IMSMUNC'19

IMS GHAZIABAD
UNIVERSITY COURSES CAMPUS
Estd. 1990

United Nations
Human Rights Council

BACKGROUND GUIDE

Letter from the Executive Board

Dear delegates,

We welcome you to the simulation of the UNHRC at IMSMUN 2019. The agenda at hand which is "Protecting Cultural Property in the event of armed conflict" is a very vast and analytical agenda.

This background guide has been created while keeping in mind that the agenda is a bit technical and you'll be tested based upon your analytical and research skills both.

The background guide is not supposed to restrict your research base and in no way can be used as source of proof in the committee. The guide has been created to help you start your research and give you hints about the important aspects of the committee.

The guide has been divided into following parts in order to ease the process of research for you:

1. How to prepare for the committee?

2. Valid source of proof in the committee

3. Important documents

4. Committee description

5. Agenda Description

6. Discussion Topics (For reference)

7. Present world situations

8. Additional Links for research and understanding

You are requested to go through the Background guide in the order it has been made because each is connected to the previous section in some way or the other.

If I have to give you one tip before you start research regarding the agenda, that'll be, keep in mind that this is an analytical agenda and how you interpret the agenda from your country's point of view. Analysis and Foreign Policy would play a major role in keeping your point forward in the committee, hence make sure you understand the terminologies and research you find regarding the agenda.

Apart from that, in case of any queries related to the committee or Rules of Procedure you may contact me via email or text me on the information given below.

Wishing you best of luck,

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(**CHAIRPERSON**)

PART I: How to prepare for the committee?

One of the major misconceptions about the concept of MUN's are that you just research from the internet and speak in the committee. However that's not the only thing you do, you are required to research for the committee **AND ANALYSE** whatever you've studied. When it comes to the term analysis, a lot of people don't know what it means so **for example**:

You see someone's marksheet and see that person has scored 90+ out of 100 in 4 out 5 subjects however in the 5th subject, the person has scored just 53 out of 100. The part till here is called your research, this is something you've found out by searching somewhere.

When it comes to analysis, analysis means interpretation, now for example in the above example a good analysis would be finding out that the person if gives more time to the 5th subject rather spending so much time on other subjects, his/her marks in the individual subjects might fall a bit but he/she would improve overall because now that person would be scoring well in 5th subject as well. This is what the analysis part is.

In simple language, analysis means to interpret and understand what you've research and being able to present it as an argument in the committee which will help in the flow of the debate. So for 2 days of the conference you'll be **marked upon following things**:

1. **Verbatim (5+5)**- Research (5) and Analysis (5)

2. **Chits (5+5)**- Research (5) and Analysis (5)

3. **Guidance of debate (3)**- Being able to lobby in the committee and ensuring your points in the committee are creating good arguments and ensuring debate in the committee including in the unmoderated caucuses;

4. **Direction to Debate (2)**- Being able to get your motions passed and making sure the point raised by you is discussed further in the committee by other delegate in any way possible;

5. **Foreign Policy (3)**- Ensuring the fact that the statements made by a delegate in the committee in the verbatim or chits are in line with the their foreign policy; which basically means that your statements should not oppose something which has been said by high positioned representatives of your state/country;

6. **Solution implementation and discussion (2)-** Being able to get your point in the final document and ensuring the point is well made and discussed in the committee once the document is discussed.

Chits

Chits play an important role in conveying messages in the committee to delegates and the executive board. Now the chits can be used in 2 ways:

1. Lobbying by asking questions and sending points to other delegates

2. Display of substantive knowledge by sending chits to the Executive Board

Now when it comes to Substantive chits, they can be used to display your research and analytical skills. The only thing it won't help you in is your guidance of debate as the matter which you'll send would be only known to the Executive Board and you.

A few tips before sending substantive chits:

- NEVER EVER write long paragraphs

- Underline/Highlight your main point which you want to convey (Display of research)

- No need to write much of substantive matter, in fact, just make sure the substantive matter being written is important and relevant

- Try to concentrate on the analysis part. Which basically means what you interpret from the research you have done, what are things being conveyed by the substantive matter which you are giving to us? What do we do with the substantive matter? Research can be found anywhere on the internet, but what matters is how you interpret and analyse it while keeping your foreign policy in mind. That is when you need to carefully use your brain.

