

PAMUN XVIII RESEARCH REPORT— MEASURES TO STEM TRAFFICKING OF CULTURAL PROPERTY

Introduction of Topic

Cultural property are tangible items that are part of societies' and groups heritage and are essential to understanding the past. Its importance to humankind is tremendous as it demonstrates the evolution of civilization and individuals over time.

Unfortunately, these precious objects are in danger and it is vital that measures be taken to protect them. Criminal groups are becoming more involved in trafficking cultural property through both legitimate markets such as the Internet and auctions and underground illegal markets.

While these organized groups are making notable profit, populations are being declined the right to artefacts and information connected to their past. Furthermore, when these relics are stolen, archeologists are hindered from gathering additional historical knowledge.

Although action is being taken to cease this, what is currently being accomplished is not enough to put an end to it. Countries and organizations must continue to collaborate to produce solutions and frameworks which will reinforce current advances.

Stemming the trafficking of cultural property will bring nations one step closer to achieving Sustainable Development Goal #16: promoting peace, justice, and strong institutions. Stronger judicial systems that will enforce laws and work toward a more peaceful and just society must be established to prevent further property from being displaced. Furthermore, if all countries work cooperatively in initiating these legislations, Goal #17, partnership for the goals, will be enforced.



Cultural property emblem

Definition of Key Terms

Cultural Property

Tangible items that are part of the societies' and groups heritage and are essential to understanding the past. Examples of these types of items include pieces of art and literature, museums, historic buildings, archeological sites, and libraries. They are of importance to history, art, science, literature, prehistory, and archeology.

Trafficking

The action of dealing or trading in something illegal.

Looting

Stealing goods from a place, in this case archeological or heritage sites and museums.

International Instruments

Treaties, frameworks, and other international documents relevant to protecting and stemming the trafficking of cultural property.

Background Information

As mentioned previously, the significance of cultural property is undeniable. It contributes immensely to populations' identities, development, and overall growth. However, it is often undervalued; this indifference has contributed to the lack of proper action to protect it.

The trafficking of cultural property is being accelerated due to globalized trade through new means of shipment and the amount of connections the Internet provides.

Significant Events and Emergency Actions

A UNESCO 2012 press release stated that "Cultural heritage sites around the world are increasingly becoming the collateral victims of both natural disasters and *armed conflicts*." Recently, the Middle East has been greatly targeted. Emergency action measures have been taken by the UN to aid these territories.

Egypt

In 2014, the Museum of Islamic Art in Cairo was damaged and the Malawi National Museum was looted. Two years later, the Egyptian Ports exhibition's antiquities were reported seized. Since then, UNESCO has brought in rescue teams, formed workshops to develop preventative measures, and sent expert representatives to assess security situations.

Haiti

Following the January 2010 earthquake in Haiti, UNESCO immediately sent troops to mobilize communities to discourage looting. A temporary ban on the trade and transfer of Haitian cultural goods was established based on the principles of the 1970 Convention. An International Coordination Committee (ICC), committed to Haitian culture, was created and led by the minister of culture and communication. Furthermore, INTERPOL and specialized police were told to increase vigilance in Haiti and importing countries. Over the next years, experts returned annually to verify all measures were properly in place and responding positively.

Iraq

Iraq is another country which UNESCO has put great focus on regarding the issue. Following numerous cases of cultural destruction in the nation, the UN made it one of its utmost priorities to include Iraq in its discussions about protecting cultural property. In 2014, an Emergency Response Action Plan discussion and multiple high-level meetings at the UNESCO headquarters were held. Iraq is also included in Security Council resolutions such as Resolution 2253 which addresses fostering relationships between the public and private sectors and Resolution 2199 which adopted legally-binding measures to combat the issue.

Syria

Syria has faced the most damage. Similarly to Iraq, it has been included in numerous Security Council Resolutions. Due to the damage that has been caused in museums, artefacts have been transferred to secure warehouses where they cannot be looted. To keep trace of the cultural objects, inventories are being digitized onto an online database, which could help restitution scenarios. Recently, a campaign known as “Save Syria’s History” was created to raise awareness on the current illegal trafficking taking place in museums and archeological sites.



Example of damaged site in Syria

Types of Trafficking

Legal markets vs. illegal underground markets

The trafficking of cultural property takes place in both legal and illegal markets. According to a study by Interpol, in 80-90% of antiquity sales, the objects come from illicit origins. Today, it is estimated that value of the goods circulating in this illegal market are worth over three billion, yearly. According to UNESCO, due to its exponential growth, this black market is becoming one of the most “firmly rooted” illicit trades in the world.

