



Forum:	Third committee
Question of:	Finding ways of promoting restitution and the return of cultural property to its country of Origin
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Position:	Deputy Chair

I. Description of the Issue

The misplacement and purloining of property & goods of cultural and historical importance from their country of origin has been an ongoing issue since the very existential beginning of developing cultures and countries. Though there have always been some forms of cultural loitering, it has become an increasingly significant issue in our modern society, with highly intricate systems being developed and used to loiter over ten-thousand artifacts and cultural assets every year. Artifacts and cultural property include, but are not limited to archeological artifacts, ceremonial objects, religious tokens and manuscripts, which are considered to be under protection either by law, or by a country's tradition. The purloining of artifacts typically happens by illegal removal of objects from museums, institutions of cultural heritage or private collections. Over the years, the illegal selling and distribution of stolen property has become one of the leading businesses on the black market, attracting not only military & terrorist groups, but also organized crime corporations to participate in the illegal trade of cultural assets, helping them financing their organizations. Though all countries are involved with and affected by cultural loitering in some way, especially those countries that do not have the most securely established systems and resources to protect their cultural heritage suffer from their assets being removed and stolen, causing them to continually loose parts of their heritage every year. As this process has been going on for thousands of years, there is millions of wrongfully removed and misplaced items, waiting to rightfully be returned to their countries of origin, which is why we as the UN are trying to find socially sustainable ways for the return of cultural heritage to their initial possessors.

II. Definition of Key Terms

Cultural property

Cultural property is a unique, nonrenewable resource that is important for learning about the diversity of human history and cultures



Country of origin

Country where a cultural good was originally made & produced.

Artifact

An object made by a human being, typically an item of cultural or historical interest.

Purloining

To steal (something)

Restitution

The restoration of something lost or stolen to its proper owner OR recompense for injury or loss

Non-governmental institutions & Intergovernmental institutions:

IGOs

INTERPOL

The International Criminal Police Organization, or INTERPOL, is an independent multilateral organization with a general assembly made up of 188 member countries and an executive committee made up of thirteen elected members.

BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS

The Bureau of Educational and Cultural Affairs' (ECA) mission is to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange that assist in the development of peaceful relations.

NGOs

THE BLUE SHIELD

The Blue Shield, formerly the International Committee of the Blue Shield, is an international organization founded in 1996 to protect the world's cultural heritage from threats such as armed conflict and natural disasters.



III. Background information

Considering the amount of time purloining of goods has been around, it is a very hard issue to solve. Though a lot of the stolen items are first sold illegally on the black market to criminals, often times after a while of being in the cycle of being bought and resold, they end up being acquired by collectors of art, who are not aware that the pieces are stolen cultural goods.

This way, a lot of the pieces are lost and sometimes end up in museums or private households or are for example given away as donations. This cycle makes it hard to decode where a piece originated from, who stole it and where it belongs. Many times, due to missing registers and marking, it is quite easy for loiterers to cover up their crimes. A big part of this issue is also that by loitering and selling goods for high prices, private criminals & terrorist organizations finance their projects and cause significant harm to the UN's infrastructure, peace & security.

Historical background

Cultural loitering has always existed and has been a way of gaining power and dominance as a country. It has been and is used to oppress others and to gain sacred goods for themselves, however, more than the personal gain of goods, the issue of cultural loitering is a systematic tactic used to harm countries, cultures and individuals by taking away from their heritage & identity, slowly leading for them to be weakened in their infrastructure, causing instability. Countries that have been especially affected by cultural property purloin are economically poor countries that have highly art-based cultures. Especially countries that can't afford to categorize their artifacts and don't have a register of all their goods suffer from loitering, as in those countries the loitered items mostly go unrecognized and with this, unreported. Experts estimated that Mali & Guatemala have each lost about 80% of their cultural property to looters. For Cambodia a loss of 50% have been estimated. In one of many attempts to protect and return goods, the Government of Thailand proposed a cooperation agreement with Cambodia, however, due to the degree of the issue and the amount of time loitering has been going on for, most attempts to solve the issue fail.

IV. Major Countries and Organizations Involved

Almost every country, if not every country is or has been involved with this issue at one point or another. Major organizations fighting against the trafficking of cultural goods contain the UNESCO, the INTERPOL & the European Union. There are lots of major terrorist groups



and criminal unities involved with illegal trafficking of cultural property, finding a way of financing their projects & crimes by participating & leading the illegal distribution and trafficking of stolen artifacts.

