General Assembly 3

Finding a balance between protecting cultural heritage and recognizing past injustices

Research Report

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Forum: *General Assembly 3*

Issue: *Finding a balance between protecting cultural heritage and recognizing past injustices*

Position: *Chair, Co-Chair*

Introduction:

Awareness of history and preservation of culture are both invaluable parts of the evolution of mankind as a whole. Cultural heritage, either in the form of artefacts, monuments or customs shall be protected by all following generations. Nowadays, as well as in the past century, an abundance of tangible forms of cultural heritage has been under serious threat. From the destruction of historical sites during armed conflicts to the illicit excavation and trafficking of ancient artefacts, the dangers are alarming and numerous. Since past UN action regarding the issue has been deemed insufficient, finding new efficient ways to protect cultural heritage and recognize relevant past injustices, is of utmost importance.

This issue mainly focuses on the question of removing statues of influential people, that, by today's standards, are seen as immoral. While we cannot deny their extensive part in history, their legacy might be stained with slavery or oppression of minorities, which might make it unjustified to place them on a pedestal.

An example of this is Christopher Columbus. He is known for the discovery of the North American continent. While that is dubious, he is further criticised for his abuse of the Native Americans. There's historical evidence that suggests he 'gave' a native to a friend, who would go on to brutally rape her. He was further known to cut off the hands of natives. Nowadays, he has a yearly national holiday, which deserves at least reconsideration.

That being said, there are still statues of him. Must we take them down because of these allegations, or are they inherently part of our history and cultural heritage?

Definitions of Key Terms:

Cultural Heritage:

Cultural Heritage is an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions and values.

Armed Conflict:

The term "Armed Conflict" describes both international armed conflicts opposing two or more states, as well as non-international armed conflicts, between governmental and non-governmental armed groups, or between such groups only.

Historical Site:
A historic site or heritage site is an official location where pieces of political, military, cultural, or social history have been preserved due to their cultural heritage value.

Artefact:
An Artefact is an object that is made by a person, such as a tool or a decoration, especially one that is of historical interest.

Trafficking of Cultural Heritage:
Trafficking of cultural goods is the illicit import, export and transfer of ownership of cultural property (items of importance for archaeology, prehistory, history, literature, art or science).

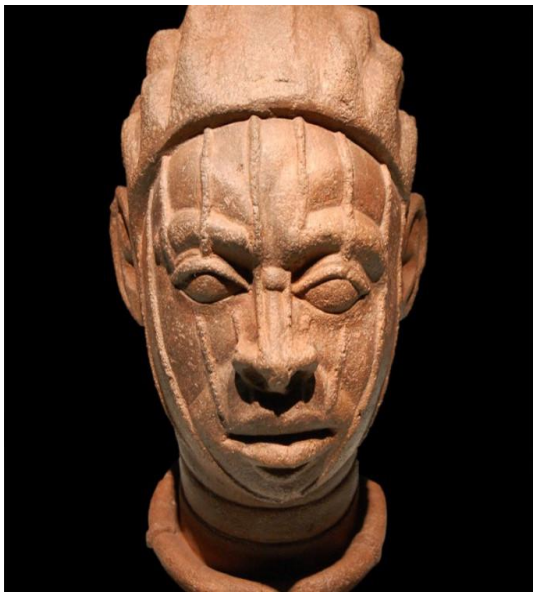
Illicit Trade:
Illicit trade concerns "any commercial practice or transaction related to the production, acquisition, sale, purchase, shipment, movement, transfer, receipt, possession or distribution of any illicit product defined as such by international law, or any licit product for non-licit purposes as defined by international law.

Organized Crime:
Organized crime is a category of transnational, national, or local groupings of highly centralized enterprises run by criminals to engage in illegal activity, most commonly for profit.

Red List:
A Red List is a database of the types of cultural goods that are deemed to be the most vulnerable to illicit traffic.

General Information:

The umbrella term 'Cultural Heritage' entails various categories of artefacts, monuments, historical items and customs from previous times. From ancient figurines and utility items to grand artworks and important heritage sites, all aspects of cultural heritage share one common characteristic: they all constitute invaluable sources of historical and archaeological information.



