

Social, Humanitarian, and
Cultural Committee
(SOCHUM)

Hawai'i Pacific Model United Nations
2019

Aloha and welcome to PacMUN 2019!

Our names are Jackie Osaki and Matt Linker and we are excited to return as Secretary General for PacMUN 2019. Throughout our involvement with PacMUN over the past three years, we have seen this conference grow and flourish. We are happy to say that trend continues this year as we host the largest and most dynamic PacMUN so far, with a variety of General Assembly, Specialized, Crisis, and Joint Crisis committees that tackle some of the most complex and urgent issues that have faced our world.

My name is Jackie and I'm a recent graduate of Stanford University with a BS with Honors in Biology and a BA in Comparative Literature. I currently work for a management and technology consulting firm that specializes in media and entertainment. Throughout my Stanford career, I participated in Model UN as a delegate, vice-captain, and eventually team captain in my last two years. I love being able to bring realism and current issues to Model UN for students to begin thinking about how we can solve the most pressing issues facing society today.

My name is Matt and I'm a 2019 Stanford graduate in Computer Science, and now work in equity derivatives trading and structuring at a major financial services firm. I first participated in MUN early in my own high school career, before rediscovering it my sophomore year at Stanford, eventually serving as vice-captain, captain, and on the board of our MUN team's parent organization, the Society for International Affairs at Stanford. To me, MUN represents a window into the true complexity of world affairs, and an excellent learning opportunity to understand why some challenges are more difficult to resolve than others.

While we are excited to bring what we believe to be the best PacMUN yet into fruition, we are most excited to see relationships continue to build this year. We strive to embody all of our core values, but it is truly special to see *laulima*, or collaboration, in action. We urge all delegates to keep *laulima* in mind to work together to innovate solutions and make new friends in the process. We hope this guide helps you jump start your research for this year's PacMUN and we look forward to seeing you in November!

Sincerely,

Jackie Osaki and Matt Linker

Dear Delegates,

It is my pleasure to welcome you to the Social, Humanitarian, and Cultural Committee (SOCHUM) at PacMUN 2019. My name is Emma Smith and I am a sophomore at Stanford University. I intend to major in International Relations and minor in Human Rights, and I am particularly interested in conflict resolution and transitional justice within these fields. I have to credit Parks and Recreation for introducing me to the (crazy? exciting? bizarre?) world of Model UN when I was in eighth grade. I joined the MUN team at my high school in Oak Park, IL my freshman year after watching that fateful episode, and I've been a part of MUN for the five years since. While I still compete at Stanford, I'm transitioning to prioritizing staffing conferences (which I absolutely love). I'm currently the Director General of the Stanford Model United Nations Conference (SMUNC) 2019, and I also chaired the SOCHUM committee at SMUNC 2018. Outside of MUN, you're most likely to find me writing for our campus newspaper The Stanford Daily, watching the Chicago Cubs, or hiking with my friends.

The preservation of cultural heritage, particularly in times of conflict, is a subject I've been increasingly interested in the last few years as a result of work and classroom experiences. I became particularly engaged with studying the human toll of conflict, and how such atrocities may be prevented in the future, when I spent a summer conducting research on the strategic logics of suicide attacks in Iraq and Syria. While this research opened my eyes to the scale, scope and devastating impact of the conflict, the statistics and seemingly arbitrary numbers minimized the individual reality of people involved. Thus, I became committed to working in areas and organizations focused on raising awareness, understanding risk and strategies to prevent such atrocities, and identifying ways to support survivors. I spent this last summer working in Bosnia and Herzegovina at the Post-Conflict Research Center, an NGO that works to promote reconciliation and a culture of peace through education and multimedia. It's there that I've realized the vital role that cultural heritage plays in preventing a resurgence of conflict, as well as protecting histories of minority populations whose stories would otherwise be lost among the wreckage.

While you knowing who I am is important, it's more important that you get a feel for the purpose of this committee. When most people think about war and conflict, the inherent death and destruction that accompanies these events are often the first consequences to come to mind. While the gravity of these tragedies should, and most often does, receive substantial attention, the destruction of cultural heritage is a subject that often gets overlooked during and in the immediate aftermath of conflict. Cultural heritage, in contrast to its lack of prevalence in war-time discussion, is vital to the survival of group identity, a sense of belonging, and as a marker of a history that's pure existence counters the revisions of history often disseminated after war. Don't just take my word for how important this is though—look at the UN Convention on the Prevention and Punishment of the Crime of Genocide, which even includes such destruction as one of the forms that genocide can take. No killing or violence must actually take place—only the intent to destroy, in whole or in part, the vitality of a group *as such*. So if this belief is included in the Convention, which 150 member nations have ratified or acceded to, how does this destruction keep on occurring? And why do so few people discuss it?

As members of the UN, it is your job to find ways to protect these heritages—not only for generations far in the future, but also for the people you’re representing today. Besides maintaining a sense of identity and belonging within groups, this protection helps with reconciliation by avoiding some of the cultural loss that can divide societies just as much as physical loss. With this influence and more, your actions could be more successful in deterring a resurgence of conflict in divided societies than the economic sanctions or military presence your fellow Assemblies may recommend.

In addition to your position papers, we ask you to come in with open minds, an active intent to listen to and compromise with your fellow delegates, and a willingness to push yourself out of your comfort zone. I’m so excited to meet you all and have an incredible PacMUN 2019!

Best,
Emma Smith

About the Committee

The Social, Humanitarian, and Cultural Committee (SOCHUM) will be debating solutions relating to the preservation of cultural heritage, particularly in times of conflict. From protecting age-old buildings and documents to preserving endangered languages and intimate customs, the committee will consider which types of heritage deserve to be protected and how we can use modern technology, diplomacy, and other mechanisms to accomplish these goals. In the background of this debate will be a consideration of what nations are willing to sacrifice, and prioritize, to ensure the security of these traditions. What can the international community do to provide enough deterrence so that cultural heritage is actually protected? Is it enough to add to or change our current Conventions and international laws? What is the responsibility of other nations to intervene in a country's domestic affairs, and should militaries be employed to protect heritage? We ask these questions, and more, in the SOCHUM Committee at PacMUN 2019.

History of the Problem

A History Charted Through Conventions

“A concerted effort to preserve our heritage is a vital link to our cultural, educational, aesthetic, inspirational and economic legacies – all of the things that quite literally make us who we are.”
– Steve Berry, American author

Cultural heritage has been around since the clichéd “dawn of time,” as it is a reflection of the products of the passage of time: it is a representation of how societies have coexisted for millennia with other populations, nature, views on spirituality, and themselves. While there was not an explicit international convention regarding the protection of this heritage until the unprecedented devastation of World War II (WWII), even ancient civilizations have recognized

the importance of certain monuments and traditions. Unsurprisingly, much of this protection has a foundation in religious institutions: for instance, the Christian Church in Europe led initiatives in the Middle Ages to codify measures regarding protection of such property to be respected by belligerents, enshrined in oaths taken by knights, and signed by military leaders before engaging in battle. These measures called for the preservation of what was sacred, be it tangible or intangible, and prohibited the unnecessary destruction of property that belonged to those not engaged in combat. The age of the Renaissance and the works associated brought an increased recognition of the value of certain art and property, in addition to the rise of the nation state. Cultural property and traditions came to symbolize a national identity and culture, reflecting a shared history and common values. The 1907 Hague Convention respecting the Laws and Customs of War on Land enshrined more solidified norms of preservation of cultural heritage, although mainly with recognizing such protection as just customary law.¹

The most definitive and comprehensive, as well as internationally binding, action regarding the protection of this heritage did not come until after WWII, when the unprecedented global destruction and specifically, the Nazi regime's targeted attacks, highlighted just how easily this heritage could be lost. The development of the United Nations has thus fostered an international body that has the power and the will to protect cultural properties, both tangible and intangible. Most of these efforts have been visible through international treaties and conventions. Of course, the efficacy and value of these conventions hinge upon many factors outside of the words on UN stationary: they require member nations to adopt and ratify the conventions passed, institute domestic regulations in line with the international laws proposed, participate in conferences and educational initiatives, provide funding, and so much more. Below is an outline of the most wide-

¹ Johannot-Gradis, Christiane. "Protecting the Past for the Future: How Does Law Protect Tangible and Intangible Cultural Heritage in Armed Conflict?" *International Review of the Red Cross*, vol. 97, 2015.

reaching and influential of these conventions, background as to why they were developed, and an introduction to their impact today. Reading through, be sure to consider ways in which these conventions could be amended and expanded upon, and how to incentivize more countries to follow the regulations of the conventions that they have ratified.

