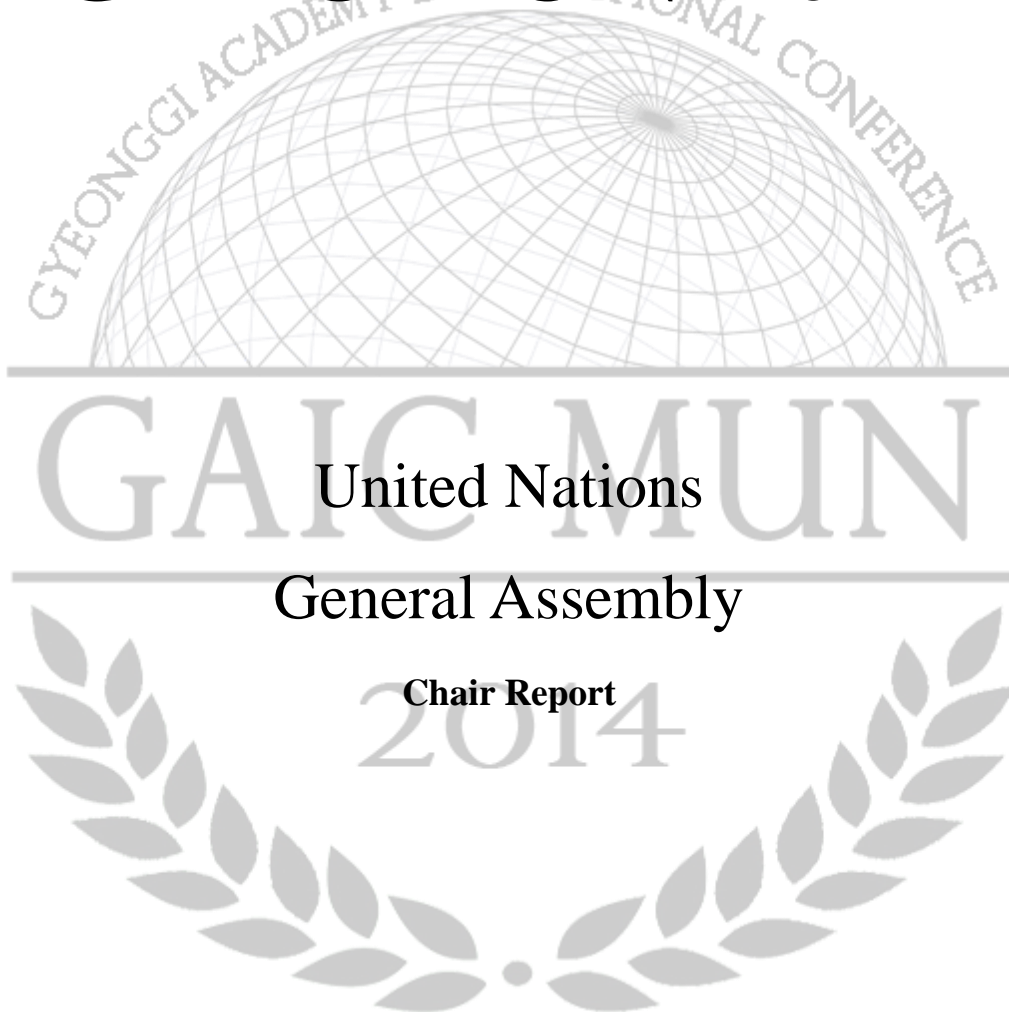


GAICMUN 2014



Committee: General Assembly

Agenda 1: Returning artifacts to the country of origin

Agenda 2: Preventing international terrorism against civilians

Student Officers: Yoon-Joo Cho, Hea-Yang Kang

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Agenda 1: Returning artifacts to the country of origin

I. Introduction

Even before the word "archaeology" was invented, people have been removing artifacts from their original context - or location. The disputed cultural property items are physical artifacts of a group or society that were taken from another group usually in an act of looting, whether in the context of imperialism, colonialism or war.

These objects have been taken to be sold for profit, saved as souvenirs, and put in museums. Often, historically important artifacts that have been placed in large, national museums have become points of national pride. The contested objects range widely from sculptures and paintings to monuments and human remains.

Cultural property repatriation is the idea that the countries of origin claimed their properties which were traded by public institution of other countries and individual should be returned to them. In order to repatriate cultural properties, “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property” is established by UNESCO (United Nations Educational, Scientific and Cultural Organization). However, it is an international law which does not have legal force, and it is also limited in the fact that this convention doesn’t apply to cultural properties which were traded after 1970s. There are no cultural properties repatriation agreements which have legal force. After all, cultural properties are mainly repatriated through governments’ negotiation, donation and purchasing.