Since these markets are very covert, it makes it difficult to measure and assess the criminal activity occurring. Currently, due diligence, a term introduced in the 1995 UNIDROIT Convention, has become the most prominent manner to identify an illegally exported cultural object. The main way to practice this is by verifying the origin and provenance of the object in addition to avoiding the purchase of any suspicious artefacts. Museums, with the support of ICOM, strongly adhere to this process to avoid the exhibition of illegal relics.

Trafficking can also prevail through legitimate markets. Concealing stolen artefacts with objects in the legal markets facilitates the trafficking process. Most often, objects can be traded through auctions or on authorized Internet sites so the illegal transaction goes unperceived. In order to combat this, regulation in auction houses must be heightened. Furthermore, supervising facilitators, those who authenticate the antiquities, is essential, since they are responsible for valuing the relics. If they purposely allow illegally obtained objects to be traded, trafficking will continue to increase.

The Internet

As mentioned above, illicit trafficking via the Internet is becoming very common. Since many cultural object exchanges are legal, it is difficult for countries to review all Internet sales or investigate suspicious offers. A meeting of the *INTERPOL Expert Group on Stolen Cultural Property* was held at the INTERPOL General Secretariat. It was acknowledged that surveying posed difficulties due to numerous factors: the diversity of items for sale, the amount of sites and platforms where they may be found, limited reaction time due to short bidding periods in sales, and their international scope. The resulting measures from the meeting included heavier accountability, a stronger central authority, and more transparency from selling platforms.

Terrorist Involvement

Terrorist groups are becoming more involved in the trafficking of cultural property, and their role in these crimes has become a great concern. The intentional destruction of heritage sites is occurring, particularly in the Middle East. Furthermore, the profits made from looting are used to reinforce their recruitment efforts and operations. The culture in these territories is being completely eradicated, fundamental freedoms are being neglected, and human rights are being violated.

Islamic State of Iraq and al-Sham and Daesh

ISIS is responsible for destroying numerous archeological sites in Syria such as the ancient Assyrian cities of Nineveh and Nimrud, so that their own culture may be imposed in the territories. Furthermore, Daesh, another terrorist group, is continuously destroying the cultural property of other religions it considers prohibited in Islam, such as art which depicts human faces or shrines. In February 2015, the United Nations Security Council (UNSC) adopted resolution 2199 which extends to Syria the prohibition of trade in cultural objects already in located in Iraq since 2003 under resolution 1483. The UN expressed its worry that these groups “are generating income from engaging directly or indirectly in the looting and smuggling in cultural heritage items (...) to support their recruitment efforts and strengthen their operational capability to organize and carry out terrorist attacks.”

National Legislation and Conventions

In order for a country to regulate these crimes, strong national legislation must be established. Each state has its own history and terms, and thus will address the issue differently. However, UNESCO recommends that all nations consider the following aspects for their frameworks in order to reinforce the protection levels of the cultural objects. A few key points the ‘check-list’ suggests are the following:

1. Providing a clear definition of cultural property;
2. Establishing the State’s ownership of the cultural objects and defining which of them can be traded/leave national territory;
3. Regulating archeological discoveries/excavations;
4. Making an inventory system of the cultural heritage;
5. Elaborating policies for museums and sites to prevent illegally exported cultural objects.

Along with developing a national framework, UNESCO also encourages nations to join Conventions so that the safeguarding of the cultural property is not only strengthened nationally but also uniformed at an international level. Since trafficking may involve transporting objects from one country to another, these offences can involve multiple national jurisdictions. If items are intercepted in another country than where they are originally from, authorities don't have the information needed to solve the case properly. Therefore, this issue must be tackled on a global level.

Three of the most important conventions regarding the trafficking of cultural objects are:

- a. The 1954 Protocol Hague Convention: aimed at protecting during armed conflict and occupation;
- b. The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property: focuses on formulating preventative measures, restitution provisions, and international cooperation frameworks;
- c. The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects: complements the 1970 Convention and focuses on a uniform treatment for restitution of stolen or return of illegally exported cultural objects;

Major Countries and Organizations Involved

United Nations Educational, Scientific and Cultural Organization (UNESCO) and United Nations Office on Drugs and Crime (UNODC)

UNESCO and UNODC work closely to promote initiatives to support Member States, strengthen national legal framework, and develop tools to reinforce countries' abilities to deal with these transnational crimes. They contributed to the formation of international conventions such as the 1970 Convention, the adoption of key resolutions such as Security Council Resolution 2347, and the creation of international instruments which back these frameworks. These two organizations are involved with almost every project related to this issue, and maintain close partnerships with diverse groups.

