about its professional and ethical duty to check the provenance of traded artefacts and facilitate the restitution of stolen or illegally excavated cultural heritage properties.

Another major threat to both archaeological sites and monuments, is their military use and targeting prohibited by International law, notably by the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954). This is when the Director-General of UNESCO raised her voice in statements calling for the protection of cultural heritage, anywhere it is necessary, most recently in Syria and Iraq.

In their Joint Appeal for the safeguarding of Syria's cultural heritage, UN Secretary-General Ban Ki-moon, UNESCO Director-General Irina Bokova and then UN and League of Arab States Joint Special Representative for Syria Lakhdar Brahimi stressed this important risk and its devastating implications: "Destroying the inheritance of the past robs future generations of a powerful legacy, deepens hatred and despair and undermines all attempts to foster reconciliation. Now is the time to stop the destruction, build peace and protect our common heritage."

3. Rehabilitating heritage to build hope, confidence and resilience

Once recovery and reconstruction become possible, UNESCO's action on the ground aims at supporting national efforts to revive culture, address damages and provide advice to help recovery and rehabilitation. In Libya, UNESCO has facilitated the



development of a comprehensive strategy to build national capacities to prevent the looting of cultural properties. A series of specialized training sessions have been held in different parts of the country focusing on the role of police and customs officers. In Mali, UNESCO assists in the rehabilitation of the mausoleums of Timbuktu. The first two destroyed in 2012 have now been rebuilt through a partnership with local communities, but an additional \$8 million are needed to restore the entire site, including libraries where hundreds of thousands of old manuscripts had been stored. It is also about strengthening the resilience and confidence of an entire society, restoring an environment that fosters reconciliation and hope in the future. Culture is a bond that motivates people to work together for a better future. Cultural heritage is also essential for citizens to regain a sense of shared purpose and common identity, when the conflicts are over.

The example of Mali must serve to gain full recognition of the great potential of cultural heritage to foster dialogue and strengthen resilience. To succeed, we must mobilize all stakeholders, national authorities, development partners, the culture professions, as well as customs, police and the art market to cooperate and make cultural heritage protection and management a priority. In addition to its operational action, UNESCO acts as an international platform for continuous reflection on the protection of cultural heritage at risk.

Questions for the General Conference

1. What are existing limitations within the frameworks that call for the protection of cultural heritage?
2. What are effective plans of action to overcome those limitations?
3. How can partnerships between UNESCO and other relevant actors be further developed, and which new ones could be established?
4. How can Cultural Heritage be protected efficiently?
5. In which way can State Parties prevent the forceful destruction of Cultural Heritage sites, and which forms of international collaboration could support State Parties in case their individual resources are not sufficient for an adequate protection of the sites in their territory?
6. How can the present system of international law be more efficiently used to prevent the destruction of Cultural Heritage sites, or in which way does it need to be expanded to achieve adequate protection?
7. How can the illicit trafficking of artifacts from Cultural Heritage sites be effectively prevented, and how can individuals or organizations engaging in such illicit trafficking be effectively prosecuted?
8. Which resources does UNESCO need to build up, as the primary international body in charge of the protection of Cultural Heritage, and which new forms of collaboration on the international scale as well as between State and Non-State actors are required to bolster the protection of Cultural Heritage?
9. How can awareness be increased, or what else could be done, such that even during an armed conflict or war, Cultural Heritage is respected by the war parties?
10. How can reporting mechanisms of endangered cultural sites be made more effective?

GUIDE:

UNESCO. *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. 823 UNTS 231. 1970.

A necessary basis to understand the framework within which UNESCO has been addressing the issue of illicit trafficking, the 1970 UNESCO Convention is the primary treaty governing the global efforts surrounding the protection of Cultural Property. It is recommended to read the actual treaty text in conjunction with the elaborations in the study guide above.

UNITED NATIONS GENERAL ASSEMBLY. *Return or Restitution of Cultural Property to the Countries of Origin : Resolution / Adopted by the General Assembly*. A/RES/73/130, 24 Dec. 2018.

This is the most recent resolution by the General Assembly on the topic of Cultural Property. Reading it and going into some of the documents and resolutions referenced give a broad idea of where the discourse stands today.

PROTT, LYNDEL V. 'UNESCO and Unidroit: A Partnership against Trafficking in Cultural Objects'. *Uniform Law Review*, vol. 1, no. 1, 01.01.1996, pp. 59-71, doi:10/ggfgs8.

Written by a preeminent scholar in this field, this article delves into the specifics of the 1970 UNESCO Convention and the 1995 UNIDROIT Convention, highlighting what each convention was intended to achieved and in what ways they differ. Reading this article, it is recommended to pay attention to what makes the 1995 UNIDROIT Convention different and what the reasons might be that demand countries are refusing to sign it still today.

UNITED NATIONS, *International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences*, A/RES/69/196, 26 Jan. 2015.



The most recent product of the UN's struggle with illicit trafficking, the 2015 International Guidelines highlight some of the areas where there is still work to be done. It is recommended to read the guidelines with an eye to where UNESCO is within its mandate to provide help in their realisation.

MINANA, MARIA. *Raising the Awareness on the Illicit Trafficking of Cultural Property:*

UNESCO's Experience. 2019.

Produced as a background paper for the 2019 Council of Europe 'Convention on Offences relating to Cultural Property', MINANA gives a brief overview of UNESCO's work in raising awareness of the issue illicit trafficking presents. This report can provide a quick look into how UNESCO has been addressing the issue thus far.

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