Finally, there is one more distinction that's helpful to consider when looking into the often complicated legal framework that's developed regarding protection of cultural heritage. Although there's no need to get mired down in the details of international law for this committee, it is important to recognize the various limitations of treaty law versus customary law. Treaty law is based in international conventions (also referred to as treaties) that are negotiated and adopted by the States. They are only binding on State parties, which means that a State must not only sign the treaty but also ratify it to be bound. In addition, this type of law often only covers international armed conflict, so may not be upheld in the face of internal conflicts like civil wars. In contrast, customary international law consists of rules that result from practices that are generally accepted as law. The International Committee of the Red Cross notes that proving a rule is customary requires a State to prove that it is "reflected in state practice and that the international community believes that such practice is required as a matter of law."² Customary law is viewed as a means of complementing treaty law and filling in its gaps. Consider what treaties your country has signed versus what they have ratified. What should be considered customary law when it comes to protecting cultural heritage? Should there be more effort to make the laws applicable in non-international as well as international contexts?

² International Committee of the Red Cross, "Customary International Humanitarian Law," 29 October 2010, <http://www.icrc.org/eng/war-and-law/treaties-customary-law/customary-law/overview-customary-law.html>.

Protection of Cultural Property in the Event of Armed Conflict

The **Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict** was adopted in 1954 as the first international treaty to focus entirely on the protection of cultural heritage during conflict.³ Its creation was preceded by two of the most destructive wars in history in terms of global impact -- World War I and II -- in which cultural heritage was destroyed not only as collateral damage, but also in targeted efforts. Such efforts included Hitler and the Nazis' goal of creating a "Fuhremuseum," for which the group confiscated and stole art throughout the European theater. Scholars estimate that the Nazis collected more than five million cultural objects throughout the war and transferred them to the Third Reich. Nazis also purposefully destroyed relics of Jewish history and culture through book-burning, destroying or burying tens of millions of books to destroy the groups literary heritage.⁴ Other cultural landmarks were severely damaged or destroyed in bombing campaigns by the Axis and Allied powers alike, such as the Coventry Cathedral⁵ in England and the abbey of Monte Cassino in Italy.⁶ Understanding the potential for innumerable loss, the Allies formed the Monuments, Fine Arts, and Archives (MFAA) section of the army in the midst of the war. The group that has become best known out of this section were labeled the "Monuments Men" -- a group of officers who actively served in Europe for the approximate year between D-Day and VE Day. Popularized with the film *The Monuments Men*, and the book on which the film was based, the group was responsible for

³ "1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict." *United Nations Educational, Scientific and Cultural Organization*, www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/convention-and-protocols/1954-hague-convention/.

⁴ Roth, Michael S. "How Nazis Destroyed Books in a Quest to Destroy European Culture." *The Washington Post*, WP Company, 24 Feb. 2017, www.washingtonpost.com/opinions/how-nazis-destroyed-books-in-a-quest-to-destroy-european-culture/2017/02/24/244aee94-cdf3-11e6-a87f-b917067331bb_story.html.

⁵ "Our History." *Coventry Cathedral*, www.coventrycathedral.org.uk/wpsite/our-history/.

⁶ History.com Editors. "Battles of Monte Cassino." *History.com*, A&E Television Networks, 29 Oct. 2009, www.history.com/topics/world-war-ii/battles-of-monte-cassino.

limiting battle damage on art and culturally significant buildings and locating the plethora of stolen works.⁷

While the curators, museum directors, artists, and activists that made up the MFAA were truly heroic in their efforts, the international community recognized that relying on such a deployment was neither effective nor efficient in ensuring the safety of cultural heritage. Thus, they created the Convention in 1954. In defining its purpose, the preamble of the treaty states that “... damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of all mankind, since each people makes its contribution to the culture of the world.”⁸

The treaty aims to preserve movable and immovable cultural heritage by implementing six primary measures:

- Adoption of peacetime safeguarding measures such as the preparation of inventories, the planning of emergency measures for protection against fire or structural collapse, the preparation for the removal of movable cultural property or the provision for adequate in situ protection of such property, and the designation of competent authorities responsible for the safeguarding of cultural property;
- Respect for cultural property situated within their own territory as well as within the territory of other States Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility directed against such property;

⁷ “The Monuments Men.” *Monuments Men Foundation*. <https://www.monumentsmenfoundation.org/the-heroes/the-monuments-men>.

⁸ “Text: 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.” *United Nations Educational, Scientific and Cultural Organization*, www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/convention-and-protocols/1954-hague-convention/text/.

- Consideration of the possibility of registering a limited number of refugees, monumental centres and other immovable cultural property of very great importance in the International Register of Cultural Property under Special Protection order to obtain special protection for such property;
- Consideration of the possibility of marking of certain important buildings and monuments with a distinctive emblem of the Convention;
- Establishment of special units within the military forces to be responsible for the protection of cultural property;
- Sanctions for breaches of the Convention; and,
- Wide promotion of the Convention within the general public and target groups such as cultural heritage professionals, the military or law-enforcement agencies.⁹

There are 133 states party to the Convention, but fewer are party to the separate Protocols that complement the treaty, with Protocol II only counting 82 countries at present. Notable exceptions to this protocol include Syria, Yemen, and Iraq, all of which are involved in non-international armed conflict within their territory and thus have limited prosecutorial power at the international level. Protocol I (1954) was passed at the same time as the Convention and applies specifically to moveable pieces of cultural property during periods of occupation. It explicitly prohibits the exportation of such property from an occupied territory, in addition to requiring its return to the original territory once hostilities have dissipated.

While the language and terms of the Convention were important steps in protecting and preserving cultural heritage, the treaty and its first Protocol were not sufficiently implemented in

⁹ Ibid.

the proceeding decades. This lack of actual application is demonstrated by national responses to the armed conflicts around the globe in the late 1980s and early 1990s, which you will read about more in the case studies noted later in this guide. Largely as a result of this inaction in the face of devastating damage to cultural heritage, Protocol II was developed in 1999 to complement and expand upon the Convention by providing additional modes of protection. Among the additions, one of the most important has been the creation of a new category of “enhanced protection.” Under previous laws, States were allowed to designate a cultural property as a target if it was considered of “military necessity.” Cultural property receiving enhanced protection under Protocol II, however, would be exempt from this exception; meaning, properties could not legally be made targets even if they had become a “military objective.”¹⁰ There is a caveat -- attacks against such properties are admissible if “there is no feasible alternative available to obtain a similar military advantage to that offered by directing an act of hostility against that objective.”¹¹ There are 12 cultural properties with this status as of the summer of 2019, belonging to 8 countries: Azerbaijan, Belgium, Cambodia, Cyprus, Georgia, Italy, Lithuania, and Mali.¹² This miniscule number stands in stark contrast with the total number of sites on the World Heritage List, which stands at 1,121 properties.¹³

The Protocol also addresses dealing with violations of international humanitarian law (of which the Convention is a part) in a quest to minimize impunity for such transgressions. It outlines sanctions to be imposed for violations and defines five “serious violations” under which individual

¹⁰ “1999 Second Protocol: United Nations Educational, Scientific and Cultural Organization.” *United Nations Educational, Scientific and Cultural Organization*, www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/convention-and-protocols/1999-second-protocol/.

¹¹ “Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999.” *United Nations Educational, Scientific and Cultural Organization*, portal.unesco.org/en/ev.php-URL_ID=15207&URL_DO=DO_TOPIC&URL_SECTION=201.html.

¹² “Enhanced Protection.” *United Nations Educational, Scientific and Cultural Organization*, www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/protection/enhanced-protection/.