- Whatever research you do, try to find the application of it. As in, why is this substantive matter needed in the committee? How is it relevant? How can it help?

- A chit is meant to be short, crisp and detailed at the same time. So always try to keep it brief and to the point.

PART II: Valid source of proof in the committee

Evidence or proof is from the following sources will be accepted as credible in the General Assembly:

1. **State-operated News Agencies** – These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any country as such but in that situation, they can be denied by any other country in the council. Some examples are,

> i. RIA Novosti (Russia) [http://en.rian.ru/]
>
> ii. IRNA (Iran) [http://http://www.irna.ir/en/]
>
> iii. BBC (United Kingdom) [http://bbc.co.uk/]
>
> iv. Al Jazeera (Qatar) [http://www.aljazeera.com]
>
> v. Xinhua News Agency (PR China) [http://www.xinhuanet.com/english/china/]

2. Government Reports:

These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country. However, a nuance is that a report that is being denied by a certain country can still be accepted by the Executive Board as credible information. Some examples are,

i.) **Government Websites** like the State Department of the United States of America [http://www.state.gov/index.htm] or the Ministry of Defence of the Russian Federation [http://www.eng.mil.ru/en/index.htm]

ii.) **Ministry of Foreign Affairs** of various nations like India [http://www.mea.gov.in/] or People's Republic of China [http://www.fmprc.gov.cn/eng/].

iii.) **Permanent Representatives to the United Nations** Reports http:/www.un.org/en/members/

iv.) **Multilateral Organizations** like the NATO [http://www.nato.int/cps/en/natolive/index.htm], ASEAN [http://www.aseansec.org/], OPEC [http://www.opec.org/opec_web/en/], etc.

3. United Nations Reports:

All UN Reports are considered are credible information or evidence for the Executive Board of the NSG.

i) **UN Bodies** like the UNSC [http://www.un.org/Docs/sc/] or UNGA [http://www.un.org/en/ga/].

ii.) **UN Affiliated Bodies** like the International Atomic Energy Agency [http://www.iaea.org/], World Bank [http://www.worldbank.org/], International Monetary Fund [http://www.imf.org/external/index.htm], International Committee of the Red Cross [http://www.icrc.org/eng/index.jsp], etc.

iii.) **Treaty Based Bodies** like the Antarctic Treaty System [http:// www.ats.aq/e/ats.htm], the International Criminal Court [http://www.icc-cpi.int/Menus/ICC]

NOTE — Sources like Wikipedia [http://www.wikipedia.org/], Amnesty International [http://www.amnesty.org/], Human Rights Watch [http://www.hrw.org/] or newspapers like the Guardian [http://www.guardian.co.uk/], Times of India [http://timesofindia.indiatimes.com/], etc. are typically not accepted as PROOF/EVIDENCE. However, they can be used for better understanding of any issue or on rare occasions, be brought up in debate if the information given in such sources is in line with the beliefs of a Government.

Further, the information submitted as evidence citing reportage from sources such as specified in this note may be at best, treated as having significance in terms of persuasive value - e.g. to cement one's assertions, but never as binding, indisputable fact.

PART III: Important Documents

Following is the list of documents that need to be perused by all delegates before they come to the council, without which you may find yourself standing on shore, while the council will sail away. Please understand that you need to know the following aspects regarding each of the mentioned documents:

- **The reason** why this document exists (for e.g. the Geneva Conventions were enacted to lay down the rules of war and for the treatment of all parties concerned)

- **The nature** of the document and the force it carries, i.e. whether it is a treaty, a convention, a doctrine, or a universally accepted custom or norm.

- **The areas** where the document can be applied or has jurisdiction on (for e.g. international humanitarian law applies only to situations of armed conflict, whereas the human rights laws applies at all times of war and peace alike.)

- **The contents** of the document at hand. You need not memorize any articles or rules of any convention or treaty, but should know what the document has to say in various situations that may arise in the council.