Furthermore, cultural artefacts and heritage sites, mainly of religious and ethnic importance, constitute objects of great meaning and value to religious groups, as well as indigenous and ethnic populations. Such people shall, to no extent, be deprived of their cultural heritage, which is vital to their existence as a culturally distinct group. Thus, the protection of cultural heritage is necessary, as it both provides humanity with

invaluable historical information, as well as constitutes a reminder of ancestral cultural norms and values.

Destruction of Cultural Heritage during Armed Conflicts

There are various factors that severely hinder the process of protecting the cultural heritage of ethnic, religious and indigenous groups, as well as ancient populations and past generations. One such significant factor would be the destruction of invaluable heritage sites throughout periods of armed conflict. Such volatile times render historical sites extremely vulnerable to damage, either intentional or unintentional. From bombings and terrorist attacks to planned destruction as an intimidation tactic and uncontrollable vandalism, heritage sites are constantly at threat. Civilians, ethnic groups and indigenous or not minorities from the feuding parties witness the loss of invaluable cultural monuments that symbolizes their values, their norms, their religion and generally their cultural identity. The destruction cultural heritage undergoes during armed conflicts are mainly irreversible - thus, the historical sites in question remain permanently damaged.

An important main example of cultural heritage destruction would be that of the ''Old City'' of Dubrovnik in Croatia. In 1992 the "Old City", which dates back to the 7th century, was destroyed during the Yugoslav war. The use of projectiles in Dubrovnik resulted in the total destruction of two-thirds of the monumental buildings the heritage sites entailed. Civilians mourned the loss of their invaluable cultural heritage, which was so tragically torn down due to the events of the war.

One further, equally tragic example, would be the demolition of the "Great Mosque" in Aleppo, Syria. The grand adobe building stemming from the 13th century suffered severe damage during the Syrian civil war in 2013. The event was followed by national mourning for the invaluable heritage site, which fell victim to atrocious war crimes.

It is abundantly clear that the damaging of cultural heritage during periods of armed conflict not only constitutes a loss of an invaluable source of historical information - it also causes widespread regret and grief. Traumatized civilians are deprived of the heritage sites which were symbolic of the people's cultural identity, beliefs and values.

Illicit Trafficking of Cultural Heritage

Apart from the threat of destruction, cultural heritage is also under the danger of becoming subjected to illicit trade. Ancient and historical artefacts have been drastically gaining popularity and value as illicit contraband throughout the past century. An abundance of cases regarding stolen, looted and illicitly excavated cultural artefacts are constantly being reported to INTERPOL and regional authorities.

Cultural heritage traffickers often obtain such objects by illicitly excavating them or extracting them from historical sites. Especially during conflictual periods, the risk is increasingly high, since area heritage sites are more vulnerable due to the instability in the respective.

Lootings from museums, galleries and auction houses are also an increasingly common phenomenon. Carefully organized heists result in the following: cultural heritage artefacts come into the possession of organized crime rings and are later illicitly sold through the black market. Nowadays, the internet has also further facilitated the illicit trade of cultural heritage, due to the transparency it offers.

Illicit trade of such artefacts constitutes a source of immense profit, as numerous antiquaries globally offer grand amounts of money, in order to attain authentic historical pieces. The value of ancient cultural objects reaches the extend, that in recent years numerous cases of terrorism financing, through solely the illicit trade of cultural heritage, have been reported worldwide.

The Arab Spring in 2013, for example, left the Middle East in a critically vulnerable state, as far as the protection of cultural monuments and artefacts is concerned. It is estimated that almost 16,000, which were illicitly obtained during the Arab Spring and later on trafficked, have been seized in various illegal trade rings ever since. The immense extent, to which the looting of cultural objects has deprived people of the rightful symbols of their cultural identity, is ever-increasing and subsequently ever-alarming.