¹³ “World Heritage List.” *UNESCO World Heritage Centre*, whc.unesco.org/en/list/.

criminal responsibility applies. Article 15 defines these violations, which range from “making cultural property under enhanced protection the object of attack” to “theft, pillage or misappropriation of, or acts of vandalism directed against cultural property protected under the Convention.” States are also expected to adopt parallel domestic legislation to make these actions criminal offenses at home, although not all have adopted such legislation as of 2019. Finally, the Second Protocol also establishes the Fund for the Protection of Cultural Property in the Event of Armed Conflict and the Committee for the Protection of Cultural Property in the Event of Armed Conflict.¹⁴

Building on the measures outlined in this Convention and the subsequent Protocols, UNESCO adopted the **World Heritage Convention in 1972**. The Convention seeks to provide “objective and guaranteed” identification, protection, and exhibition of the world's heritage, meaning it also protects such heritage in times of peace. A defining factor of this treaty has been the creation of the World Heritage List, which includes 1,121 properties as of summer 2019.¹⁵ The Convention defines the parameters for natural or cultural sites to be considered for inscription on the list, which have seen significant changes in the decades since the adoption of the treaty. These changes have largely been spurred by the launch of the “Global Strategy for a Representative, Balanced and Credible World Heritage List” in 1994. Prior to the Global Strategy, the 401 sites on the list did not reflect the diversity of the world’s heritage -- it was dominated by cultural sites, the vast majority of which were situated in the developed world, particularly in Europe. The World Heritage Committee recognized this imbalance and has since been identifying ways in which to change the mechanisms and methodologies in which sites are identified and approved. Moreover,

¹⁴ Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict 1999.” *United Nations Educational, Scientific and Cultural Organization*, portal.unesco.org/en/ev.php-URL_ID=15207&URL_DO=DO_TOPIC&URL_SECTION=201.html.

¹⁵ “World Heritage List.” *UNESCO World Heritage Centre*, whc.unesco.org/en/list/.

the Committee crafted a new vision of “heritage” that “strives to recognize and protect sites that are outstanding demonstrations of human coexistence with the land as well as human interactions, cultural coexistence, spirituality and creative expression.”¹⁶ This goal of improved inclusivity and balance is an ongoing project and one that needs continued analysis, improvement, and consistent attention. Integral to improving the diversity of the List is the participation of States themselves; there has been a vast improvement in number of countries party to the Convention in the last several years (now 178 countries) but there are still many countries that have not submitted Tentative Lists of identified heritage sites. In addition, there remain significant gaps in the sites protected, particularly with regard to natural sites such as tropical/temperate grasslands, savannas, lake systems, tundra and polar systems, and cold winter deserts.¹⁷

The Convention also explains how the World Heritage Fund -- which consists of contributions from the States Parties to the Convention -- may be used and under what conditions international financial assistance may be provided.¹⁸ Funding is a primary concern in any work, and the protection of cultural heritage is no different; funds are needed for everything from preserving the heritage sites to engaging in educational activities with local communities, and any new initiatives must take into account such needs and the correlating possible mechanisms to attain funding. Each country that has signed the Convention maintains additional obligations, namely to conserve Heritage sites within its territory and to protect its own national heritage. According to the Convention, this protection is encouraged to “integrate the protection of the cultural and natural heritage into regional planning programmes, set up staff and services at their sites, undertake

¹⁶ “Global Strategy.” *UNESCO World Heritage Centre*, whc.unesco.org/en/globalstrategy/.

¹⁷ *Ibid.*

¹⁸ “World Heritage Fund.” *UNESCO World Heritage Centre*, whc.unesco.org/en/world-heritage-fund.

scientific and technical conservation research and adopt measures which give this heritage a function in the day-to-day life of the community.”¹⁹

By signing the Convention, each country pledges to conserve not only the World Heritage sites situated on its territory, but also to protect its national heritage. The States Parties are encouraged to integrate the protection of the cultural and natural heritage into regional planning programmes, set up staff and services at their sites, undertake scientific and technical conservation research and adopt measures which give this heritage a function in the day-to-day life of the community. This role is not limited to member states, but instead should include a wide variety of stakeholders. Such additional actors may include members of the non-governmental organizations (NGOs), local communities, and regional governments, all of which should be encouraged to contribute to the identification and maintenance of heritage sites.

The Convention stipulates the obligation of States Parties to report regularly to the World Heritage Committee on the state of conservation of their World Heritage properties. These reports are crucial to the work of the Committee as they enable it to assess the conditions of the sites, decide on specific programme needs, and resolve recurrent problems.

Countering the Illicit Trade of Cultural Property

“Trafficking in cultural goods can take different forms, ranging from theft from cultural heritage institutions or private collections, through looting of archaeological sites to the displacement of artefacts due to war. But the result is always the impoverishment of the countries of origin of these treasures, and irreparable damage to the common cultural heritage of humankind. This trade is also often linked to organized crime, money laundering and terrorism.” -- Michel Magnier, Director for Culture and Creativity DG Education and Culture at the European Commission

¹⁹ “Convention Concerning the Protection of the World Cultural and Natural Heritage.” UNESCO World Heritage Centre, whc.unesco.org/en/conventiontext/.

Cultural heritage is not just vulnerable in times of conflict; the more mobile properties have also been historically threatened by persistent attempts of looting and trafficking of stolen goods in black markets, which can both contribute to conflict and deter efforts of post-conflict reconciliation. While some of this trading and trafficking may be ideologically motivated, like Hitler's Fuhrermuseum, ideology seems to call for destruction of property rather than trade. It is thus more common that people partake in these black markets because of the lucrative nature of the work. Second only to the illegal sale of drugs, arms, and money laundering, the market for cultural property is inundated with a slew of sellers looking to turn a profit and hopeful buyers. The Federal Bureau of Investigation (FBI) estimates that illicit trade in art generates roughly 6 billion dollars in revenue ²⁰*a year*. The continued profit of this enterprise provides clear evidence that the current regulations are inadequate in countering this trade and deterring people from accessing the markets, both as buyers and as sellers.

The UN has recently increased its discussion about illicit trafficking of cultural heritage due to its connection with terrorist activities. In the last several decades, insurgent organizations such as the Taliban and Islamic State (ISIS) have stolen items for the express purpose of sale on the black market, using the funds to finance their organizations.²¹ UN Resolution 2347 addresses this connection, and it will be discussed further in the Case Studies section of this guide.

In addition, the consequences of this business in trafficking cultural property transcend the pure loss of the objects. Often, looters and sellers are not knowledgeable of how to preserve the objects they seek nor the sites from which they steal the property. They consequently end up

²⁰ Veres, Zsuzsanna. "The Fight Against Illicit Trafficking of Cultural Property: The 1970 UNESCO Convention and the 1995 UNIDROIT Convention." *Santa Clara Journal of International Law*, vol. 12, no. 2, 27 May 2014.

²¹ Hausler, Kristin. "Cultural Heritage and the Security Council: Why Resolution 2347 Matters." *Questions of International Law*, 31 Mar. 2018, www.qil-qdi.org/cultural-heritage-security-council-resolution-2347-matters/.

destroying objects that they feel do not have enough “value” -- looking instead for aesthetically-pleasing pieces or those that are already well-known -- which in reality have great historical or scientific significance.

The current international laws in place regarding cultural property trafficking consist of the aforementioned Protocol I, which addresses this subject in brief for countries under occupation, and in the **1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property** and the **1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**. The UNESCO Convention establishes clearer guidelines on how to avoid the loss of heritage in this manner. The treaty came into effect in 1972 and has thus far been ratified by 137 member nations. It protects “cultural property,” which Article I of the treaty defines 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 falls under the category of:

- (a) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;
- (b) property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;
- (c) products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;
- (d) elements of artistic or historical monuments or archaeological sites which have been dismembered;
- (e) antiquities more than one hundred years old, such as inscriptions, coins and engraved seals;
- (f) objects of ethnological interest;

(g) property of artistic interest, such as:

(i) pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);

(ii) original works of statuary art and sculpture in any material;

(iii) original engravings, prints and lithographs ;

(iv) original artistic assemblages and montages in any material;

(h) rare manuscripts and incunabula, old books, documents and publications of special interest (historical, artistic, scientific, literary, etc.) singly or in collections ;

(i) postage, revenue and similar stamps, singly or in collections;

(j) archives, including sound, photographic and cinematographic archives;

(k) articles of furniture more than one hundred years old and old musical instruments.²²

More than defining “cultural property,” the Convention additionally recognizes three pillars necessary to counter the illegal trafficking of these established goods: preventative measures, restitution provisions, and support from and collaboration with the international community. The main obstacle with the Convention, however, is that its applicability is largely dependent upon nationally implemented legislation by the States party to the Convention because the UNESCO Convention itself does not prohibit the exportation of cultural property. The Convention is thus not effective if the countries that ratify it have not implemented the correlating legislation.²³

The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects was written to complement and expand upon the UNESCO Convention. It aims to expand upon

²² “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970.” *United Nations Educational, Scientific and Cultural Organization*, portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html.

