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**Forum:** GC4 (Culture)

**Issue:** The protection of mobile artifacts through the establishment of a World Heritage List.

**Student Officer:** Zeynep Ulucanlar

**Position:** President Chair

## Introduction

As stated on the website of UNESCO World Heritage Centre “Heritage is our legacy from the past, what we live with today, and what we pass on to future generations. Our cultural and natural heritage are both irreplaceable sources of life and inspirations”. Heritage serves as the bond that connects us to each other, to our history and to our values. It gives us the feeling of belonging to a community and helps us identify ourselves within that community.

Two main categories of heritage are Natural and Cultural. Natural heritage refers to geological and physical formations that serve as the habitat of threatened species that considered to be natural sites of value<sup>1</sup>, whereas, cultural heritage can be expressed as either intangible or tangible. Intangible cultural heritage is the aspects of a country’s culture that can neither be touched nor seen. Examples of intangible cultural heritage can be language, folklore, rituals etc. Tangible culture, on the other hand, refers to places or artifacts that have a cultural value and need to be protected.

Unfortunately, mobile artifacts face a great danger of disappearing forever. Especially during times of conflict or when a country isn’t politically stable and quite vulnerable, artifacts are easily stolen and smuggled into neighboring countries. One example of this is the Eye Idols found in Syria. These objects are one of the vital parts of the country’s cultural heritage and they are face to face with the danger of disappearing completely. The trafficking of Eye Idols will be explained in detail later on in this Chair Report.

"As the Director – General of UNESCO Irina Bokova said “The trafficking of cultural objects affects everyone and robs future generations of their heritage”. Because of this, taking

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<sup>1</sup> See, <http://uis.unesco.org/en/glossary-term/natural-heritage>



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necessary measures to prevent the illicit trafficking of cultural objects and protecting them is crucial.



An ancient coin featuring Alexander the Great which is an example of illegally smuggled cultural objects. In 2011, Canada returned 21,000 illegally excavated and smuggled coins to Bulgaria.<sup>2</sup>

## Definition of Key Terms

**Cultural Heritage:** Cultural Heritage can be defined as “an expression of the ways of living developed by a community and passed on from generation to generation<sup>3</sup>”. Cultural Heritage includes customs, practices, places, objects etc.

**Movable Cultural Property:** Movable cultural property refers to artistic, historic and scientific heritage that is mobile.

**Artifacts:** Artifacts are objects that were made by a human being. The word often refers to objects that have cultural or historic value<sup>4</sup>.

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<sup>2</sup> <https://www.cbc.ca/news/canada/canada-returns-bulgarian-stolen-artifacts-1.1021731>

<sup>3</sup> [http://www.cultureindevelopment.nl/Cultural\\_Heritage/What\\_is\\_Cultural\\_Heritage](http://www.cultureindevelopment.nl/Cultural_Heritage/What_is_Cultural_Heritage)

<sup>4</sup> <https://en.oxforddictionaries.com/definition/us/artifact>



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**Black Market:** Black market is the “illegal trading of goods that are not allowed to be bought and sold, or that there are not enough of for everyone who wants them<sup>5</sup>”.

**Illicit Trafficking:** Illicit trafficking is the “illegal trading, selling or dealing in specified goods<sup>6</sup>”.

## Background Information

The idea of illegally trafficking objects that possess cultural and historical value has been around for decades now. Especially in times of conflict, when there is no stability in the region, it is way easier for smugglers to steal these items and then smuggle into neighboring countries. These objects tend to end up in the antiques markets or black market. Most of the time, buyers are unaware of the fact that they are about to purchase an object that is very significant for not only the history of its country of origin but also for the history of the entire humankind.

Throughout history, there has been many incidences where important cultural objects were stolen and smuggled into neighboring countries. Below are some examples of these incidences to give you an idea about the scope of the issue.