PART IV : Committee Description

UNHRC(UNITED NATION HUMAN RIGHTS COUNCIL)

The Human Rights Council is an inter-governmental body within the United Nations system made up of 47 States responsible for the promotion and protection of all human rights around the globe. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office a Geneva .The Human Rights Council replaced the former United Nations Commission on Human Rights.

PART V : Agenda Description

"Protecting Cultural Property in the event of armed conflict"

Introduction

The need of the hour is to protect cultural and natural sites which have an outstanding value to humanity. The World Heritage program is governed by the Convention concerning the Protection of the World Natural and Cultural Heritage (also known as the World Heritage Convention), an international treaty which was adopted by the General Conference of UNESCO in 1972. The Convention defines the kind of natural or cultural sites which can be considered for inscription in the World Heritage List. It furthermore defines the duties of States Parties to identify, protect and preserve such sites, and stipulates how the World Heritage Fund is to be used for providing assistance. To date, 191 states have ratified the World Heritage Convention. It is important to note that the World Heritage system is largely based on the responsibilities of State Parties, and on the collaboration between the individual State Parties. In particular, State Parties are responsible to protect and preserve the World Heritage sites within their territory, and to report upon the state of those sites to the World Heritage Committee. The World Heritage Convention defines two types of World Heritage: Cultural Heritage and Natural Heritage. As of February 2016, there are 1031 sites listed in the World Heritage List, of which 802 are Cultural, 197 are Natural and 32 are mixed Cultural and Natural Heritage sites.

In case a World Heritage site is threatened to lose the characteristics for which it was inscribed into the World Heritage List, it can be added to the List of World Heritage in Danger. State Parties of the World Heritage Convention can request that any site within their territory be added to the List of World Heritage in Danger, or any private individual, non- governmental organization or other group can draw the attention of the World Heritage Committee to a site which might be in danger. There are various possible reasons for an endangerment of site, for example armed conflicts or wars, earthquake, other natural disasters, pollution, or an overload of tourist activity. The dangers for World Heritage are categorized in two classes: "ascertained dangers", which pose a specific and imminent threat, and "potential dangers", which pose a possibly negative or deleterious threat. When a site is enlisted as endangered, this allows the World Heritage Committee to allocate immediate assistance from the World Heritage Fund to the property, in order to protect the site from losing its outstanding characteristics.

Scope and Background of the Issue

Among the many reasons to be listed as in danger, wars and armed conflicts are some of the most critical threats to the preservation of Cultural Heritage. In recent years, several cases of deliberate destruction of Cultural Heritage sites have caught the attention of the international community, such as the destruction of mausolea and shrines in Timbuktu, Mali in 2012 by Tuareg rebels2, or attacks on the ancient fortified city of Hatra in Iraq by the terrorist organization ISIL in 2015. In both of these examples, Islamist terrorist organizations carried out these deliberate attacks for religious reasons, with the goal to destroy cultural goods of "idolatrous" nature. In addition they aimed to openly provoke or mock the international community, and thereby demonstrating its powerlessness in protecting the Cultural Heritage sites. Particularly in the

cases of ISIL, this served the purpose of propaganda, to attract new members who are impressed by an act off defying the West. Another example of the destruction of Cultural Heritage during wars is the destruction of Buddha of Bamiyan statues in Afghanistan by the Taliban in 2001. In addition, the Virunga National Park in the Democratic Republic of the Congo, a Natural Heritage site renowned for its biodiversity and endangered species, has been regularly threatened by the military clashes in the region.

However, deliberate attacks on Cultural Heritage sites are not the only form in which these sites are threatened or harmed by wars and armed conflicts. A second form of such a severe threat is the illicit trafficking of stolen artifacts from Cultural Heritage sites. Terrorist organizations and criminal organizations have discovered this lucrative source of income, and have generated significant revenue by removing artifacts from Cultural Heritage sites and selling them on the black market. This form of crime is fostered by the general instability in many of these countries, where theft of artifacts cannot be efficiently prevented by the police force, or because terrorist organizations control the regions in which the Cultural Heritage sites lie.