²³ Ibid.

the objects that can be protected under the Convention's regulations, in addition to expanding the rights of return for illicitly trafficked goods. By changing the definition of cultural property to an object "which, on religious or secular grounds, [is] of importance for archaeology, prehistory, history, literature, art or science" and belongs to one of the listed categories, it ensures that states do not have to define an object as cultural property in order to have rights of restitution. This ensures that previously undiscovered items can also be included as cultural property. The Convention maintains further provisions, including issuing a statute of limitation on the return of stolen property.²⁴

These two treaties have fostered an international dialogue about the necessity to protect cultural property and the best mechanisms to ensure this protection; however, the illegal trafficking of cultural property clearly continues to flourish. Even when States are able to track such property, there is a miniscule rate of repatriation: only about five to ten percent of objects are ever recovered, and it often takes over a decade for even these few pieces to be discovered and returned. Thus, for the dialogue to actually be meaningful, there must be some action in evaluating what aspects of these treaties should be added or changed in order to mitigate further instances of illegal trafficking. One reason that these conventions have not been wholly successful is their lack of ratification. The UNIDROIT Convention has only been ratified by 47 countries as of 2019, rendering it nearly ineffective even if it has a theoretically effective framework.²⁵

²⁴ Veres, Zsuzsanna. "The Fight Against Illicit Trafficking of Cultural Property: The 1970 UNESCO Convention and the 1995 UNIDROIT Convention." *Santa Clara Journal of International Law*, vol. 12, no. 2, 27 May 2014.

²⁵ "UNIDROIT CONVENTION ON STOLEN OR ILLEGALLY EXPORTED CULTURAL OBJECTS (ROME, 1995) - STATUS." *UNIDROIT*, www.unidroit.org/status-cp.

As cultural property is often stolen from museums, collectors, and archaeological sites, the property seems to be at greatest risk when these institutions lack adequate protection. Such instances tend to be times of political instability, or in countries that have less stringent border security or inconsistent laws regarding ownership and repatriation of cultural property. It may seem like this illegal trafficking is less relevant to the purview of this committee given our topic of preservation of cultural heritage in times of conflict, but consider both the causes and the consequences of the illicit trade outlined above. It is often facilitated by pliable border security -- that is often a result of national instability, which often predates or immediately follows conflict. As for the consequences, you've learned about the limits of repatriation and the minimal success of authorities in the recovery of stolen objects. Imagine a treasured item of cultural significance was stolen from your country -- what would be the political reaction? The citizens' reaction? And what if they found out which person, group, or country stole this property? There have been far more benign starts to international crises.

Restitution, Stolen Artifacts, and the Impact of Colonialism

"The problem is you can't lend people an object that fundamentally belongs to them." -- Felwine Sarr, co-author of report on French repatriation of African artifacts

It is impossible to discuss cultural heritage without discussing the legacy of colonialism, particularly with regard to stolen artifacts. Thousands of artifacts from the non-western world reside in museums across Europe and the United States. Museums have ranged from hesitancy to outright hostility when asked about the possibility of restitution of these objects. The British Museum in London is a prime example of such a museum: it holds 73,000 objects from sub-Saharan Africa, many of which were obtained in colonial times. Countries have called for the

return of a plethora of artifacts, including 4,000 bronze sculptures from the Kingdom of Benin and the Hoa Hakananai'a statue from Easter Island. Yet, the museum remains steadfast in its decision to only allow such objects to be loaned to their home countries for exhibits. The primary logic in favor of such policies has historically transversed four beliefs: 1) that the artifacts are in better care in the western museums and collections than they would have been in their country of origin; 2) that the collections should stay together, "preserved as whole"; 3) that there are forms of "cultural collaboration" that can be employed other than restitution; and 4) that the western nations the objects are currently housed in provide the best opportunity for a "world audience" to view them.²⁶ The first point in particular is one that is extremely polarized as many find its reasoning racist and elitist, with clear ties to the colonial ethos that led to the objects' looting in the first place.

France has thus far been the most amenable country to returning looted artifacts. French President Emmanuel Macron has repeatedly discussed his goal of making these artifacts more accessible in Africa through measures including restitution, exhibitions, exchanges, and loans. Making this goal official in 2017, Macron commissioned a report on the restitution of African artifacts. The authors – Benedicte Savoy and Felwine Sarr, from France and Senegal, respectively – recommended that all objects taken without consent from Africa be returned if a country asked for them. French law would have to be changed to make the report's recommendations a reality. In the meantime, however, Macron announced shortly after the report's release that the Parisian Quai Branly Museum would return 26 objects to Benin, which had been stolen by French forces in 1892.²⁷ He also called for an international conference to discuss the return of sub-Saharan

²⁶ Nayeri, Farah. "Return of African Artifacts Sets a Tricky Precedent for Europe's Museums." *The New York Times*, The New York Times, 27 Nov. 2018, www.nytimes.com/2018/11/27/arts/design/macron-report-restitution-precedent.html.

²⁷ Ibid.

African artifacts, noting that the major museums of the western world are believed to hold 90 to 95 percent of the region's cultural heritage.²⁸ That conference has yet to be scheduled.

President Macron's announcement and release of the report have motivated increased discussion about the repatriation of artifacts but have not led to sustained action. There have been calls by grassroots organizations for other countries, like Britain and Germany, to commission similar reports and develop long-term solutions to facilitate better access to these treasures. In one positive step, Germany and the Netherlands have announced plans to repatriate some art and artifacts. Yet, the director of the British Museum, Hartwig Fischer, has maintained that France's proposed restitution "does not change the policy of the British Museum, nor legislation in Great Britain."²⁹ The question for this committee will be to what extent the UN should intervene in addressing these questions of repatriation and this legacy of colonialism on cultural heritage.

²⁸ Jacobs, Emma. "Across Europe, Museums Rethink What To Do With Their African Art Collections." *NPR*, NPR, 12 Aug. 2019, www.npr.org/2019/08/12/750549303/across-europe-museums-rethink-what-to-do-with-their-african-art-collections.

²⁹ Nayeri, Farah. "Return of African Artifacts Sets a Tricky Precedent for Europe's Museums." *The New York Times*, The New York Times, 27 Nov. 2018, www.nytimes.com/2018/11/27/arts/design/macron-report-restitution-precedent.html.

Intangible Cultural Heritage

“Cultural heritage is not just about the physical aspects of culture, such as historical artefacts and buildings. It is also about the traditions, the representations and the practices or living expressions of groups and communities... It is a living form of heritage that is continuously recreated and evolves as communities adapt their practices and traditions in response to their environment. It is inclusive, representative and community based and helps to bond societies together.

I believe that to be able to move forward as a nation, we must acknowledge our roots and recognize the value of that intangible cultural heritage in defining and shaping our national identity, our sense of belonging and our continuity as individuals and communities.” – Fiona Hyslop, member of Scottish Parliament

While there has been discussion in the international community about the merits of protecting cultural property since WWII, much of the debate has historically neglected that of intangible cultural heritage. This heritage often consists of inherited traditions -- from language, to craftsmanship, to rituals, to knowledge of practices concerning nature and the universe -- and is defined as:

“the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.”³⁰

The **2003 Convention for the Safeguarding of the Intangible Cultural Heritage** sets this definition. Its purpose is similar to that of other cultural heritage conventions -- to safeguard

³⁰ “UNEVOC TVETipedia: Intangible Cultural Heritage.” *UNESCO*, unevoc.unesco.org/go.php?q=TVETipedia%2BGlossary%2BA-Z&id=723.

the intangible cultural heritage and raise awareness of its importance to local, national, and international communities, as well as provide a mechanism for international cooperation regarding its protection. It includes the establishment of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage and the creation of two lists having to do with inventories of cultural property. These are the Representative List of the Intangible Heritage of Humanity and the List of Intangible Cultural Heritage in Need of Urgent Safeguarding. As of 2018, there are 508 elements between the two lists corresponding with 122 countries.³¹

Another interesting aspect of this Convention is its preambulatory clause, “Recognizing that the processes of globalization and social transformation, alongside the conditions they create for renewed dialogue among communities, also give rise, as does the phenomenon of intolerance, to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage, in particular owing to a lack of resources for safeguarding such heritage.”³² The many tangential issues raised in this clause illustrate just how interconnected the protection of these elements are with the driving social and political forces of the twenty-first century. Globalization has helped populations and countries become more interconnected and knowledgeable about each other than ever before, driving technological advances, economic development, and social change. But it is clear that this same force and its correlating outcomes have also facilitated a rise in destructive and dangerous sentiments of intolerance, which is a clear and present danger to the heritage this committee seeks to protect. Thus, a real solution to the problems we discuss must consider these

³¹ “Browse the Lists of Intangible Cultural Heritage and the Register of Good Safeguarding Practices.” *UNESCO*, ich.unesco.org/en/lists?multinational=3&display1=inscriptionID.