### Eye Idols of Syria:

Eye Idols, also known as “idols with spectacles”, are pottery objects that are believed to be around 5000 years old. They are commonly found in Syria and are considered to be a priceless part of the region’s history. These idols are very small, they vary in size from about 3 cm to 6 cm in height. They were first excavated by a British archeologist named Max Mallowan between the years 1937 – 1938. According to some historians, these objects were made as gifts to the gods. Unfortunately, these mobile artifacts are now threatened to disappear completely. While some of them were destroyed during bombings, many Eye Idols, which are now on the



<sup>5</sup> <https://dictionary.cambridge.org/dictionary/english/black-market>

<sup>6</sup> <https://definitions.uslegal.com/i/illicit-trafficking/>



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emergency list of Syrian cultural objects at risk, were stolen during illegally conducted excavations and smuggled into neighboring countries. These objects, and many more which were looted in Syria, are now sold on the black market or in antique shops. Since 2011, it is believed that 25% of Syria's archeological sites have been looted and damaged. This means the history of the region, and the history of mankind since Syria is home to some of the oldest cultural heritage sites, is damaged massively.

## **Ancient Artifacts in Iraq:**

Following the US – led invasion of Iraq in 2003, thousands of artifacts were looted and stolen from the country. The chaos that came as an aftermath of the invasion provided the perfect environment for looters to pillage and steal artifacts. Though it is impossible to detect the full scope of the situation, it is believed that around 15.000 artifacts disappeared between April 6, 2003 and April 16, 2003. The proceeds gained by the sale of stolen artifacts is believed to be around \$10 to \$20 million annually. It is said that illegal trading of antiques would take place on US military bases as well<sup>7</sup>.



The global community has been striving to protect what's left of Iraq's cultural sites but efforts have been quite insufficient. For example, the US started giving education to its military personnel on the importance of preserving cultural heritage but not on how to prevent civilians from pillaging.

By the end of 2003, approximately 1,900 antiques had been confiscated from bordering countries<sup>8</sup>.

Today, countries around the world and many non – governmental organizations are cooperating and doing their best to stop the illicit trafficking of cultural objects once and for all; however, the situation today is more challenging than ever. It is thought that the origins of

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<sup>7</sup> Rothfield, Lawrence. *Rape of Mesopotamia: Behind the Looting of the Iraq Museum*. University of Chicago Press, 2009.

<sup>8</sup> Rothfield, Lawrence (2009). *The Rape of Mesopotamia*. Chicago: The University of Chicago Press.



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nearly 85-90% artifacts on the market are not documented properly, which makes it harder to fight illegal smuggling.

## Timeline of Major Events

Date	Description of the Event
27 July 1874	Representatives of fifteen European states met in Brussels in order to discuss the Brussels Declaration regarding the Laws and Customs of War. Article 8 of the Declaration stated that “[...] All seizure or destruction of, or willful damage to, institutions of this character, historic monuments, works of art and science should be made the subject of legal proceedings by the competent authorities <sup>9</sup> .” This declaration is considered as the start of the process of protecting cultural heritage sites and mobile artifacts in times of conflict.
15 April 1935	The Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments, also known as the Roerich Pact, was signed. The Pact is an inter – American treaty which puts emphasis on the fact that “the treasures of culture” should “be respected and protected in times of war and in peace <sup>10</sup> ”.
14 November 1970	Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property was signed.

<sup>9</sup> See, Project of an International Declaration concerning the Laws and Customs of War. Brussels, 27 August 1874. Website: <https://ihl-databases.icrc.org/ihl/INTRO/135>

<sup>10</sup> See, Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments (Roerich Pact). Washington, 15 April 1935. Website: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=4E01F64E355E8CEDC12563CD005197AC>



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24 April 1972	Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property entered into force.
24 June 1995	UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects entered into force. Main focuses of the Convention were the legal grounds of the issue and the recovery of stolen objects.