In principle, the destruction of Cultural Heritage sites can be viewed as a crime of war according to the Rome Statute of the International Criminal. Further, when it comes to war such destruction may take place as casualties of war, or as actions which aim towards the destruction of sites with great value for certain nations. This phenomenon saw its greater rise during the Second World War where a great amount of cultural property was destroyed, damaged or looted. Since then the United Nations adopted the first international treaty concerning the topic which was the Hague Convention in 1954; one that has been signed by most member states.

Under the 1954 Hague Convention, each State must act to safeguard its own cultural property against armed attack. This can be done, for example, by moving such property away from potential or actual military action, or in the case of historical sites, by avoiding placing military objectives near to them. In more than 50 years since its existence, the Hague Convention has established a clear legal framework. It was reinforced by the 1977 Additional Protocols to the Geneva Conventions, the Statute of the International Criminal Court in 1998 and an Additional Protocol to the Convention itself in 1999.

As previously mentioned the destruction of cultural property isn't a phenomenon that is firstly observed today but has been present since the ancient years. The phenomenon hasn't stopped since then and if anything it has become more frequent in recent years. The countries that are at the center of the problem are the ones in the Middle East, since the destruction of cultural artifacts is a consequence of either war or ideological driven actions that at times may be profit based. When it comes to ideology the motive is the fact that the destroyers don't value such heritage sites and are against the symbols that they may represent thus Cultural heritage may stand of different importance to different people.

PART VI-DISCUSSION TOPICS

Causes of destruction of cultural heritage

Destruction of cultural heritage during war periods can be traced back to three main causes; these being the casualties of war, profit seeking and ideology. When it comes to casualties of war, there are hundreds of examples of heritage that was destroyed during World War II, such as the Royal Castle in Warsaw, Poland and St. Michael's church in Coventry, UK. In times of conflict, the heritage of each and every country is in danger, as it may itself be corrupted, ruined or even destroyed by the armed conflict taking place within the country. Profit seeking as a cause of the destruction of cultural heritage can be found at all times, from people stealing golden items from ancient tombs, to ISIS looting religious buildings in the Middle East in order to sell the valuable parts in the black markets so that ISIS can fund its activities. Finally, terrorist groups or conquerors destroy certain artifacts or buildings because they counter their ideologies. Over the past few years, ISIS has destroyed several decorating elements and frescoes from mosques in Mosul because they deemed them as "an erroneous form of creativity, contradicting the basics of sharia".

Consequences of the destruction of cultural heritage

The destruction of cultural heritage has several consequences to a country, both financially and socially. Sites are one of the main reasons why a place may be popular to tourists, as they visit them in order to learn about the history of the country and the culture of ancient civilizations that lived there. Schools and scientists may also want to see and examine a monument for a project or for research. All the people that visit the site buy tickets, catalogues and souvenirs and part of these resources end up in the country's fund. The destruction of those monuments lessens the number of tourists and consequently, the profit benefiting the economy. Another economic consequence of the destruction of cultural heritage is that people that used to work in the sites will remain unemployed, further straining the economy. When it comes to the social aspect of the topic, as UNESCO Director-General, Irina Bokova declared at the World Economic Forum in Davos on 17 January 2017, "The destruction of heritage is a destruction of identities". Meaning that when the cultural heritage of a country is destroyed, a part of its history dies with it and the citizens of the country lose a part of their identity. When the monument is destroyed in times of conflict, it is even more difficult for the people to endure the loss of this

Previous Attempts to Solve the Issue

There have been projects launched which were mainly aiming towards public awareness concerning cultural heritage and any other plan that has been conducted by individual organizations have always respected the treaties signed. These organizations, such as the Blue Shield or the World Monument Fund, were established in different member states that are cooperating with the government of each country in order to introduce definite measures that will protect cultural heritage, combat the problem and work towards preserving the monuments along with conduction plans of action in emergency situations.

