United Nations Economic and Social Council

Topic B: Protecting cultural heritage from illicit trafficking.
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INTRODUCTION

Cultural heritage is the stamp left by mankind in space and time. In fact, it is the legacy of ancient artefacts or attributes of the society, that are inherited from past generations, they are usually maintained in the present for future benefits. By them, we can acknowledge how our ancestors used to live day by day, due to its way to express the ways of living developed by each community and how this has been passed from generation to generation in order to evolve, involving customs, practices, places, objects, and artistic expressions.

Protection of cultural heritage, mainly objects, is a significant issue that has been growing throughout the years around the world, especially in regard to illicit trafficking.

The term "illicit trafficking" can be defined as the illegal trading, selling or dealing of specified goods.

This situation has been going around for significant period of time, yet, in the late 1960 and early 1970, the increment of theft were highly noticeable, both in museums and archaeological sites. The first response from the nation was the formation of forces; The world's first police force specialized in the protection of cultural property was implemented in Italy. In 1970, the UNESCO adopted the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which mentions in the Article Article 2 that:

"The States Parties to this Convention recognize that the illicit import, export and transfer of ownership of cultural property is one of the main causes of the impoverishment of the cultural heritage of the countries of origin of such property and that international co-operation constitutes one of the most efficient means of protecting each country's cultural property against all the dangers resulting there from."

Some countries who have been affected by this problem are:

Africa	Iraq
Bulgaria	Italy
Cambodia	Libya
China	Mali
Egypt	Pakistan
Greece	Syria
Haiti	Turkey

In the other hand, there also have been cases of success, were the objects are returned to their respective culture. In 2007, fifteen stolen pieces of jewelry were returned to Romania's culture, who were found in United States, France and Germany.

These kind of acts endanger a country's heritage, it threathnes all the material and cultural trace left by mankind since our early beginnings. For example, an artwork is the surest testimony to the history of a civilisation, it represents what their ancestors were thinking or trying to say and is part of a country's heritage. But as far as scientific research is concerned, an artwork only say the truth and supplies valid information about the past when the artwork is studied in situ, for its archaeological or ethnological context. As a result, when an object it's taken to another place without the needed precautions, or without the preliminary study that needs to be done in order to know about the environment in which it was kept, it loses all its scientific value and sadly, becomes dead evidence.

HISTORICAL BACKGROUND

Cultural heritage and cultural properties have been destroyed, looted and trafficked throughout history, particularly during conflict and post-conflict situations. The role of organized crime and terrorist groups is of particular concern. They have entered into all forms of trafficking in cultural property and related offences, illegally moving items through diverse markets. Trafficking has also become an important means of money laundering and a source of financing for terrorist groups. It is sometimes enabled through the support of insiders such as corrupt customs or border officials, law enforcement officers, and dealers in art and antiquities.

In the late 1960s and early 1970s, thefts were increasing both in museums and at archeological sites. In this context, the first national response was the formation, in Italy, of the Carabinieri TPC, the world's first police force specialized in the protection of cultural property.

The Convention requires its States Parties to take action in three main areas: preventive measures, return and restitution, and international cooperation. Through clear and comprehensive procedures, the Convention set practical measures to be implemented at the national level better fight trafficking. In 2015, Operational Guidelines for the Implementation of the Convention were adopted by the Meeting of States Parties. These were meant to strengthen preventive measures as well as return and restitution procedures. The range of measures on return was further expanded in 1995 by the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, which addresses the relationships between private parties, recognizing the importance of private commerce in the trafficking of cultural property. On the broader question of the protection of cultural property in armed conflicts, the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, together with its two (1954 and 1994) Protocols, introduced a series of obligations for its States Parties. These included peacetime activities, such as the creation of special units within national armies to protect cultural property, and war-time provisions, such as not targeting cultural property and using it for military purposes. The UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage, adopted almost twenty years later (1972) complemented The Hague Convention by establishing a strong conservation and monitoring framework for a select number of properties of outstanding

Cultural artefacts and antiquities travel a long and complicated road from their original site to their final sales market. This itinerary needs to be documented and mapped since timeline and provenance are essential to the identification and assessment of single items or collections. The project has retraced this complicated route in reverse order, starting with the final markets for cultural artefacts and concluding with their places of origin. This approach is based on the fact that instances of art and antiquities being sold on the markets and of items seized in the course of border controls or investigations exist. Examining these cases and the means by which the items are marketed makes it possible to reconstruct the road the items have travelled after being looted, stolen, or misappropriated.

CURRENT RELEVANCE

Objects that are classified as cultural heritage, are extremely important to human history because they provide a concrete basis of ideas and theories about how the past was, with the opportunity to validate the theories by analyzing them. Their preservation demonstrates recognition of the necessity of the past and it uncovers the story. The remains of ancient civilizations shows not only how our ancestors used to live, but their technical development, social life, creativity, and religious practices, among others.

As far as scientific research is concerned, an artwork can only supply valid information about the past of the people who produced it if it is studied in situ, that is to say in its archaeological or ethnological context; Particularly in Africa, where ancient societies didn't used to write, and so it is vital to have access to material culture, to be able to write the history of these societies.