The International Crime Police Organization (INTERPOL)

INTERPOL, established in 1923, is an organization that works internationally to facilitate police cooperation. Its missions tackle transnational crime, cybercrime, drug trafficking, corruption, war crimes, and more. Working closely with the United Nations, INTERPOL raises awareness to the

public about trafficking cultural property and encourages not only police, but art and antique dealers to exchange information and work together on solving the issue. Their database of stolen works of art, numerous e-services, and close partnerships with UN bodies have greatly contributed to fighting these serious crimes.

International Council of Museums (ICOM)

ICOM is an organisation comprised of museums and museum professionals all around the world devoted to protecting cultural heritage. There are currently 35,000 members in 137 countries. They work closely with partners such as UNESCO and INTERPOL to carry out missions which include preventing the illicit traffic of cultural property, one of their highest priorities. Over the years, they have continuously published their Red List Series to help the public recognize the types of objects that are most vulnerable to illicit trafficking. There are lists for many areas. ICOM currently operates thirty committees to develop projects more deeply in a range of respective fields.

Italy and Jordan

In 2015, Italy and Jordan partnered to combat the issue at hand. Along with INTERPOL, UNESCO and UNODC, they formed the following project: “Protecting Cultural Heritage – An Imperative for Humanity: Acting Together Against the Destruction and Trafficking of Cultural Property by Terrorist Groups and Organized Crime.” The objective of this program is to awaken the international community to implement certain frameworks into their legislations in order to strengthen the coordinated action being taken against the illicit trafficking of cultural property. As they were formulating the project, they focused on three main aspects: preventing destruction, looting and other illegal activities in the conflict areas, countering transnational trafficking, and repressing illegal markets in destination areas. In 2016, the meetings continued trimesterly in New York, with leading experts from museums and law enforcement agencies contributing to the discussions. In 2018, plans are still consistently being proposed by these two countries; their efforts to solving this issue have been tremendous on a international level.

Timeline of Events

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| 1946 | The International Council of Museums (ICOM) is created. |
| 1954 | The Hague Convention for the Protection of Cultural Property in |

	the Event of Armed Conflict introduces a series of protocols and obligations States Parties must follow regarding the issue.
1970	The Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property is adopted by UNESCO.
1995	The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects is adopted by UNESCO.
2013	UN Security Council Resolution 2100 for the protection of cultural heritage sites was included for the first time in the mandate of a UN Peacekeeping mission, the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA).
February 2015	UN Security Council Resolution 219 recognizes that the illicit trafficking of cultural objects can be used as a source of financing for terrorism and requires Member States to take legally-binding measures to prevent “trade in illegally exported Iraqi and Syrian cultural property.”
September 2015	Italy and Jordan collaborate with INTERPOL, UNESCO and UNODC to produce the “Protecting Cultural Heritage – An Imperative for Humanity” project.

Relevant UN Treaties and Events

- Protection against trafficking in cultural property, 2004, **(A/RES/2004/34)**
- Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, 30 March 2012, **(A/RES/66/180)**
- Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, 11 February 2014, **(A/RES/68/186)**

- Protecting Cultural Heritage – An Imperative for Humanity: Acting Together Against the Destruction and Trafficking of Cultural Property by Terrorist Groups and Organized Crime, September 2015
- Maintenance of international peace and security: destruction and trafficking of cultural heritage by terrorist groups and in situations of armed conflict, 24 March 2017
(A/RES/2347)

Main Issues

Halting the trafficking of cultural property involves many issues. Below are some of the most prominent.

Regulating Internet trading has become very difficult to achieve as the amount of websites and transactions occurring are extremely vast. Online deals have made it possible for illegal activity to occur from one corner of the world to another. Although unique security measures created by law enforcement sites are detecting suspicious activity, algorithms must be further developed to stop all potential incidents.

Museum databases can also be problematic. Although effective when correctly implemented, these systems often undergo technical issues which museums, often reluctant to go through the trouble of updating their systems, do not address. Also, these data bases could be hacked, creating even greater vulnerability to the artefacts.

It also also hard to enforce regulations in armed conflict zones or post-natural disaster sites. In conflict zones such as the Middle East, communities are in turmoil: cities are destroyed, populations are evacuated, and order ceases to exist. Therefore, enforcing the rules and conventions set by a country's government and other organizations to prevent cultural property from being trafficked is very difficult. Cities are left unattended, giving looters the opportunity to take precious relics from where they belong. Pandemonium is also found in post-natural disaster sites. Following proper protocol after a disaster such as tsunami or earthquake takes place is a challenge, as ensuring the safety of communities and developing plans for reconstruction is the priority. Therefore, the regulations on the protection of artefacts and relics are neglected, potentially increasing illegal trade.

In addition, lack of protection at archaeological sites is also a large issue. If the sites are not guarded, it is much easier for the precious artefacts to be stolen and damaged. This problem is mostly prevalent in developing countries or in armed conflict zones which cannot spare their scarce resources for such purposes.