Lack of repatriation of illicitly looted cultural artefacts

The history of stolen, looted and illegally obtained cultural heritage also dates back to the past. Various cultural artefacts have been extracted from a nation's own grounds, most commonly during the conquering of such nations by other parties as plunder. Furthermore, antiquaries of the past have imperiously transferred monuments and artefacts of cultural value from their original place of belonging to

their own home nations.
Most similar cases, in which repatriation of plundered artefacts has been constantly denied by the nations who have them currently in their ownership, stem from the colonial and post-colonial era. European colonizing nations exercised de facto control over African, Middle Eastern, Asian and Latin American territory, thus often deciding to transfer cultural objects to their home counties, with no regard to the local ethnic populations' claims over them. Past injustices as such still remain undealt with, since such looted or illicitly extracted artefacts are currently being exhibited in museums of countries, to the culture of which they do not rightfully belong.
A prominent example of invaluable cultural heritage which has not yet been repatriated would be the ancient Egyptian "Rosetta Stone". It was discovered in 1799 in the formerly colonized Alexandria by a Frenchman and was later given as tribute to the British by the French. The "Rosetta Stone" has been characterized as one of the most valuable artefacts in the history of mankind since it entails hieroglyphics of various ancient languages, which it reveals vital information about. It is, however, currently exhibited in a British museum and all the attempts of the Egyptian people to request its repatriation have been steadily ignored.

Previous Attempts to solve the Issue

Attempts to diminish the destruction of cultural heritage in armed conflicts

The aftermath of the Second World War constitutes the beginning of a period of shocking awareness, as far as the protection of cultural heritage is concerned. After witnessing the catastrophic effect that the ongoing conflict had on invaluable heritage sites, the United Nations took decisive initial action. The 'Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict', signed in 1954, criminalizes the destruction of cultural heritage by any armed group, governmental or not and establishes punitive measures in case of divergence. It also creates the obligation for every state to take preemptive measures in times of armed conflict, as far as the protection of historical sites is concerned. All protected heritage sites would hereby bear the emblem of the convention and be protected by the UN as a whole, as well as their accordant nation of origin.
Throughout the years the Convention has been further amended with the 2nd Protocol in 1999, which rendered

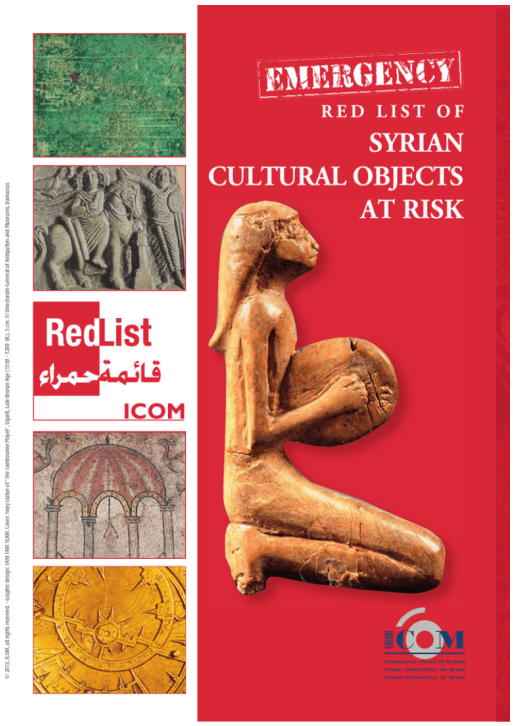
the convention able to cater for additional forms of injustices regarding the destruction of cultural heritage during armed conflicts, such as those conducted during the First and Second African War.

"...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.."

- Preamble of the 1954 Hague Convention

Attempts to mitigate the risk of illicit trade and trafficking of cultural heritage

Deeply alarmed by the ever-increasing numbers of cases regarding the looting and trafficking of cultural objects, the United Nations, as well as other relevant international organizations have made abundant attempts to mitigate the risk. The 'Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property' (1970), the 'Convention on Stolen or Illegally Exported Cultural Objects' (1995) and the 'International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences' (2014) constitute the most significant treaties which address the issue. Various organs of the UN, specifically UNESCO (United Nations Educational, Scientific and Cultural Organization) and the General Assembly, as well as independent international Organizations, have established legislation regarding the criminalization, punishment and diminishing of illicit export and trade, as far as cultural heritage is concerned.