John Merryman, an art jurist, developed two concepts called “Cultural Nationalism” and “Cultural Internationalism” in regard to cultural property controversy. “Cultural Nationalism” means artifacts should be returned to original country because it is related to national pride. Greece, Korea, Egypt and China strongly claims that cultural properties have real value when they existed in original countries and artifacts that are traded in unjustified ways such as war, colonization, looting should be repatriated. For reinforcing internal solidarity, “Convention on protection and repatriation of cultural properties” where 21 countries which experienced looting sufferings were participated was held in Egypt in 2010. “Cultural Internationalism” means the ownership of cultural properties does not belong to particular culture or country

but belongs to humankind. This perspective considers cultural properties are owned to the countries which have better conditions to protect and preserve them. France, England, Italy and USA claimed that because their huge museums offer opportunities to promote and appreciate properties and have high-quality technology to protect artifact, their museum is the best place to exhibit them. The International Group of Organizers of Large-Scale Exhibitions announced that they didn't completely agree on cultural property repatriation and asserted that cultural properties are parts of a universal human civilization; therefore, it does not need to be stored in the original country.

In the various perspectives toward returning the artifacts, it is important for the world to seek the best resolution that will finally end the dispute of returning artifacts.



II. History

[Ancient World]

War and the subsequent looting of defeated peoples has been common practice since ancient times. The stele of King Naram-Sin of Akkad, which is now displayed in the Louvre Museum in Paris, is one of the earliest works of art known to have been looted in war. The stele commemorating Naram-Sin's victory in a battle against the Lullubi people in 2250 BCE was taken as war plunder about a thousand years later by the Elamites who relocated it to their capital in Susa, Iran. There, it was uncovered in 1898 by French archaeologists.

[Modern Era]

Considerable amount of looting in war occurred during modern times. One of the most infamous cases of esurient art plundering in wartime was the Nazi appropriation of art from both public and private holdings throughout Europe and Russia. The looting began before World War II with illegal seizures as part of a systematic persecution of Jews, which was included as a part of Nazi crimes during the Nuremberg Trials. A well-known recent case of wartime looting was the plundering of ancient artifacts from the National Museum of Iraq in Baghdad at the outbreak of the war in 2003. Although this was not a case in which the victors plundered art from their defeated enemy, it was result of the unstable conditions of war that allowed looting to happen and which some would argue was the fault of the invading US forces. In the several months leading up to the war, scholars, art directors, and collector met with the Pentagon to ensure that the US government would protect Iraq's important archaeological heritage, with the National Museum in Baghdad being at the top of the list of concerns.

[Modern Imperialism]

The scale of plundering that took place under Napoleon's French Empire was unprecedented in modern history with the only comparable looting expeditions taking place in ancient Roman history. In fact, the French revolutionaries justified the large-scale and systematic looting of Italy in 1796 by viewing themselves as the political successors of Rome, in the same way that ancient Romans saw themselves as the heirs of Greek civilization. They also supported their actions with the opinion that their sophisticated artistic taste would allow them to appreciate the plundered art. Napoleon's soldiers crudely dismantled the art by tearing paintings out of their frames hung in churches and sometimes causing damage during the shipping process. Napoleon's soldiers appropriated private collections and even the papal collection.

[Demands for restitution]

A precedent for cultural properties repatriation was set in Roman antiquity when Cicero prosecuted Verres, a senate member and illegal appropriator of art. Cicero's speech influenced Enlightenment European thought and had an indirect impact on the modern debate about art repatriation. Cicero's argument uses military episodes of plunder as "case law" and expresses certain standards when it comes to appropriating cultural property of another people. Cicero makes a distinction between public and private uses of art and what is appropriate for each and he also asserts that the primary purpose of art is religious expression and veneration. He also sets standards for the responsibilities of imperial administration abroad to the code of ethics surrounding the collection of art from defeated Greece and Rome in wartime. Later, both Napoleon and Lord Elgin would be likened to Verres in condemnations of their plundering of art. The great public interest in art repatriation helped fuel the expansion of public museums in Europe and launched museum-funded archaeological explorations. The concept of art and cultural repatriation gained momentum through the latter decades of the twentieth century and began to show fruition by the end of the century when key works were ceded back to claimants.

III. Status Quo

> Examples of controversies

1. Russia vs. Germany

Germany strongly asks for returning their artifacts which are stolen by Soviet Union's soldiers in World War II from Russia, and Russia argued that these artifacts are the soldier's blood that are sacrificed by World War II. During the Second World War, Nazi guard made "Cultural properties troops" and plundered all over Europe's cultural properties. However, Germany's properties which are plundered by Nazi guard haven't received attention from the world. Germany claimed that tens of precious cultural properties are still existed in Russia, even though Soviet Union returned their artifacts. From this dispute, relation between Russia and Germany is getting more complex.