³² “Convention for the Safeguarding of the Intangible Cultural Heritage 2003.” *UNESCO*, portal.unesco.org/en/ev.php-URL_ID=17716&URL_DO=DO_TOPIC&URL_SECTION=201.html.

global forces along with the more tangible and straightforward mechanisms of international treaties and organizations.

Additional International Law Research

There are other conventions that have more specific focuses that certain member nations may be particularly interested in, depending on history and geography. While this committee will not be completely focused on past and future treaties, they provide a helpful outline of what subjects countries find most important and where under representations and imbalances most often occur. A few to research may include:

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (1973) ; Convention concerning the Protection of the World Cultural and Natural Heritage (1972) ; Convention on the Protection of the Underwater Cultural Heritage (2001); Man and the Biosphere (MAB) Programme.

Case Studies

The following are case studies that showcase the impact of individual events on the development of international law, in addition to demonstrating past actions and how different countries have been affected by the devastation of cultural heritage. They should not be seen as the end of your research on this topic but as the beginning, introducing you to countries, conflicts, and actions you may not yet know much about but that are important in understanding the future of this topic.

Bosnia and Herzegovina

“A graceful sixteenth-century example of Ottoman architecture, built by Suleiman the Magnificent, the Bridge at Mostar, spanning the Neretva river, was both a symbol and a reality. By destroying it, the perpetrators of this disgraceful act are trying to eradicate the history of a country and its people. They are thereby also destroying the bridges of mutual understanding built by people of different origins and religious beliefs who had learnt to live together in harmony.” -- Federico Mayor, Director-General of UNESCO during Bosnian War

The recent war in Bosnia and Herzegovina (BiH) provides an apt case study for recognizing the varying causes and wide-reaching effects of destruction of cultural heritage, as well as showcasing ways in which communities cope and recover in the wake of this devastation. The population in BiH is predominantly comprised of three ethnic groups: Bosnian Muslims (Bosniaks), Bosnian Croats, and Bosnian Serbs. Prior to the war these groups lived in relative peace and inhabited mixed, diverse communities within Yugoslavia. However, armed conflict arose when Bosnia and Herzegovina declared its independence from the Republic in 1992, following the lead of Slovenia and Croatia. Much of the armed conflict was between Serbs and Bosniaks, with whom Croats often sided, but the Bosnian-Croat War also began in 1993 and inflamed further violence and loss of life. The war itself is complex and deserves a much deeper study; it is marked by horrific events such as the Siege of Sarajevo and the Srebrenica genocide, and the country itself is still divided -- both in a psychological perception of the conflict and a literal division along ethnic lines -- to this day. However, our primary focus at this juncture is the impact on the culture and motivations in its destruction.

The war lasted from 1992 - 1995 and took a severe toll on both the tangible cultural property and the intangible heritage. One of the most well-known acts of destruction was that of the Stari Most (“Old Bridge”) in the city of Mostar. Constructed in the 16th century, the Stari Most

had survived nearly 500 years of connecting the east and west banks of the Neretva River. It was regarded as a symbol of unity in this way, bridging various religious and ethnic groups and fostering trade and communication. If there is one image that comes to mind when people think of Bosnia, it is thus likely that of Stari Most. Yet, in 1993 Croatian forces strategically bombed the bridge until it collapsed into the river below. At the International Criminal Tribunal for the Former Yugoslavia (ICTY), this destruction was determined a war crime. The judges described the attack as an attempt to destroy the cultural identity and morale of the Bosniaks, enshrining it as a crime against humanity. There is now some debate as to whether the destruction should be considered such a crime, however, as there was a 2017 ruling that claimed the bridge was of enough strategic military importance that the bombing was not a violation of international law.³³

The Court also heard arguments regarding the destruction of other sites, such as the National and University Library in Sarajevo. Constructed in 1896 with much Austro-Hungarian influence, the building was originally home to the city's administration. It later held the Bosnian Parliament for half a decade, followed by the district court and city hall, until becoming the National Library after WWII. The library was heavily shelled during the 44-month siege of Sarajevo, particularly in August 1992. This led to the burning and destruction of hundreds of thousands of books and manuscripts, prompting international outrage and condemnation at the clear attempt to blatantly reduce Bosnian history to ashes. This destruction was even more obviously a violation of international law, as destruction due to "military necessity" was not relevant. The bombardment of the iconic building was discussed in the public hearing on the confirmation of the indictment against Radovan Karadžić and Ratko Mladić in 1996; yet, the

³³ Nuhefendić, Azra. "Mostar: the Old One, Twenty Years Later." *Osservatorio Balcani e Caucaso*, 2013, www.balcanicaucaso.org/eng/Areas/Bosnia-Herzegovina/Mostar-the-Old-One-twenty-years-later-143828.

destruction of the National Library was removed from the list of Scheduled Incidents to the amended Indictments on which the mens' trials ultimately proceeded, meaning that no one has been prosecuted for this particular devastation.³⁴ While the building itself has been restored, there is no way to recover the millions of pages lost.

There is, however, some room for hope: the actions following this destruction also represent the possibility of peacebuilding and post-conflict reconciliation. In Mostar, local organizations partnered with international actors to rebuild the bridge beginning in 2001, with the local actors mandating that the process had to be a regional collaboration rather than dominated by one nation. The reconstruction itself was a part of the peacebuilding process and its symbolism today aims to further enshrine that legacy. It also aids the tourism industry and thus boosts the economy of Mostar in both communities. However, the two sides of Mostar still remain mostly divided, with significant psychological trauma and distrust between groups still lingering. With separate schools and curricula for Croats and Bosniaks, the new bridge has yet to witness the unity it strives to represent. This duality is representative of the general observed toll of destruction of cultural heritage: on the one hand, its destruction has been linked to increasing the psychological toll of conflict and potentially increasing violence, while on the other its reconstruction aids in dealing with said trauma and building a more lasting peace.

In the larger results of the war, the Dayton Agreement -- the treaty that ended the violence in 1995, negotiated in Dayton, Ohio -- included a specific annex creating a Commission to Preserve National Heritage. The Commission is tasked with deciding on petitions for the designation of a

³⁴ Walasek, Helen, and András Riedlmayer. "TARGETING HISTORY AND MEMORY - The ICTY and the Investigation, Reconstruction and Prosecution of the Crimes against Cultural and Religious Heritage." *SENSE - Transitional Justice Center*, heritage.sense-agency.com/.

certain property having cultural, historic, religious or ethnic importance to be considered as National Monuments, and thus protected as such.³⁵

Timbuktu, Republic of Mali

“The destruction of the mausoleums and mosques in Timbuktu not only destroyed and damaged physical structures, but caused harm, which rippled out into the community and diminished the link and identity the local community had with such valuable cultural property. Not only were they religious buildings, they had a symbolic and emotional value for the inhabitants, which saw their past, their identity and even their dignity under attack.” -- Carla Ferstman, Director of REDRESS

The decision for Malian militant leader Ahmad al-Faqi al-Mahdi to pay 2.7 million euros in reparations for destruction of cultural heritage in Timbuktu represents a landmark case, as it is the first time the International Criminal Court (ICC) has demanded reparations for destruction of cultural property. Al-Mahdi was one of the leaders of the Islamic militant group Ansar Dine, which took control of Timbuktu in 2012. The group banned the region’s inhabitants from visiting mausoleums in the area, condemning the monuments as idolatrous, and ultimately destroyed a total of 14 mausoleums when visits continued.³⁶ In addition, 4,000 ancient manuscripts are thought to have been lost, burned, or stolen from the ancient sites. Timbuktu has been considered a World Heritage site since 1988. Founded in the 5th century, it was known as an intellectual and spiritual capital and as a center for the spread of Islam throughout the region in the 15th and 16th centuries.³⁷

Al-Mahdi pled guilty to the destruction of cultural property as a war crime and was met with a nine-year prison sentence, in addition to the hefty reparations. These punishments are meant

³⁵ “Annex 8: Agreement On Commission To Preserve National Monuments.” *University of Minnesota Human Rights Library*, hrlibrary.umn.edu/icty/dayton/daytonannex8.html.

