



BACKGROUND GUIDE

SOCHUM

HEC
PARIS

WELCOME LETTERS

Dear delegates,

It is my pleasure to welcome you to the Diplomacy Week, organised by the MUNHEC association. My name is Amine Benomar and I will be co-chairing the Sochum committee with Marie Renard on the following topic: "Preserving Cultural Heritage in warzones".

Since high school, the world of international relations and diplomacy has been drawing my attention and I'm considering starting a diplomatic career in the future. I didn't take part in many MUNs but my experience in that field was very instructive. These simulations make you realize how negotiations can be very tough and delicate and at the same time very constructive. For a resolution to be voted, each country has to make some concession while always defending their own interests.

Amine Benomar
Committee Chair
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Dear delegates,

I am Marie Renard, a L3 student, and I will be co-chairing the Sochum committee this year. Needless to say that I am really excited about this MUN that will deal with one of my favourite topics: culture. Just like Amine, I am fascinated by the world of diplomatic relationships.

This background guide could not have been realized without the precious help of Lê Quang Trinh, a Vietnamese student with substantial MUN experience, who will unfortunately not co-chair the committee.

Preserving Cultural heritage in warzones is a topic that remains at stake nowadays because there is a surge in damage done to cultural heritage in warzones and because UN organizations such as UNESCO seem to a certain extent unable to prevent the destruction of this heritage. Therefore, there is work to do on this matter such as proposing solutions that can efficiently protect cultural heritage in these areas.

Sincerely,

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INTRODUCTION

In March 2001, Bamiyan Buddhas, the world's two largest standing Buddhas, fell to Taliban dynamite despite all the international efforts made to preserve them. Culture heritage may have been war collateral damage, but it has become a special war target in the last decades. This can easily be noticed in war zones like the Middle East, where the wars that took place lead to heavy culture damage affecting historical monuments. For instance, the war in Iraq has caused an unprecedented pillage of the local heritage. Most recently, the peak was reached in 2016 with the destruction of the antique city of Palmyra in Syria by the Islamic State. Preserving cultural heritage in war zones is therefore a subject that needs to be dealt with. Laws and resolutions have been voted in the past to condemn the destruction of cultural heritage but they may have reached their limits so it will be your task, during one weekend, to update or even transform them in the most effective way possible.

PRESENTATION OF THE COMMITTEE

The Social, Humanitarian and Cultural Committee usually presented as the Third Committee of the General Assembly of the United Nations. This assembly is committed to tasks related to social, humanitarian affairs and human rights all around the world. SOCHUM has become one of the most important organs of the UN dealing with various social aspects such as refugee crises, overpopulation, prostitution or social welfare, which consists of a wide range of issues such as women's right, children's protection, global literacy, education, migrants' and refugees' protection, drug control, elimination of racism, the right to self-determination and cultural affairs. SOCHUM is one of the six committees of the General Assembly and its negotiations take place at the same time as those of the General Assembly's. It receives reports from Special Rapporteurs, Special Representatives, Working Groups and other Special Procedures organs as well as from the Human Rights Council. Negotiating States can come out as «sponsors» on certain topics that are debated by the SOCHUM. The Third Committee can draft resolutions which will then be presented to the General Assembly for adoption.

DECISION-MAKING PROCESS

This conference will be attended by [...] countries, each of them represented by two delegates. It will follow the UNA-USA procedure for Model United Nations, meaning that everything regarding negotiation on the weekend's topic will happen during the sessions: debates and lobbying, as well as resolution submission. In order to be submitted to the Chair, a resolution must be complete, with the adequate number of sponsors and signatories. The entire Committee then debates on this resolution and delegates are free to propose amendments (there is a special vote on the amendments). The Committee has every right to pass more than one resolution per session. Please refer to the Delegate Handbook for further explanations on the Rules of Procedure.

Despite us all representing different countries, in this conference we are all one team collaborating to resolve a common problem. Hence the Dais requests all to respect the thoughts and views of each other.

HISTORICAL OVERVIEW

THE COMPLEX NOTION OF CULTURAL HERITAGE

Definition

Cultural heritage may be defined as the whole legacy left by past generations, in terms of architecture, literature, music, painting, but also scientific breakthroughs as well as the customs and habits of each civilization. This heritage can be material or immaterial, public or private, and should be protected as it affords a momentous cultural and historical value.