## Major Countries and Organizations Involved

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

UNESCO is a specialized agency of the United Nations and it is based in Paris. Today, UNESCO protects 1073 World Heritage sites in 167 countries<sup>11</sup>. In 1995, UNESCO asked UNIDROIT to initiate a Convention on Stolen or Illegally Exported Cultural Objects in order to unite member states under a universal convention to stop the trafficking of mobile artifacts. In addition to this, the World Heritage Program was initiated by UNESCO through the adoption of the World Heritage Convention. The World Heritage List was created in order to preserve sites around the world that have cultural value. As of 2018, there are 1092 properties listed under the World Heritage List and 54 of them are in danger.

### The International Institute for the Unification of Private Law (UNIDROIT):

UNIDROIT is an intergovernmental independent Organization based in Rome with the purpose of “studying needs and methods for modernising, harmonising and co-ordinating private and in particular commercial law as between States and groups of States and to

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<sup>11</sup> See, UNESCO In Brief. Website: <https://en.unesco.org/about-us/introducing-unesco>



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formulate uniform law instruments, principles and rules to achieve those objectives.<sup>12,</sup>

UNIDROIT was originally formed as a subsidiary body of the League of Nations. It was later on re-established on the basis of a new statute. In 1995, UNIDROIT was asked to form a new convention that would serve as a complementary instrument to UNESCO's 1970 Convention.



The emblem of UNIDROIT

### International Council of Museums (ICOM):

The International Council of Museums is a non – governmental organization which is “committed to the research, conservation, continuation and communication to society of the world's natural and cultural heritage, present and future, tangible and intangible.<sup>13,</sup>” Since its establishment in 1946, ICOM has been working towards fighting the illicit trafficking of cultural objects. The organization, which maintains formal relations with UNESCO and has a consultative status in the UN Economic and Social Council, is one of the key partners of the 1970 Convention. In addition to this, ICOM publishes a series of Red Lists for many different regions around the world to inform antique dealers, heritage professionals and the police force on how to identify illegally smuggled objects.

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<sup>12</sup> See, UNIDROIT. Website: <https://www.unidroit.org/about-unidroit/overview>

<sup>13</sup> See, <https://icom.museum/en/about-us/missions-and-objectives/>



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## Previous Attempts to Solve the Issue

Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (14 November 1970):



The Convention is an international agreement that aims to prevent illegal trafficking of antique objects, or cultural property in general. It was signed on 14 November 1970 and entered into force on 24 April 1972. The preparation process of the Convention began in 1964 with the appointment of a Committee of Experts from thirty different states. The Convention was adopted at the 16<sup>th</sup> General Conference on 14 November 1970.

The Convention, as stated before, aims to tackle the issue of illicit trafficking of cultural items. It is suggested by the Convention that the protection of cultural property should be carried out according to “three main pillars”; which are, *preventive measures, restitution provisions and international cooperation*.

*Preventive Measures:* Preventive measures are steps that should be taken, according to the Convention, before illicit trafficking occurs in order to prevent it. Preventive measures can be taking inventory, creating unique certificates for each and every item etc.

*Restitution Provisions:* These provisions encourage signatories to assist one another when it comes to the recovery of stolen objects.

*International Cooperation:* The last pillar serves as a way of assisting signatories to work together in order to tackle the issue.

UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (Diplomatic conference for the adoption of the draft UNIDROIT Convention on the International Return of Stolen or Illegally Exported Cultural Objects, 24 June 1995):

The UNIDROIT Convention is considered to be a complementary convention to UNESCO’s 1970 Convention; however, it slightly differs from the 1970 Convention due to the fact that UNIDROIT’s Convention focuses more on the legal grounds of the issue. It aims



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to assist the efforts of the 1970 Convention through the regulation of private and international law to prevent any technical problems that may occur because of the differences in the laws of different states. In addition to this, UNIDROIT's Convention focuses more on the recovery of stolen objects.