Possible Solutions

After the Second World War there were tremendous consequences and losses concerning cultural heritage, therefore nations created the Hague convention in 1954 with the goal of stopping such atrocities from occurring against cultural heritage. In recent events we have experienced massive acts against cultural heritage during times of conflict either intentional or not. Therefore, some measures need to be underlined, so as to tackle the issue one way to protect the artifacts would be through moving them to a safer place in order to protect them from any damage during periods of conflict. This measure wouldn't be ideal for immovable artifacts since they usually are buildings or monuments also security measures and legal legislations should be strengthened in accordance to treaties and conventions signed by each member state. So, for example immovable heritage and movable heritage in museums should be closely safeguarded by the troops of each country in order to lessen the damage, should something happen.

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Part VII : Present world Situations

MAJOR COUNTRIES INVOLVED:
Iraq
In the past years, the Islamic State has destroyed numerous churches, mosques and other cultural heritage in Iraq, mostly between the fall of Mosul in June 2014 and February 2015. The extremist group has looted several artifacts from the temples and sold them in the black market in order to raise money for their operations.
A well-known example is the footage ISIS disclosed on the 26th of February 2015 of them destroying numerous ancient artifacts in the Mosul Museum, with almost all of them being originals. They claimed that the artifacts promoted "idolatry" and the event led UNESCO's director-general to call for a meeting of the Security Council regarding the destruction of cultural property in Iraq.

Syria
Syria is another country in the Middle East that tries to deal with ISIS.
Terrorists have caused damages in many cultural heritage artifacts in Syria, with the most important loss being several parts of the historic cities of Palmyra and Aleppo. Syria is also a case where ISIS has used parts of the destroyed monuments to fund their organization, despite the UN's ban on the trade of artifacts that were looted from Syria in 2011. In customary law there is an obligation by parties to an armed conflict to respect and ensure respect for IHL Thus, Both States involved and States not involved in the conflict in Syria have a legal interest in the observance of IHL through doing everything reasonably in their power to ensure that the rules are respected by all the parties to the armed conflict, and to stop violations from happening including the loss of cultural property.

Libya and Yemen

Libya and Yemen are countries with ongoing wars, in which the cultural heritage of the countries is in danger because of the conflicts. Libya is also another country that the Islamic State has targeted and destroyed its artifacts but to a lesser extent. The International Council of Museums noted, in particular, that cultural heritage from the ancient city of Tripoli was being looted and sold illegally all over the world and requested assistance from Interpol and the UN in putting an end to the situation.

ISRAEL

When discussing about the case of Israel we need to know that although Israel is party to the 1954 Hague Convention, it ignores the provisions concerning belligerent occupation. Essentially Israel's position is that its archaeological work in Area C(west bank) is in line with international law. Israel does not recognize the applicability of the Fourth Geneva Convention, and thus does not see the West Bank as occupied territory although it declares that it voluntarily applies its humanitarian provisions. In relation to the intensive involvement of Israeli institutions in archaeological activities in Area C, Israel's position is that while the ASO does work closely with the Israel Antiquities Authority, it is a separate entity operating under the Civil Administration, and subsequently under a different jurisdiction, in line with international law thus it creates a matter of controversy because of the fact that , all public reports of the ASO are published through the Israel Antiquities Authority (IAA) website where The IAA's position is that artefacts should not be returned to Palestine stating that Israel has no such obligations of return. However, on the other hand Palestine points out that Israel's archaeological activities in Area C of the West Bank are in violation of its customary obligations under IHL, IHRL and the UNESCO legal framework and thus opening the scope of debate further.

Part VIII: Links for further research

The links given below are to help you start your research:

http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/convention-and-protocols/1954-hague-convention/

https://www.icrc.org/en/doc/war-and-law/conduct-hostilities/cultural-property/overview-cultural-property.htm

https://whc.unesco.org/en/convention/

http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/unesco-database-of-national-cultural-heritage-laws/frequently-asked-questions/definition-of-the-cultural-heritage/

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/

The Background Guide forms only the foundation of your research and should not be the only major research document you read. However, hyperlinks have been provided in the guide to give you a better understanding of the topic that has not been included in the guide (you have to go through them, please). Happy researching! :)