However, nowadays, cultural heritage is usually kept in museums. To keep the cultural heritage in museums is a big risk a country takes, making it is easier to stole the objects. This unfortunately poses a bigger danger because objects, and also places, are damaged by the hands of tourists, and by the light that is required to display them.

Sometimes, this problem goes unnoticed because many countries don't tend to go through this, but in fact, is a problem that should be taken into account by every country in order to eradicate it as soon as

possible if we want to preserve the history that our ancestors left for each country, by not accepting or asking for cultural goods of other countries only to display them in museums.

Cultural heritage sites around the world are increasingly becoming the collateral victims of both, natural disasters and armed conflicts. In case of a natural disaster, UNESCO developed emergency measurements for the protection of cultural heritage by mobilizing the international community. When illegal trafficking is done, the history the object holds is practically erased, because it wasn't hold with the needed precaution. For that, and many other reasons, some countries that have been affected, are taking extreme actions.

In 2010, a 7.1m earthquake took place in Haiti, UNESCO created a crisis team, it assured that it was necessary to take conservatory measures for a temporary ban on trade and to transfer the Haitian cultural goods suspected of being stolen. Also, in 2014, on the fight against illicit trafficking of cultural property was held in Port-au-Prince, in partnership with the Ministry of Culture in Haiti, MUPANAH, ISPAN, the General Administration of Customs and the National Police of Haiti.

On 2014 there was a meeting at UNESCO Headquarters, who were proposing the protection of cultural heritage and the respect of cultural diversity in Iraq and Syria, their goal was to sensitize humanitarian aid workers to integrate the cultural dimension into security, in order to stop illicit traffic.

There is a high concern over the unprecedented scale of trafficking, which is often planned to intentionally destruct sites of cultural heritage, especially in the Middle East. The perpetrators of these acts only benefit from the profits of looting, but they don't take into account the eradication of cultural diversity from the territories under their control. In addition to the loss of irreplaceable cultural heritage, this has also led to heinous violations of human rights and fundamental freedoms.

INTERNATIONAL ACTIONS

In concern of this issue UNESCO has been in the urge of developing measures with the purpose of stopping and controlling the illicit heritage trafficking. Here are mentioned some of those countries followed by its taken emergency actions:

· Egypt: The Federal Office for Culture of Switzerland and the UNESCO developed a capacity-building in order to safeguard egyptian heritage, also, in 2011 there were sent experts to assess the security measures in museums and enhance them as well as to collect information about cultural objects that have been missing. UNESCO has also educated and mobilized the civilian population to strengthen awareness on protecting and respecting its own cultural heritage.

· Haiti: There was a capacity-building workshop against trafficking of cultural property held in Port-au-Prince. Likewise, the UNESCO Director-General specified in a letter the need to verify the origin of imported, exported and/or sold artifacts on the internet in order to prevent commercial transactions that are source of income por the Haiti population.

· Iraq: There is the "Iraq Cultural Heritage Protection Act" created to provide for the recovery, restitution and protection of the cultural heritage in Iraq and establishes that "the cities and rural areas of Iraq are home 17 to some of the oldest human settlements in the 18 world as well as more than 10,000 identified archaeological sites of cultural and historical importance 20 and tens of thousands of other non excavated sites" and it also mentions how thousands of items are reported missing from some of their museums. There are several restrictions, requests and actions that must and were taken in terms of imports and exports. At the end there are written some agreements altogether with the Convention on Cultural Property Implementation Act.

· Syria: ASOR Syrian Heritage Initiative team can continue documenting the condition of cultural heritage in Syria and will continue creating international awareness of this threats thanks to the cooperative agreement with the U.S Department of State.

UN actions

In the late 1960s and early 1970s, the number of theft actions increased in both museums and at archeological sites, private collectors and official institutions were offered objects that had been unjustifiably imported or were of unknown origin.

This led to the first national response, that took place in Italy, with the Carabinieri TPC, the world's first police force who were specialized in the protection of cultural property. Later, there was the first response to the same situation at international level, we are talking about the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, this was adopted by UNESCO in 1970.

Since 1970, resolutions about return and/or restitution of Cultural Property have been adopted by the United Nations General Assembly. By 2015, there have been 27 resolutions made, in order to cease this problem.

Some other actions that have been done besides the 1970 convention, are:

· 1972 - World Heritage Convention: The goal of this convention is to assist the way people and interact, encouraging security for both people and nature.
· 1978 - Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation: This committee helps in the advertisement of anti-trafficking research, helping the countries that fight against this problem and helps during the negotiations.
· 1995 - Convention on Stolen or illegally Exported Cultural Objects: It works in hand to the UNESCO convention of 1970, with the goal of putting an end to the crime of exported cultural objects.
· 2003 - Database of National Cultural heritage Laws: This database is a resource that states laws, in order for people to be informed and ensured what they are buying is legal. This also helps to know who and where is the item coming from, INTERPOL takes advantage of this by using it to arrest thefts and recover objects.

BULLET POINTS

· The importance of cultural heritage in each country

· Standards for ownership

· Promotion of professional ethics and protection of the cultural heritage

· Relationship of the nations with the problem and how it affects each delegation individually

· Treaties

   · Indicate if it is necessary to make a treaty to stop the illicit traffic of cultural heritage

   · Treaties already applied to reduce the problem

· What has been the effectiveness of the treaties?

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