Furthermore, the International Council of Museums (ICOM) enforces the fight against the illicit trafficking of cultural goods by publishing the 'ICOM Red Lists'. Those Lists are specifically created for certain areas and display forms and categories of cultural objects, which are at significant risk to be stolen due to the vulnerable state of their origin nation. Red Lists are then distributed among museums, archaeological sites, art galleries and auction houses with the aid of INTERPOL (International Criminal Police Organization). A characteristic example of the significance of Red Lists would be the 'Red List of Afghanistan Antiquities at risk'. The aforementioned List aided in the identification and repatriation of approximately 1,500 Afghan cultural objects in British illicit markets.

Major countries involved

Yemen

In recent years, Yemen constituted one of the most conflict-prone countries in the Middle East. Numerous ongoing conflicts occur on Yemeni land, which has had catastrophic effects on the cultural heritage sites in Yemen. Yemen is located in Southwest Asia and shares borders with Saudi Arabia. In 2014, for example, a particularly volatile civil conflict erupted between the Yemeni Government and large armed groups of Houthi rebels. The atrocious conflict not only instigated fear into the minds of civilians but also severely damaged some of the most important sites which represent Yemen's cultural heritage. Namely, the three cities that suffered the most damage were the Old City of Sana'a, the Old City of Shibam and the Historic Town of Zapid. These particular heritage sites are of immense cultural value for the Yemeni people and were partly destroyed due to armed activities.

Furthermore, other historical sites in Yemen were subjected to almost entire destruction and demolition, as the civil armed conflict progressed. The Citadel of Taez, for example, which was a pre-Islamic, ancient city on Yemeni territory, underwent extreme damage and deformation caused by armed attacks.

In Addition, during the civil conflict at hand, the Dhamar Museum in Yemen, which hosted approximately 12.500 cultural artefacts, was completely destroyed by Houthi Rebels through bombings and attacks.

Yemeni heritage sites suffered such great damage, that a high number of them are included in the 'UNESCO List of World Heritage in Danger'. As a nation with an ongoing, severely harmful to cultural heritage civil war, Yemen should be of utmost priority as far as the protection of cultural heritage is concerned.

Iraq

Another Middle Eastern country, the heritage sites of which have been severely affected by intense armed activities, is Iraq. The constant civil uprisings, as well as conflicts with neighbouring countries, create an extremely volatile situation, during which multiple invaluable Iraqi heritage sites were destroyed to an irreversible extent.

A prominent example of such heritage sites would be the Gates of Nineveh, which is a monument stemming from the ancient Assyrian city of Nineveh, 7th century B.C. The city was historically protected by numerous gates and walls, which over the course of the centuries suffered severe damage, mainly due to armed conflicts and terrorism in the region. In 2016, for example, a significantly large part of the remnants of Nineveh was destroyed by the ISIS terrorist organization, which at the time was executing an ongoing campaign regarding the demolition of pre-Islamic cultural heritage.

African Continent and former European colonizing Countries

The African Continent in its entirety has suffered a great loss of cultural heritage, due to one main factor - the colonization of Africa (1881-1914). During the colonization era, European nations such as Britain, France and Spain occupied the entirety of the African continent and re-established de facto borders for African nations based on the natural resources of each area. The colonizers exploited African land to the full extent, including the cultural heritage residing in such areas. Numerous cultural heritage artefacts, artworks and even monuments were extracted from the African continent and relocated to European colonizing nations. Even during the post-colonialism era, a significantly small percentage of the illicitly relocated cultural heritage has been repatriated in its respective African country of origin. The great majority of such artefacts and monuments remains either stationed in European museums or illicitly exchanged and exported in illegal markets. For example, the 'Musee Royale de l'Afrique Centrale' in Belgium currently possesses over 180,000 African artefacts, while the 'Humboldt Forum' museum in Germany holds about 75,000. All requests of African countries regarding the repatriation of such cultural heritage have been continuously denied by the aforementioned museums, as well as a great number of other European museums.

The country of Benin constitutes a prominent example of the aforementioned phenomenon. Over 5,000 artefacts had been extracted from the country during the colonial era. Throughout the past century, Benin has been repeatedly requesting that the former colonizer, France, return the anthropomorphic statues which were looted during the sacking of the Abomey place in 1892. Those statues have both a spiritual and historic value for Benin and are irreplaceable pieces of cultural property and heritage. Not one statue has, however, been returned to Benin - France repeatedly declines the request, claiming that the statues currently constitute part of French, rather than Beninese cultural heritage.