Drawing up the list: a complex task

However, this attempted definition remains quite large, which causes a major issue: on which criteria shall we decide whether an object or a custom belongs to the global cultural heritage? Shouldn't we view every artistic production as a potential part of the UNESCO world heritage? This solution could avoid many injustices. Since 1978, UNESCO has been keeping a list of all the cultural objects deserving to belong to the world cultural heritage. Nowadays, some 832 cultural entities can be considered as such an heritage, spread out over 167 countries. Some of them, such as the Angkor temples, the Great Wall of China or the Versailles palace, undoubtedly embody the artistic power of humanity across the centuries. However, one can easily be surprised by some other items of the list that are unknown or even neglected, if not threatened by climate changes and the conflicts. The main goal of such a selection is to avoid that the jewels of humanity disappear, and to protect the descendants of the Seven Wonders of the Ancient World.

The point is, how can we recognize the works belonging to this selective list? The key could be the following: if the cultural and political identity of a nation lies in a specific object, habit or piece of music, then it should be regarded as part of the world cultural heritage. There is no denying that every kind of art reflects the humanity of its designer, but an artistic work embodies the whole humanity only when the members of a community recognize themselves in this very work. Therefore, a piece of cultural heritage is meant to be a concrete expression of a national identity.

There is no point in reasserting that drawing up such a list serves the goal of protection of the cultural heritage. But the success of this mission is debatable. Actually, the notion of cultural heritage is biased. In spite of the cultural globalization that followed the economic one, the list of the UNESCO world heritage is centred on Europe. Architectural works from the classical antiquity and European-style monuments make up the major part of this cultural heritage. A quick look at the list shows that the bulk of those wonders are located in Italy, in France, in Germany or in Greece, ... Not only does it raise the issue of diversity, but it also unveils the main fragility of the UNESCO's enterprise: the monuments that have been preferred are not the ones that are located in regions where conflicts are endemic. That is why the topic of cultural heritage in warzones has often been neglected, as it doesn't appear as worrying to decision-makers.

Preserving peace by protecting the cultural heritage

Cultural heritage around the world has many functions and roles, the most obvious is that it embodies the traces of humanity across the centuries. However, beyond this major role, preserving cultural heritage has another virtue: in fact, saving any kind of art, architecture, music or ritual may help preserving peace all around the world. At a time where peace is threatened, and particularly because of national identity claims, the international community has to find non-violent ways to solve the burning geopolitical issues leading to conflicts. No doubt that a community whose cultural heritage is wrecked and even destructed would react fiercely, because each culture represents a people and its identity. This underlines once more the urgent need to develop means of protection of the world's cultural heritage.

A THREATENED HERITAGE

The cultural heritage is at risk on many levels

To begin with, let's ask a simple question: why is the cultural heritage's safety so precarious, and especially in warzones? Obviously, an army cannot take any financial or political advantage of a sanctuary's or a museum's remnants... Moreover, we should reckon that material heritage (architecture, paintings, books) is much more jeopardized than immaterial heritage (traditions, legends, rituals) for a simple reason: once a temple or a castle is destroyed, there is nothing left, whereas legends or habits can still be passed on from the current generation to the next.

The damages that can affect a cultural good (monuments, paintings, books) are countless. Still, to make it easier, three categories can be distinguished. First of all, the most frequent is the collateral damage: when a battle takes place, the closest town or village is never spared by from shootings, if it so happens that some valuable objects were kept in those cities, they are unavoidably destroyed. The notion of collateral damage is a tragic one, because it only results from facts, namely such destructions are not the parties' aim, still they are inexorable, frequent and often extremely violent. The second cause of damages is pillaging and traffic of cultural good, and especially antiquities. A war easily creates a zone of confused and often nonexistent law, a kind of no man's land, and cultural sites in this area are often deserted or neglected, which enables looters to slip into them without being spotted. This phenomenon has always been widespread as trafficking antiquities turns out to be particularly lucrative. However, this matter is made more complex by the fact that there exists a real network of antiquities smugglers and an antiquities market, fuelled by wealthy British, French and American collectors who search for inestimable works. Moreover, this trade has been set up without the consent of the countries from which those masterpieces come from: South America, Iraq, Iran, Afghanistan, ... The last category of damages is gratuitous vandalism, that has always been present in warzones, but that tends to become the ideology-oriented, conscious and systematic destruction of the enemy's cultural heritage. It is no longer the consequence of the war, but a real political act, a way to annihilate the enemy and to deny its culture. This new phenomenon was and is still to be observed in civil wars such as ex-Yugoslavia and Iraq or in the conflict in Afghanistan.

An insidious threat has to be identified when it comes to cultural heritage protection, best described through the following paradox: the growing importance of cultural heritage protection may harm this very cultural heritage. As cultural goods, masterpieces and antiquities have become an ostentatious mark of a given identity because of these very protection schemes, they are exhibited as symbols of civilization, but also particularly exposed and all the more likely to be attacked, as civilizational wars gather momentum nowadays. Civil wars are especially dangerous for cultural heritage. The aim is to destruct or swallow up the enemy, and wrecking its cultural heritage is an efficient means to destroy its identity.