³⁶ Moffett, Luke. “Timbuktu Destruction: Landmark Ruling Awards Millions to Malians.” *The Conversation*, 19 Sept. 2018, theconversation.com/timbuktu-destruction-landmark-ruling-awards-millions-to-malians-82540.

³⁷ “Timbuktu.” *UNESCO World Heritage Centre*, whc.unesco.org/en/list/119/video.

to invoke a deterrent force for future acts, providing proof that perpetrators would be held accountable for actions that defied international law. In addition, the reparations were demanded in order to help the local community process the psychological and economic impact of the destruction. Many victims reported severe trauma and bereavement associated with the devastation, as the mausoleums represented a spiritual connection to lost ancestors and saints to whom they worshipped. As for economic loss, the local population has lost much of its revenue that came from visits from tourists and pilgrims to the monuments. While these populations were awarded with reparations, the ICC also worked to implement collective measures throughout the local community. From community education and resettlement programs to micro-credit grants, the court emphasized the need for restorative justice -- a form of justice that has seen increasing dialogue over and use in the last several decades.

One drawback of the results of the ruling, however, is that al-Mahdi does not have close to the requested 2.7 million Euros demanded for reparations. This is often the case for such rulings, which is, in part, why the ICC's Trust Fund for Victims was established. The Fund delivers the reparations via contributions from international donors. The cost of the damage goes beyond reparations as well, as the sum needed to restore and rebuild the lost monuments has been estimated at \$11 million. UNESCO and affiliated partners have yet to raise even half of this despite continuous efforts, demonstrating yet another toll the destruction takes on the international community.

Timbuktu is a prescient case not only because of its historical significance, but also because of its interdisciplinary approach to remedying the harm caused by the destruction. The ICC

recognized that it was just as important to repair the population's psychological, spiritual, and economic harm as it was to rebuild the sites themselves -- an important lesson of the value of community engagement for future cases, as these solutions are perhaps even helpful in preventing future violence and destruction.

Syrian Arab Republic

“The destruction of one of the greatest and more ancient cities in the world is a tragedy for all Syrians and for all humanity... To destroy Syria's heritage is to kill the Syrian people a second time.” -- UNESCO Director-General Irina Bokova

Syria represents one of the most recent and complex cases of severe destruction of cultural heritage amidst widespread conflict. Syria and the region surrounding it contain some of the world's most ancient and well-preserved secrets and histories; from ancient Mesopotamia, to Greek and Roman empires, to Ottoman conquests, the area has seen the rise and fall of many an empire, and it maintains proof of this legacy in its historic art and architecture. However, much of this history has been threatened and ultimately destroyed in the devastating Syrian Civil War, which began in 2011 and continues to this day. The war was not considered an “armed conflict” until June 2012 and the destruction of cultural heritage has been intertwined since the beginning of the violence. The targets in Syria reflect the full range of Syrian culture and history, which includes pre-Christian, Christian, and Muslim properties and heritages. World Heritage sites have been severely damaged, some beyond repair; archaeological sites have been systematically looted; illicit trafficking of cultural property has dramatically increased; and leading scholars and archaeologists have been murdered when refusing to reveal the location of valuable artifacts.

One specific category targeted has been that of “iconoclasm,” which is the destruction of specific religious and symbolic buildings for a religiously motivated purpose, as opposed to serving a militaristic or social one. This destruction became increasingly apparent and common with the rise of ISIS. ISIS purports that representational art, such as works of art at art museums, mosques, and churches, is idolatrous. As a result, they have justified their systematic destruction as part of their campaign to eliminate idols. The group has disseminated propaganda videos on their various social media platforms of this as well, filming the destruction as it occurs. One of the most notorious, and devastating, of these films depicted the destruction of objects in the Mosul Museum in 2015. This video evidence not only demonstrated the extent to which ISIS was determined to eliminate the cultural vitality of the region, but also served as a rallying cry to recruit further fighters.

The UN has issued numerous statements and passed resolutions condemning the destruction of cultural heritage in Syria. In March 2014, then Secretary General of the UN Ban Ki-moon released a joint statement with the Director-General of UNESCO and the UN and League of Arab States Joint Special Representative for Syria in which they outlined the sites lost and made an appeal to the parties in Syria as well as the international community to “halt all destruction of Syrian heritage.” They called for States to uphold the 1954 Hague Convention and for all countries involved in customs, trade, and the art market to be particularly cognizant of the 1970 UNESCO Convention.³⁸ The joint appeal also specified four specific World Heritage sites that had suffered considerable, and perhaps irreversible damage, which were being used for military purposes: Palmyra; the Crac des Chevaliers; the Saint Simeon Church in the Ancient villages of Northern

³⁸ “Secretary-General, UNESCO Chief, Joint Special Representative Call for End to Destruction as Syria's Cultural Heritage 'Ripped to Shreds'.” *United Nations*, 12 Mar. 2014, www.un.org/press/en/2014/sg2204.doc.htm.

Syria; and Aleppo, including the Aleppo Citadel. As of 2016, all six certified heritage sites in Syria had been recorded damaged.

In February 2015, the UN Security Council (UNSC) adopted Resolution 2199, condemning the destruction of Syria's heritage and reaffirming the importance of preventing the illicit traffic of Syrian artifacts. According to UNESCO Director-General Irina Bokova, this resolution motivated 50 States to bolster their domestic legislation and collaborate with other nations in sharing information and dismantling trafficking networks. The UNSC went further in March 2017 when it adopted the historic Resolution 2347, which is the first of its kind to focus explicitly on cultural heritage as a matter of international peace and security. Bokova explained that, "The deliberate destruction... has become a tactic of war to tear societies over the long term, in a strategy of cultural cleansing," and thus that "defending cultural heritage is more than a cultural issue, it is a security imperative, inseparable from that of defending human lives."³⁹

A common thread among many condemnations of the destruction, both by UN representatives and civil society actors, was that this destruction was intended to erase the history and identity of the Syrian people. They thus classified it as a "war crime," which agrees with the ICTY ruling discussed above and places relevant parties vulnerable to prosecution by the International Criminal Court (ICC) in addition to domestic courts for violations of Syrian laws. Syria is also party to many of the treaties discussed throughout this guide, including the 1954 Hague Convention and the 1970 UNESCO Convention. There have been some efforts at this prosecution after the fact -- in 2013, 58 countries sent a letter to the Security Council requesting

³⁹ "UN Security Council Adopts Historic Resolution for the Protection of Heritage." *UNESCO*, 3 Apr. 2017, en.unesco.org/news/security-council-adopts-historic-resolution-protection-heritage.

an investigation into war crimes in Syria (more than just the crimes against cultural properties), but this was blocked by members of the Council who believed that such action might hinder efforts for a peaceful solution to the conflict. Even if an investigation was approved, however, the ICC is limited in its ability to prosecute actors without cooperation from national governments. For instance, it does not have a police force, making it reliant on national authorities to transfer suspects to the Hague. In addition, the multiplicity of non-state actors involved in the Syrian conflict presents many issues with regard to prosecution at the international level. Thus, while the legal framework exists to protect cultural heritage in Syria, the enforcement mechanisms for both protection and prosecution have been the primary obstacles to combat impunity.