V. Timeline of events

Before 1970, there has been no effective, recorded laws regarding the regulation of trade of cultural goods, even though cultural property loitering has been going on for centuries. Fifty-four years ago (as of 2024) the UNESCO 1970 Convention against the illicit trafficking of cultural property was passed. Since then, a lot of trade regulations have been made, inter Alia, the Act of 1983 established by the US. Public awareness has been raised, however, especially since Covid in 2020, crimes surrounding the trafficking of cultural property have been rising and causing us to experience a global crisis. To this date, there is yet to be a fully successful solution to the issue of returning already stolen items of cultural property.

VI. Previous attempts to solve the issue

Back in 1970 the UNESCO adapted trade regulation laws, one of the first of this kind being passed. This laws goal was to prohibit and prevent the Illicit Import, Export and Transfer of Ownership of Cultural Property. This law didn't experience great success, as there was concern about the law affecting the art market in negative ways. Another act that was passed was the act of 1983, an act by the US implementing a system that enabled countries concerned about their cultural property being loitered to ask the US for assistance with this. However, this act failed as well, as it was based on very specific requirements the countries had to fulfill in order to apply to be considered for aid. In addition to that, the review process for those application was very intricate and hard to pursue, finally leading the act to fail. After having no regulations for trade or distribution on the art market for a while, the United States made the controlled trade of art a national priority, implementing different laws in order to stop illegal trade from getting further out of control. There have been several similar acts and laws by different countries, however, none of them was completely successful so far.

VII. Possible solutions

Some basic ideas of possible solutions to base your paper & proposals on are for example the focus on raising public awareness on the issue; implementing stricter systems of border regulations for goods like artifacts and art pieces; or stricter measures for following the already applying rules for trading goods and regulation of



import. Some ideas for the return of already stolen goods are sanctioning the countries if they do not return certain stolen goods; another possible attempt of solution could be to do extensive research on stolen goods and require a return to not exclude the country from certain alliances and perks.

VIII. How to prepare as a delegate

Dear delegates, for optimal preparation for this coming up MUNoH conference, please do some research about your country's involvement with the problem of cultural property loitering. Here are some questions that can help you start your research:

- Is your country involved with cultural loitering? Does it possess goods that belong to another country's cultural property?
- Has your country been affected by loitering? Which countries have repeatedly taken from your country's cultural goods?
- Which countries has your country taken from?
- Has there been historical conflicts and tension in the past or present that could affect and cause the issue of cultural purloining? If so, consider those in your research.
- What are some potential solutions to this problem from the perspective of your country?

All delegates need to write at least one draft resolution & at least 2 position papers on different topics. For best preparation, we would recommend writing three position papers, so that all issues of the forum are covered, and you get the best general idea of what is happening.

The deadline for your finished draft resolution & your position papers is the 21.09.2024.

Please hand your documents in in a timely manner, as we cannot guarantee that student officers will correct your papers after the deadline.

IX. UN resolutions

Attached here are some links to resolutions regarding this issue, which might be of help for your research:

https://www.unodc.org/documents/organized-crime/trafficking_in_cultural/RES-681-86/A_RES_69_196_E.pdf



<http://hrlibrary.umn.edu/resolutions/50/56GA1995.html>

X. Useful links

Basic explanation of the issue:

<https://youtu.be/J-WDjZvvyD4>

Differences cultural heritage & cultural property:

<https://theblueshield.org/defining-cultural-heritage-and-cultural-property/>

Survey on cultural property issues during the pandemic:

<https://www.interpol.int/en/News-and-Events/News/2021/Cultural-property-crime-thrives-throughout-pandemic-says-new-INTERPOL-survey>

<https://www.interpol.int/en/Crimes/Cultural-heritage-crime/The-issues-cultural-property>

possible ways to counter trafficking of cultural property:

<https://www.un.org/en/academic-impact/countering-destruction-and-trafficking-cultural-property-lessons-learned>

XI. Sources

<https://www.unodc.org/unodc/en/organized-crime/intro/emerging-crimes/trafficking-in-cultural-property.html>

<https://www.interpol.int/en/News-and-Events/News/2021/Cultural-property-crime-thrives-throughout-pandemic-says-new-INTERPOL-survey>

<https://eca.state.gov/cultural-heritage-center/cultural-property>

<https://www.interpol.int/en/Crimes/Cultural-heritage-crime/The-issues-cultural-property>

<https://ideas.dickinsonlaw.psu.edu/cgi/viewcontent.cgi?article=3568&context=dlr>

<https://www.obs-traffic.museum/how-fight-it>

<https://www.yalelawjournal.org/forum/state-of-the-art-how-cultural-property-became-a-national-security-priority>

<https://courier.unesco.org/en/articles/50-years-fight-against-illicit-trafficking-cultural-goods>

Vocabulary:

<https://eca.state.gov/cultural-heritage-center/cultural-property> - **cultural property**



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<https://languages.oup.com/google-dictionary-en/> - artifact / purloining /
restitution

<https://www.jstor.org/journal/yalelawj> - Yale law journal