Striking examples of the 20th century

World War II undoubtedly raised awareness about the topic of cultural heritage in warzones. Even if we only focus on Germany, there is plenty of examples that show how easy it is to wreck masterpieces or to appropriate a nation's heritage. Between 1933 and 1945, Nazis organised the despoliation of Jewish collectors in Germany, Netherlands, Belgium and France and stockpiled the works in French museums such as Le Louvre, or hid them for instance in salt mines near Salzburg. Valuable paintings (Matisse, Picasso, Chagall, Klee or Max Beckmann) were found there afterwards. On the other hand, American bombings on Germany in 1945 partly destroyed Berlin, Hamburg and Dresden, wiping out some emblematic monuments. These examples made the international community aware of the vulnerability of cultural heritage in warzones and certainly incentivised the UN to take measures.

Yet, it did not prevent other wars and other destructions to happen. In the second half of the 20th century, the Middle East was particularly hit by that plague, which is all the more appalling as this region is the cradle of humanity culturally speaking. National museums of Beirut and Bagdad have been the targets of bombings and pillages, which caused the loss of numerous collections. The Palestinian conflict, because of its violence and its duration, also brought about the destruction of many historic and religious sites such as some neighbourhoods in Jerusalem and Hebron, where the Tomb of the Patriarchs is located, or mosques and churches. More recently, Afghanistan suffered the loss of the three Buddhas of Bamiyan (a masterpiece of Gandhara art), that were dynamited and destroyed by the Taliban in March 2001. Nowadays, archaeological sites are put in jeopardy by ISIS, as the example of Palmyra showed, and historic city centres are bound to disappear in Mosul, Alep, Damascus and Sanaa (Yemen) because of the unceasing bombings. Last, but not least, Europe also suffered from such destruction, for instance during the civil war in ex-Yugoslavia (1992-1995), where the city centre of Dubrovnik (Croatia) was bombed.

RELEVANT PREVIOUS UN ACTIONS

Before 1945

Humanity did not wait for the UN to highlight the importance of cultural heritage protection. In the western world with the Renaissance and in the Middle East through Islamic laws, the vulnerability of cultural goods and the duty to preserve them has already been underlined. The Lieber Code, written in the United States in 1863 is the first text devoted to the protection of cultural goods in warzones and greatly influenced military laws in other countries.

Two treaties were ratified between 1900 and World War II (The Hague convention in 1907 and the Roerich Pact in 1935) to guarantee the protection of civil and cultural goods in warzones and to take precise measures about it. Unfortunately, they have never really been taken into account let alone implemented, and the League of Nations did not do anything to support this cause.

The Hague Convention (1954)

The Hague Convention for the protection of cultural property in the event of armed conflict is a major text when it comes to cultural heritage protection, and can be regarded as the foundation of an international cooperation on this issue. The convention establishes the necessity of a protection of monuments and religious architecture, works of art, manuscripts, books, archives and scientific collections. Furthermore, it forbids any use of cultural goods in an armed conflict that could expose them to destruction or damages. It also demands that the parties refrain from wrecking any kind of cultural heritage and that they impose on their military forces the respect of those cultural goods.

A First Protocol to The Hague Convention forbids to export cultural works from an occupied territory during a conflict, otherwise it would be regarded as an act similar to looting. Moreover, illegally exported cultural goods should be sent back to their original territory.

A Second Protocol was added to The Hague Convention in 1999, which gives more precisions about the high level of protection needed for the most important works of art. It is specified that the parties should criminalize the wrecking of cultural heritage, for example. This Second Protocol creates a special fund for the protection of cultural property in case of armed conflict that provides for help in case of emergency or to prepare the protection of some sites. Besides, it sets up a twelve-members committee for the protection of cultural property in the event of an armed conflict, whose task is to supervise the implementation of the protocol.

The World Heritage Convention (1972)

This text was written during the 17th session of UNESCO and establishes the criterion of exceptional value. It does not give precision about the case of armed conflict but the convention is vague enough to apply to any situation. The convention focuses on material and unmovable goods (monuments, archaeological sites, ...) and gives six criteria to help choose which works should have the statute of world heritage, among them the representation of a human genius' masterpiece, and the unique expression of a civilization or a tradition.