Recognizing these limits to protection, the international community searched for other mechanisms to limit the destruction and trafficking of cultural properties. Few nations would be willing to send their own troops to the region to protect heritage sites, both as a matter of Syrian sovereignty and a fear of getting embroiled in the conflict. Sanctions and other mechanisms within international law could be recommended, but ISIS's role as a non-state actor made such threats less compelling. Thus, the simplest way that the international community has worked to protect cultural heritage is through fundraising. In 2017, France and the United Arab Emirates collaborated to help found the International Alliance for the Protection of Cultural Heritage in Zones of Conflict (ALIPH). ALIPH serves as an international fund to protect heritage in situations of armed conflict. It aims to support projects in all three stages of these situations, namely preventive protection to limit the risks of destruction, emergency measures to ensure the security of heritage, and post-conflict actions to enable local populations to once again enjoy their cultural heritage.⁴⁰ More

⁴⁰ "Our Ambition: Aliph Foundation - Protecting Heritage to Build Peace." *Aliph Foundation*, www.aliph-foundation.org/en/our-ambition.

countries and donors have joined the organization since its inception, and ALIPH has a stream of new projects that provide valuable insights into how damaged cultural heritage may be able to recover in the present and future destruction may be avoided. Many countries have also pledged to make the illicit trafficking of cultural properties, or the “blood antiquities” trade, less profitable by outlawing it domestically. Making such trade less profitable is integral to a range of goals: specifically, it provides less incentive for groups to loot and sell these items if it becomes more likely they could be prosecuted (or if they have no buyers left), and it leads to a greatly diminished income for these terrorist organizations to purchase weapons and further provisions to improve their organizational capacity. Experts estimate that terrorist groups have raised roughly \$150 million through their illegal looting.

The destruction of monuments in Palmyra represent both the devastation of heritage and the ways in which modern technology can be harnessed to mitigate some of the loss. Known for its well-preserved Greco-Roman ruins, Palmyra has been listed as a World Heritage site since 1980. However, ISIS controlled the city on two separate occasions between 2015 and 2017, inflicting significant damage on the ancient treasures. These monuments included the Temple of Bel, the Temple of Baal Shamin, the Arch of Triumph, and columns in the Valley of the Tombs, many of which were more than 2000 years old. This devastation not only diminishes Syria’s cultural identity, but also wreaks sustained economic devastation -- the city previously hosted 150,000 visitors a year and was one of the main tourist draws in the region.⁴¹ In addition, many of the actors involved in the conflict determined that ISIS’ occupation of Palmyra was primarily a ploy to create a guaranteed safe haven, as its opponents were hesitant to invade or bomb the

⁴¹ Cascone, Sarah. “Nearly Destroyed by ISIS, the Ancient City of Palmyra Will Reopen in 2019 After Extensive Renovations.” *Artnet News*, 27 Aug. 2018, news.artnet.com/art-world/syria-isis-palmyra-restoration-1338257.

stronghold and risk destroying more of the ancient treasures. Yet, there remains some hope for its future: UNESCO has been coordinating efforts of restoration and reconstruction of the monuments since 2017, with significant aid from Russia, Italy, and Poland in particular to fundraise and aid in the process. Officials hope that the city will reopen in 2019, although given the continued state of war it seems unclear if this is a true possibility. In the meantime, organizations such as ALIPH have capitalized on modern technology to digitally recreate destroyed cities, like Palmyra, in symbolic exhibitions to raise awareness of the need to protect heritage in the face of conflict.⁴²

The Syrian conflict is also significant, and even more complicated, because of its extension outside of Syria. In its peak of power, the Islamic State engaged in such destruction of artifacts and monuments in Iraq that the country itself was listed as an “endangered site” – the first time the World Monuments Fund had ever listed an entire nation as endangered. A large driver of this was the heavily-reported pillaging of the National Museum in Iraq, from which 15,000 artifacts were looted.⁴³

Intangible Cultural Heritage, Continued

“The reconstruction of an Ottoman mosque in a country town without Muslims is a symbolic act [...]; it is not the reconstruction of a society.” -- Colin Kaiser, Head of Office UNESCO Sarajevo

Rather than discuss one specific case study for the destruction of intangible cultural heritage, it may be more effective to consider the relation between tangible and intangible devastation. While the two may seem distinct, and are in fact protected under varying forms of

⁴² “Our Actions: Aliph Foundation.” *Aliph Foundation*, www.aliph-foundation.org/en/projects.

⁴³ Stenning, Stephen. “Destroying Cultural Heritage: More than Just Material Damage.” *British Council*, 21 Aug. 2015, www.britishcouncil.org/voices-magazine/destroying-cultural-heritage-more-just-material-damage.

international law, the destruction of one often comes on the heels of the destruction of the other. Thus, it's important to consciously analyze situations in which destruction occurs to look into the more nuanced, perhaps more long-term, impacts.

An example of more subtle destruction could be a population deciding not to visit a place of cultural value, such as the Grand Shrine in Saidu Sharif, because of fear for their physical security.⁴⁴ This loss is often underappreciated, but it reflects a disruption of a way of life that can often have a greater impact on a population than the loss of a specific monument or piece of art. In addition, it is often harder to reconstruct or rectify; we've discussed many instances of the restoration and refurbishment of bridges and ancient sites, but can cultural practices ever be fully reconstructed? Can a society recover from this innate fear, or will the violent actions create an innate sense of insecurity in the places and acts they once valued?

While intangible heritage has been increasingly discussed in modern international discourse, particularly since the UNESCO Convention on the subject entered into force in 2006, it does not yet enjoy the same legal protections as tangible heritage. Perhaps this is for the best – the protection of this heritage requires innovative thinking and solutions, and thus relevant actors should question if the issue should be approached in the same way as tangible heritage. And even if the subjects are similar enough to merit similar approaches on the international scale, what lessons can be learned about the effectiveness (or lack thereof) of past treaties to ensure this

⁴⁴ Seddon, Robert. "Subtle Casualties: Conflict and Intangible Cultural Heritage." *Stockholm Centre for the Ethics of War and Peace*, 19 Sept. 2016, stockholmcentre.org/subtle-casualties-conflict-and-intangible-cultural-heritage/.

heritage is saved in practice, rather than just in theory? Should it ever be justified for a country to invade militarily to avoid such devastation?

Some scholars argue that it may be difficult to get leaders to prioritize the protection of these traditions in the face of military conflict given modern technological capabilities. For instance, oral histories and songs can be recorded, ensuring they are not lost with the destruction of a threatened population. However, there are heritages that transcend even this sort of historical recording, predominantly in the form of “living culture.” This culture can be transmitted through nothing more than continued social practice. The marsh Arabs of Iraq represent one group affected by this culture – when Saddam Hussein drained their marshlands, their livelihoods and living culture were drained with the water. This type of devastation also reflects the various harms that can occur when active conflict is not present but military occupation or persecution of a particular group remains.⁴⁵

Another group relevant for this committee to consider is that of refugee populations. Refugees are some of the most vulnerable populations on this planet – leaving in droves from their homelands, they often come to countries with just the clothes on their backs and a small amount of money, lacking access to even the basic necessities of food, shelter, and water. This hardship ensures that preserving their heritage is not a priority; thus, it is for this committee to help determine the extent that the international community holds responsibility to create space to preserve it instead. This effort to keep refugees’ cultures alive is even more important because they are often fleeing due to armed forces purposely disrupting their way of life and devastating the

⁴⁵ Ibid.

vitality of their group. An example of an organization working to preserve refugees' heritage is Action For Hope, an NGO that works with Syrian refugees in Jordan to build resilience through cooking familiar and culturally important dishes, in addition to collecting photos, film footage, stories, poems, and oral histories to preserve a sense of cultural identity and pride.⁴⁶

A final consideration is that of the ethics of placing a value judgement on intangible cultural heritage, which is perhaps more complicated than its tangible counterpart. UNESCO has established Ethical Principles for Safeguarding Intangible Cultural Heritage. It states that “each community, group or individual should assess the value of its own intangible cultural heritage and this intangible cultural heritage should not be subject to external judgements of value or worth.”⁴⁷ This statement serves as an additional reminder that civilian populations must also be incorporated into discourse, a relevant point of discussion as well for this committee – how can we incorporate the voices and opinions of civilians in identifying and preserving heritage?

Possible Solutions

After reading all of the above history and case studies, it may seem daunting dealing with a subject as wide-ranging as the destruction of cultural heritage in times of conflict. Because the topic has so many components, one of the best ways to think about potential solutions is to break up the subject into smaller topics. This can be accomplished in a variety of ways. One approach may be breaking down the issue into solutions relevant to periods of time, like dividing into solutions for identification, prevention, protection, and justice and reparations post-conflict. A

⁴⁶ “About Us.” *Action for Hope*, www.act4hope.org/en/.

⁴⁷ “Ethics and Intangible Cultural Heritage.” *UNESCO*, ich.unesco.org/en/ethics-and-ich-00866/

different approach could be by category, like distinguishing between community engagement, partnership with NGOs, the role of domestic government versus international government, engagement with international bodies, and economic impact. Think about what makes the most sense given your country and your own way of learning and processing information. Below are a few solutions to consider as you work through your own research and ideas.