## **Possible Solutions**

While coming up with measures to eliminate the illicit trafficking of mobile artifacts and promote the protection of these artifacts, few important aspects of the issue must be considered thoroughly. First, maintaining border security is a must since smuggling cultural objects is way easier for the smugglers when there is no proper border security. The security personnel responsible for the borders should be comprehensively educated about the issue and they should be told what to do in case of an emergency. What's more, the sale of mobile artifacts depends on the sole reason that buyers are, in most cases, unaware of the value of what they are buying or that it was smuggled into the country. Citizens should be informed about what to look for while buying something antique in order to avoid buying a cultural artifact. For instance, the seller should be able to provide the necessary documents that clarify the origin of the object. Buyers should be encouraged to carefully examine the object and evaluate the price if it seems "too good to be true". They should also be informed about what to do in case they encounter an illicitly trafficked cultural object.

Creating a Heritage List for movable cultural property is one of the significant steps that should be taken. UNESCO already has a Heritage List for heritage sites that are in danger and this list helps nations identify the sites that need protection. The List also calls upon member states to cooperate and work together towards protecting these sites and it raises public awareness. Because of this, applying the same procedures for mobile artifacts would have many benefits.

The existence of black markets, without a doubt, aggravates the issue. In order to get rid of black markets, we must first understand why they exist in the first place. Black markets, in general, exist because people want to buy and/or sell certain things that are illegal under the



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laws. In some cases, people do not want to pay taxes on the transaction for goods. The fact that the transactions are not recorded gives people a chance to obtain goods and services without having to pay any taxes as the law asks them to do. In addition to this, unemployment may induce the establishment of black markets. When people can't find jobs legally, they tend to turn to underground economy. Whatever the reason is, black markets not only damage the economy of the countries, they also create a platform for cultural objects to be sold illegally. Therefore, it is crucial to find ways to regulate these black markets, at least to some extent, and as a long-term goal, end the establishment of black markets once and for all.

## Useful Links for Further Research

1. UNESCO Database of National Cultural Heritage Laws(<http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/unesco-data-base-of-national-cultural-heritage-laws/>)
2. Resolutions adopted by the United Nations General Assembly about Return and Restitution of Cultural Property(<http://www.unesco.org/new/en/culture/themes/restitution-of-cultural-property/resolutions-adopted-by-the-united-nations-general-assembly-about-return-and-restitution-of-cultural-property/>)
3. Illicit Trafficking of Cultural Property, UNESCO (<http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/>)
4. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (14 November 1970)([http://portal.unesco.org/en/ev.php-URL\\_ID=13039&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html))
5. Recommendation for the Protection of Movable Cultural Property (The General Conference of the United Nations Educational, Scientific and Cultural Organization, 1978)



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([http://portal.unesco.org/en/ev.php-URL\\_ID=13137&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13137&URL_DO=DO_TOPIC&URL_SECTION=201.html))

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5. Shabi, Rachel. “Looted in Syria – and Sold in London: the British Antiques Shops Dealing in Artefacts Smuggled by Isis.” *The Guardian*, Guardian News and Media, 3 July 2015, [www.theguardian.com/world/2015/jul/03/antiquities-looted-by-isis-end-up-in-london-shops](http://www.theguardian.com/world/2015/jul/03/antiquities-looted-by-isis-end-up-in-london-shops).
6. “What Is UNESCO World Heritage?” *National Geographic*, National Geographic, 11 May 2018, [www.nationalgeographic.com/travel/world-heritage/about/](http://www.nationalgeographic.com/travel/world-heritage/about/).
7. “Tangible Cultural Heritage.” *Literacy and Non-Formal Education in Iraq | United Nations Educational, Scientific and Cultural Organization*, Discovery Channel, Producer., [www.unesco.org/new/en/cairo/culture/tangible-cultural-heritage/](http://www.unesco.org/new/en/cairo/culture/tangible-cultural-heritage/).
8. “United Nations Official Document.” *United Nations*, United Nations, [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/76](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/76).



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9. “UNIDROIT Convention On Stolen Or Illegally Exported Cultural Objects.” *UNIDROIT - News and Events*,  
[www.unidroit.org/instruments/cultural-property/1995-convention](http://www.unidroit.org/instruments/cultural-property/1995-convention).