The International Criminal Court Statute of 1998

The Hague Convention for the protection of cultural property in the event of armed conflict is a The 8th Article of the Statute qualifies as a war crime any intentional attack on religious or historical monuments, or on buildings devoted to learning, science, art, charity aids or hospitals.

CURRENT SITUATION

After the end of the Second World War in 1945, there has been a general trend towards localised conflicts and proxy wars as the prominent forms of confrontation. This change effectively reduced the physical area of potential damage around warzones and subsequently decreased the potential impact of armed conflicts on both tangible and intangible cultural entities. However, such a change does not, in any ways, lessen the significance of lost cultural heritage to conflicts. Rather, the issue challenges us to tackle more circumscribed cases that often go unnoticed due to the lack of media interest and inherent cultural unfamiliarity.

SUBTOPIC 1:

CLASSIFICATION AND PROTECTION OF CULTURAL HERITAGE

UNESCO World Heritages

Cultural heritage is recognised as one of the two types of heritage by UNESCO, (the other being natural heritage), and is eligible to become a World Heritage, the highest recognition that a heritage could receive under UN supervision.

Cultural heritages recognised as UNESCO World Heritages are reported periodically, at the end of an audit performed every six years by a UNESCO regional committee and the respective States; information regarding these heritages is compiled in the State of Conservation Information System launched in December, 2012.

UNESCO also plays a role in coordinating different agencies, States, and organisations in the protection of cultural heritages. Most recently, UNESCO has been working closely with Interpol to prevent the illicit trade of cultural properties in World Heritage sites Hatra, Nimrud, and Khorsabad in Iraq.

The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflicts

Cultural properties (tangible cultural heritage), regardless of their status of World Heritage, are eligible for protection by the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which was complemented by a Second Protocol in 1999.

The Convention is instrumental for the protection of cultural properties as it establishes guidelines for safeguarding, respecting, and occupying cultural properties. Furthermore, it made it possible to impose sanctions on armed groups that could threaten these properties. The Second Protocol also introduced “enhanced protection” and “special protection” as two forms of safeguarding that can be granted by the Convention. Up to date, 12 cultural properties have been granted “enhanced protection” status, however, none are situated in areas plagued by regional conflicts in the Middle East.

Finally, it is important to understand the drawbacks of the Convention. First, many countries have yet to sign or ratify it, most notably those currently under regional or local conflicts such as Somalia, Afghanistan, and South Sudan. Second, the Convention only concerns cultural properties, failing to address intangible cultural heritages that might be impacted by armed conflicts.

Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage

The task of preserving Intangible Cultural Heritage has been entrusted to the Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage. The Committee’s key functions have been to make recommendations for the protection of these heritages, and to facilitate international assistance. Nevertheless, the work of the committee has been rather limited, mostly due to the convoluted classification of intangible cultural heritage, especially in war zones.

Current technology to preserve cultural heritage

With the advances in technology in the 21st century, archaeologists around the world are equipped with much better tools that assist them in the task of documenting and preserving cultural heritage sites.

In terms of documentation, the use of ground penetrating radar, LIDAR, 3D imaging tools, and satellite-based topographic images allow space archeology to develop at an unprecedented pace. Prime uses of these technologies were the mapping of Banteay Chhmar by the Global Heritage Fund and the detection of 1200 archeological sites in war-torn Iraq.

On the other hand, there are two types of conservation: conservation through relocation and on-site conservation. While the former concerns primarily with logistical facility and ability to access certain site, the latter requires more technical expertise.

SUBTOPIC 2:

IMPACT OF CONFLICTS ON TANGIBLE CULTURAL HERITAGE

Tangible cultural heritage, defined as the “legacy of physical artefacts”, includes monuments and any objects of historical significance. These monuments and artefacts are directly threatened by warzones due to the two main benefits gained from partial or complete destruction of this heritage, intimidation and contributions to war effort.

Intimidation refers to a situation where a certain group reckons that the destruction of a certain cultural heritage could result in a psychological advantage for themselves in a specific region. Prime examples of this conduct are shown by the Islamic State (also known as ISIS) with the obliteration of the Temple of Baalshamin and of the ancient city of Palmyra and by the terrorist group Taliban with the destruction of numerous religious artifacts in Afghanistan.

Using cultural heritage sites or objects as contributions to the war effort, on the other hand, consists in realizing that the destruction of a cultural heritage could allow a group of people to achieve certain strategic or tactical objectives such as gaining war supplies or position advantage. A contemporary example of this conduct is the loot of Sufi mosques by insurgents in Libya to sell them for ensuring a basis of cash.