Trafficking of cultural property has transcended borders and become an international problem. Yet, the search has been restricted to the national level in some regions. The lack of international cooperation is clearly hindering the ability of nations to address this problem effectively.

Previous Attempts to solve the Issue

Numerous measures have been taken to stem the trafficking of cultural property.

As mentioned previously, international instruments have had a monumental effect on reducing illicit trafficking of these objects. Resolution 2004/34 set an international message in 2004 by alarming the international community that action had to be taken. Resolution 66/180 outlined methods for governments to increase protection of the artefacts to prevent the crimes and set in motion laws to refer to when judging the criminals. Yet, these laws differ in each country and so harmonization of policies must be attained. Several other resolutions and conventions have been drafted and discussed by a variety of organizations from all sectors, leading the global community on a solution focused path.

Another significant development is Object ID. Launched in 1993 by the Getty Trust, it is an “international standard for recording data about cultural property” which helps combat art theft. Over the years, the museum community, custom agencies, and valuers of art have developed it by promoting all groups to get involved. Furthermore, the project has assisted in recovering the objects after they have been illicitly exported. Today, agencies such as UNESCO and INTERPOL promote its use while ICOM retains administrative rights.

Moreover, INTERPOL’s Database of Stolen Works, accessible to authorized users and law enforcement agencies, was made available in 2009. This tool merges images and descriptions of over 51,000 items all around the world who have been stolen to help their restitution. By holding a firm record of all cultural property stolen, governments can have a clearer idea on what the artifact resembles, which helps in the search. Moreover, the record enables governments to realize the extent to which they must take action to retrieve these losses, which would further stimulate international cooperation and partnerships with the private sector.

Possible Solutions

In this year's PAMUN conference, delegates are expected to write specialized clauses, which should later amount to a coherent resolution with each of them addressing a specific aspect of the topic. When writing their clauses, delegates are to focus on a specific aspect or a "specialized topic" of the general issue that are outlined by 'major issues' and 'possible solutions' of this report. During your conference, chairs will deliver their delegates with more specific instructions. However, please keep in mind that these ideas do not in any way set restrictions for debate. Moreover, each solution has both its benefits and disadvantages that delegates should thoroughly consider.

Several measures have been set into place through resolutions and frameworks, propelling the international community in a positive direction. Thus, their reinforcement should be continued. Possible revisions to existing frameworks should also be considered to adapt to changing circumstances. For instance, clauses addressing the digitalization of trafficking and the upsurges of terrorism could be incorporated into past conventions.

Harmonizing domestic and international legislation is also essential. A main issue is that trafficking involves transporting objects from one country to another, meaning multiple national laws are applicable. If an artefact is intercepted in another country, there is often dispute on which country's legislation should be consulted for the case. Thus, coordinating policies or establishing a common process would be pivotal to find the common ground to solve the problem efficiently. International cooperation is crucial as this conflicts spans on the global level.

Moreover, collaboration between the public and private sectors must be encouraged. All sectors of the economy must play a role in solving these crimes. The private sector could be incentivized in investing in the protection of the artefacts to prevent the trafficking. Digitizing is of utmost importance to solve this problem and private firms could participate in this advancement. For example, contributing to the investment in technologies that bolster databases which record the whereabouts of all cultural property. Another solution would be investing in GPS tracking technology to geo-locate artefacts. In this way, a lost artifact could always be located, regardless of which country it is brought to.

For further inquiry

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"Countering Destruction and Trafficking of Cultural Property - an Imperative for Humanity | United Nations Educational, Scientific and Cultural Organization." *UNESCO*, Discovery Channel, Producer., www.unesco.org/new/en/media-services/single-view/news/countering_destruction_and_trafficking_of_cultural_property/.

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"Works of Art." *Types of Human Trafficking / Trafficking in Human Beings / Crime Areas / Internet / Home - INTERPOL*, www.interpol.int/Crime-areas/Works-of-art/Works-of-art.

Appendix or Appendices

i. UNESCO, Interpol, and ICOM report on the issue:

http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/basic-actions-cultural-objects-for-sale_en.pdf

ii. Object ID website (used to locate different types of heritage internationally):

<http://archives.icom.museum/object-id/>

iii. ICOM's Red List Database (indicates which sites are in the most danger):

<http://icom.museum/programmes/fighting-illicit-traffic/red-list/>

iv. UNESCO's various publications on protecting world heritage:
<https://whc.unesco.org/en/review/87>

v. Further explanation of the cultural heritage issue in Syria:
<http://www.unesco.org/new/en/safeguarding-syrian-cultural-heritage/>