There's been much discussion in this guide about the merits and faults of international law regarding cultural heritage. Any solution must take into account current and future laws, both at the international and domestic level – looking into ways to make current laws more effective and complement them in the future. However, as UNESCO Director-General Bokova states, “legal texts will never be as fast as a rocket.”⁴⁸ By acknowledging this, Bokova suggests that there need to be solutions in place that complement efforts in international law because of the slow, bureaucratic nature of the issue compared to the contrasting rapidity of devastation. Such complementary activities could include training of military forces in how to properly identify, preserve, and track heritage while educating them on its importance. These armed professionals would also benefit from the aid of experts on the ground – reminiscent of the Monuments Men, however, consider how to make this group an apolitical entity. There have been incredible developments in technology in the last several decades that can aid in these efforts and contribute to the documentation of heritage. Consider if the model of Scottish Ten, a project started in 2009 to digitally document Scotland's 5 World Heritage Sites and five international sites to improve their conservation and management, is a model that can be expanded upon. Is it worth creating virtual recreations of tangible heritage if its already been destroyed? Or if it has the potential to be

⁴⁸ “The Fate of Cultural Property in Wartime: Why It Matters and What Should Be Done.” *Carnegie Council for Ethics in International Affairs*, 17 Sept. 2013, www.carnegiecouncil.org/publications/ethics_online/0085.

destroyed in the near future? It's also important to consider the potential mechanisms for groups to collaborate across country lines, sharing information and resources. For any solution, there will need to be national capacity building and access to additional resources. Think about how this can be achieved and what entities may have a stake in collaboration and providing aid. The International Committee of the Blue Shield, which "works to protect world cultural heritage threatened by natural and human-made disasters," is one institution among many that seems to have shared goals with many of the UN member nations.

There will always be groups of people that dismiss the preservation of cultural heritage in times of armed conflict as a low priority, arguing that all available resources should go toward mitigating the human toll of conflict. Bokova insists, though, that this preservation should not be a question of prioritizing. She sees the protection as part of the effort to protect humanity, not as taking away from the humanitarian tragedy. In 2013, she emphasized: "I am keenly aware that in the context of a tragic humanitarian crisis, the state of Syria's cultural heritage may seem secondary. However, I am convinced that each dimension of this crisis must be addressed on its own terms and in its own right. There is no choice between protecting human lives and safeguarding the dignity of a people through its culture. Both must be protected, as the one and same thing—there is no culture without people and no society without culture."⁴⁹

⁴⁹ Ibid.

Other Organizations

There are a plethora of NGOs, UN agencies and bodies, and other institutions that may be helpful when crafting solutions for the future. A few that haven't been named thus far in the guide but may be good places to start include:

- Interpol, specifically the works of art unit
- The International Council of Museums
- ASOR Cultural Heritage Initiatives
- SAFE (Saving Antiquities for Everyone)
- Smarthistory ARCHES (at risk cultural heritage education series)

Blocs

The blocs included on this list are not meant to confine you to working with specific countries or on certain issues, but merely provoke a conversation about what obstacles and priorities various nations may share.

Europe: European nations, particularly those in Western Europe, present an interesting contradiction in dealing with cultural heritage. On the one hand, many of these nations care deeply about the protection and restoration of historically and religiously important monuments and works of art. Much of this stems from the devastation of WWII, the losses from which still arise in European discourse today – in particular, questions and arguments involving stolen cultural property. This of course presents a second paradox, given Europe's imperialist legacy and correlating looting of cultural treasures from colonized nations – and then their refusal to return

these objects, as exemplified by the British Museum in London. The question for most European nations will be to what extent they are willing to expend their resources outside of their own countries in order to protect global cultural heritage, as well as how they propose to make stolen artifacts more accessible to the populations from which the objects were looted. Many of these nations have also not yet signed several of the conventions, presenting an additional contradiction to their claimed global leadership in this realm.

Middle East and North Africa: Countries in these regions are the most likely to have been or are currently impacted by recent civil strife and armed conflict. It will be important for the countries that are currently in the midst of conflict to work together in developing solutions that can have an immediate impact, mitigating potential devastation that could occur while longer term solutions are discussed and implemented. In addition, the influence of armed non-state actors is especially prevalent in these regions, making them the most knowledgeable but also having the most at stake with regard to their role in the destruction of cultural heritage. Education may be just as important as military protection in this case, as many non-state actors and armed insurgents have little to no knowledge of the international law that protects cultural heritage. Their actions may differ if they are merely told of the legal limits and given resources explaining how to protect heritage artifacts and sites. Many of these countries also do not have the same amount of resources, from technology to financial capabilities, as their European counterparts; thus, procuring funding and developing solutions that incorporate NGOs will be integral to success.

Sub-Saharan Africa and Southeast Asia: Countries in these regions are grouped together because they are generally underrepresented in the heritage discourse and on the World Heritage

List. Their emphasis must thus include engaging with local communities and domestic governments to identify heritage sites they believe deserve preservation, particularly for types of heritage that are underrepresented on the List. In addition, these regions have been particularly affected by colonial looting of sacred objects. Countries must determine how they would like to move forward with gaining access to these objects and what role their governments and civil society can play in turning words into action.

Questions to Consider

1. How can this committee address the rise of violent non-state actors? Can laws and treaties be updated to reflect this modern threat to cultural heritage, and would this update be beneficial in practice?
2. Is there a way to better facilitate communication between agencies and countries to maximize knowledge regarding illicitly trafficked goods?
3. How can current international treaties be made more effective?
4. What are the best tools to implement to educate populations about cultural heritage and its preservation? Are there any models to follow or groups to lead this?
5. How can the World Heritage List become more balanced and reflective of the world's diversity, both in terms of countries represented and types of heritage protected?
6. What is the role of repatriation of stolen artifacts in discourse on cultural heritage? Should the UN intervene to make these objects more accessible to their countries of origin? How so?

7. Is it ever justified for a country to intervene, militarily or non-militarily, in another nation to protect cultural heritage? How does sovereignty impact potential solutions and future actions?

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Country List

1. United States of America
2. Republic of France
3. Federal Republic of Germany
4. People's Republic of China
5. Russian Federation
6. United Kingdom
7. Japan
8. Mexico
9. Canada
10. Republic of India
11. Commonwealth of Australia
12. Republic of Italy
13. Republic of Poland
14. Republic of South Africa
15. Islamic Republic of Afghanistan
31. Arab Republic of Egypt
32. Kingdom of Saudi Arabia
33. Hashemite Kingdom of Jordan
34. Democratic Republic of Congo
35. Republic of the Sudan
36. Republic of South Sudan
37. Federal Republic of Nigeria
38. Republic of Turkey
39. Bolivarian Republic of Venezuela
40. Federal Democratic Republic of Ethiopia
41. Republic of Kenya
42. Kingdom of Spain
43. Republic of Chile
44. Republic of Nicaragua
45. Republic of Argentina

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| 16. Islamic Republic of Iran | 46. Federative Republic of Brazil |
| 17. Republic of Iraq | 47. Democratic People's Republic of Korea |
| 18. Islamic Republic of Pakistan | 48. Republic of Korea |
| 19. Republic of Namibia | 49. Syrian Arab Republic |
| 20. Bosnia and Herzegovina | 50. Hungary |
| 21. Kingdom of Belgium | 51. Greece |
| 22. Republic of Peru | 52. Ukraine |
| 23. Republic of Guatemala | 53. Republic of Sierra Leone |
| 24. Federal Democratic Republic of Nepal | 54. Republic of Senegal |
| 25. Republic of the Union of Myanmar | 55. Republic of Madagascar |
| 26. Socialist Republic of Viet Nam | 56. State of Israel |
| 27. Republic of Indonesia | 57. New Zealand |
| 28. Republic of Rwanda | 58. Republic of Paraguay |
| 29. Kingdom of Cambodia | 59. Republic of Mali |
| 30. Republic of Vanuatu | 60. Republic of Yemen |

Technology Policy

Delegates will not be allowed to use technology during committee unless otherwise specified by the Dais. Laptops may be allowed to type Draft Resolutions and Working Papers, but the Chair will specify at what times this work can occur. However, there will not be Internet available so delegates must bring a flash drive or similar device if they wish to transfer any documents or collaborate electronically. Delegates may send a note to the Dais if they wish to procure information that would require Internet access.