SUBTOPIC 3:

IMPACT OF CONFLICTS ON INTANGIBLE CULTURAL HERITAGE

Intangible cultural heritage, defined as “cultural expressions” that are shared among a group of people, is more difficult to tackle. Due to the general inability to assess the changes made to this type of cultural heritage because of the presence of armed conflicts, the damage often go unnoticed until sufficient evidence surfaces.

Nevertheless, there are signs of damaged intangible cultural heritages, one of them being mass movements of population as exemplified by the Rwandan diaspora in 1994 or the recent Syrian refugees crisis. Other signs include degradation of living standards or change in living habitat.

SUBTOPIC 4:

CULTURAL HERITAGES AS THE REASONS FOR ARMED CONFLICTS

In some cases, cultural heritages in itself have been roots of armed conflicts between different groups that wish to claim or expel certain heritage. A prime example is the ongoing conflict between Thailand and Cambodia over the Preah Vihear Temple on their common border. While fortunately enough no damage was done to the Temple as the result of the conflict, such a confrontation raised the question of collateral damage.

BLOCK POSITIONS

It is generally agreed upon the member states of SOCHUM that the preservation of cultural heritages is pivotal in the protection of a nation's identity. Nevertheless, the key contention between members is the level of commitment to this activity. For the moment, UNESCO has 17 cultural World Heritage Sites registered in the list of endangered cultural sites due to civil unrest or armed conflicts. These sites are situated in Kosovo, Mali, Yemen, Afghanistan, Syria, and Iraq.

BLOC 1: EUROPEAN NATIONS

France, Germany, and Italy lead this bloc, having a combined 164 World Cultural Heritage sites, all categorised as national assets and directly monitored by government agencies. Greece, Russia, and Scandinavian countries follow in the number of World Heritage Sites, again with well-established government oversight and resource. Such a system means that these states could provide expertise in safeguarding cultural heritage sites against the threats of armed conflicts.

Key player in the issue is France which, under the Hollande administration, has dedicated a \$100 million fund to the safeguarding of endangered cultural sites. Home to 38 Cultural World Heritage Sites, France has previously helped Mali to protect sites like Timbuktu from falling into the hand of terrorists in 2012.

Another forerunner in the international effort is Sweden, which leads a comprehensive cultural heritage policy under the Historic Environment Act, monitored by the Swedish National Heritage Board. Internationally, Sweden and other Scandinavian countries have been leading donors to the cause of the Second Protocol of the Hague Convention.

With regard to intangible cultural heritage, European nations have also been key destinations of displaced people from war-torn states in North Africa and the Middle East. This reaffirms the important role of European nations in preserving the cultural heritage of immigrants coming into the continent.

BLOC 2: COUNTRIES WITH ENDANGERED WORLD HERITAGE SITES

These six countries and territories (Kosovo, Mali, Yemen, Afghanistan, Syria, and Iraq) have faced numerous challenges in their attempts to preserve their endangered cultural heritages, mostly due to the destabilising nature of the conflicts in these regions, most notably guerilla warfare led by ISIS (Syria and Iraq), the Taliban (Afghanistan), and rebels in the Yemeni Civil War.

Furthermore, these countries and territories have been discreet even when reaching out for international support. The heritage conservation effort is not a habit yet for them, with Mali and Afghanistan yet to be members of the Hague Convention. A common characteristic of these countries and territories is the lack of resources dedicated to the conservation effort, largely due to the need to focus on other priorities such as fighting terrorism and providing for basic living standards.

BLOC 3: COUNTRIES WITH MOST UNESCO-INSCRIBED INTANGIBLE CULTURAL ELEMENTS

Eastern Asian countries lead this bloc with China, Japan and South Korea having a combined 79 World Heritage with Intangible Cultural elements along with a well-established tradition of preserving these heritages.

A key state in this block is South Korea, which has been leading the preservation of Intangible Cultural heritages through the programs under the Cultural Heritage Protection Act of 1962, last updated in 2012. Most recently, South Korea also hosted the Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage in Jeju Island.

QUESTIONS TO CONSIDER

How to distribute fairly the funds dedicated to world heritage protection?

Which are the efficient and concrete means of preserving the cultural heritage from the violence of wars? Namely how to prevent belligerents destroying monuments even if they were not targeting them?

How to face a new kind of belligerents who actually target cultural heritage in order to weaken a civilization (for instance Daesh) and who doesn't care for UN's latter resolution that makes such devastations a war crime? That is to say, shouldn't the Committee take more precise and concrete measures to punish those actions?

Does The Hague Convention (1954) need to be updated, especially regarding the current situation in Middle-East?

Should the cooperation between different UN committees (SOCHUM/UNESCO with Security Council/International Penal Court) be reinforced to give momentum to the cause of world heritage?

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