United Nations Educational, Scientific and Cultural Organization (UNESCO)

As a UN Cultural Organization, UNESCO constitutes a vastly important factor in the protection of cultural heritage worldwide. UNESCO, ever since its establishment in 1946, has taken decisive action regarding the issue. The following initiatives constitute a few of the most important relevant UNESCO acts.

List of Cultural Heritage in Danger

Established in 1972, the 'UNESCO List of Cultural Heritage in Danger' accumulates all cultural heritage sites, which UN experts and archaeologists consider to be in danger of destruction. Either due to an ongoing regional armed conflict, large-scale cultural heritage trafficking rings or further threats to the integrity of such heritage sites, the sites included in the list constitute the main focus of UNESCO. 36 cultural sites are currently considered as such in the list. National governments are expected to be in constant communication with UNESCO regarding the heritage sites located in their territory, in case of a potential threat. UNESCO then determines the most effective course of action regarding the endangered site in danger.

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

The 'Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property' was established by UNESCO in 1970 and signed by 141 UN Nations. The aim of it is to combat the illicit trade of cultural heritage, mainly by reinforcing cultural heritage protection measures, on three fundamental pillars - preventive measures, restitution provisions, and international cooperation.

'Prevention measures' refers to the fact that all 141 states are obliged to enforce measures regarding the security and safety of cultural property, such as taking inventory of exports, requiring exportation certifications, monitoring the trade, and imposing penal sanctions when necessary. 'Restitution provisions' establish that signatories shall cooperate with one another, regarding the detection and repatriation of illegally exported cultural heritage. Furthermore, 'international cooperation' aims to strengthen ties between nations on all aspects of protecting cultural heritage.

World Heritage Fund

The 'World Heritage Fund' was established in 1977 by UNESCO, with the aim to accumulate funds for all expeditions and initiatives regarding, among other principles, the protection of cultural heritage. National Governments, Non-Governmental organizations, multilateral organizations and independent activist groups worldwide contribute financially to the World Heritage Fund. Thus, the shared, UNESCO-led fund deposit i question enables the conduction of mandatory actions regarding the protection of cultural heritage,

Timeline of Events

1946 Establishment of the UNESCO

1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict

1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property

1972 List of World Heritage in Danger

1977 World Heritage Fund

1995 Convention on Stolen or Illegally Exported Cultural Objects

1999 Second Protocol of the Hague Convention

2014 GA RESOLUTION 69/196 (International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences)

Possible Solutions

Raising Awareness Regarding the Human Right to Cultural Identity

In order for any initiative regarding the protection of cultural heritage and the recognition of relevant past injustices to be effective, it is mandatory that civilians worldwide are thoroughly informed about the human right to cultural identity. Aware of the invaluable importance of the preservation of cultural heritage, individuals are expected to support relevant causes and aid in the preservation of both national, as well as international cultural heritage.

Global Initiative for the Repatriation of Exported Cultural Objects

Over the past century, numerous nations have been repeatedly requesting that illicitly exported cultural artefacts, mainly during the colonialism era, be repatriated in their countries of origin. Such requests have, however, been repeatedly declined

by the current possessors of such cultural heritage. Thus, a global, legally binding initiative regarding their repatriation may be required, in order for all UN nations involved to comply. In that way, after centuries of injustice, civilians from formerly colonized countries will once again be in possession of their rightful cultural heritage, thus exercising their right to cultural identity.

Preventive Employment of Archaeologists, Scientists and Individuals of Relevant Expertise by the UN and UNESCO

Specialized groups of expert professionals on the protection of cultural heritage from potential threats, could possibly be employed by UNESCO and permanently stationed in the proximity of cultural heritage sites that are under threat. The UN personnel could be responsible for multiple relevant duties in the respective region, such as, but not limited to, being in constant communication with regional governments and authorities, monitoring of the area for potential threats and reporting to UNESCO regarding all necessary developments. Thus, effective communication will be facilitated and the risk assessment regarding potential threats will be as precise as possible, as it will be conducted by expert UN personnel.

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