2. USA vs. Turkey

For the past several years, the government of Turkey has warned U.S. and foreign museums, that unless ancient objects from Turkish soil are given up on demand, Turkey will stop lending artworks. Still, in April of 2012, Murat Suslu, Turkey's director general for heritage and museums, claimed Turkey was seeking cooperation in cultural patrimony matters. Within a few months, however, the Metropolitan Museum in New York, the Getty in Los Angeles, and the Pergamon in Berlin have all received ultimate, aggressive demands for the return of objects that have been in the museums' collections for many decades in what many are calling an "art war." While many museums in the US are willing to discuss the return of objects with questionable provenance, particularly those acquired after the 1070 UNESCO Convention, Turkey is demanding the return of numerous objects that left Turkey in the 19th and early 20th century, including artworks whose export was negotiated with the Ottoman government. Turkey says it wants proof that foreign museums have legal rights to numerous objects based upon Ottoman laws of 1884 and 1906. Turkey says it has both legal and moral claims to artworks that have rested in foreign museums for more than a century.

> Previous actions

1. National government laws

In 1863 US President Abraham Lincoln summoned Francis Lieber, a German-American jurist and political philosopher, to write a legal code to regulate Union soldiers' behavior toward Confederation prisoners, noncombatants, spies and property. The resulting *General Orders No.100*, or the Lieber Code, legally recognized cultural property as a protected category in war. The Lieber Code had far-reaching results as it became the basis for the Hague Convention of 1907 and 1954 and has led to Standing Rules of Engagement (ROE) for US troops today. A portion of the ROE clauses instruct US troops not to attack "schools, museums, national monuments, and any other historical or cultural sites unless they are being used for a military purpose and pose a threat". In 2004 the US passed the Bill HR1047 for the Emergency Protection for Iraq Cultural Antiquities Act, which allows the President authority to impose emergency import restrictions by Section 204 of the Convention on Cultural Property Implementation Act (CCIPA). In 2003, Britain and Switzerland put into effect statutory prohibitions against illegally exported Iraqi artifacts. In the UK, the Dealing in Cultural Objects Bill was established in 2003 that prohibited the handling of illegal cultural objects.

2. International conventions

The Hague Convention of 1907 aimed to forbid pillaging and sought to make wartime plunder the subject of legal proceedings, although in practice the defeated countries did not gain any leverage in their demands for repatriation. The Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict took place in the wake of widespread destruction of cultural heritage in World War II is the first international treaty of a worldwide vocation focusing exclusively on the protection of cultural heritage in the event of armed conflict. The UNIDROIT (International Institute for the Unification of Private Law) Convention on Stolen or Illicitly Exported Cultural Objects of 1995 called for the return of illegally exported cultural objects.

3. UNESCO



The 1970 UNESCO Convention against Illicit Export under the Act to implement the Convention (the Cultural Property Implementation Act) allowed for stolen objects to be seized if there were documentation of it in a museum or institution of a state party and the following agreement in 1972 promoted world cultural and natural heritage. The 1978 UNESCO Convention strengthened existing provisions; the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of illicit Appropriation was established. It consists of 22 members elected by the General Conference of UNESCO to facilitate bilateral negotiations for the restitution of "any cultural property which has a fundamental significance from the point of view of the spiritual values and cultural heritage of the people of a Member State or Associate Member of UNESCO and which has been lost as a result of colonial or foreign occupation or as a result of illicit appropriation". It was also created to "encourage the necessary research and studies for the establishment of coherent programmes for the constitution of representative collections in countries whose cultural heritage has been dispersed". In response to the Iraqi National Museum looting, UNESCO Director-General, Kōichirō Matsuura convened a meeting in Paris on April 17, 2003 in order to assess the situation and coordinate international networks in order to recover the cultural heritage of Iraq. On July 8, 2003, Interpol and UNESCO signed an amendment to their 1999 Cooperation Agreement in the effort to recover looted Iraqi artifacts.

IV. Country Positions

[Greece]

Greece is seeking to repatriation of the Elgin Marbles from the British Museum, taken from the Parthenon by Thomas Bruce, 7th Earl of Elgin. Since 1816, the British Museum has held the Parthenon Marbles ("In Britain, the acquisition of the collection was supported by some, while other critics compared The British Consul at Greece Elgin's actions to vandalism or looting", text from the Marbles article), and, despite the tortuous and ill explained path from Greece to England, the museum strongly defends its right to own and display the marbles.

[Canada]

The Haisla totem Pole of Kitimat, British Columbia was originally prepared for chief G'psgoalux in 1872. This aboriginal artifact was donated to a Swedish museum in 1929. According to the donor, he had purchased the pole from the Haisla people while he lived on the Canadian west coast and served as Swedish consul. After being approached by the Haisla people, the Swedish government decided in 1994 to return the pole, as the exact circumstances around the acquisition were unclear. The pole was returned to Kitimat in 2006 after a building had been constructed in order to preserve the pole.

[South Korea]

In November 2010, Japan agreed to return some 1,000 cultural objects to South Korea that were plundered during its colonial occupation from 1910-45. The collection includes a collection of royal books called Uigwe from the Joseon Dynasty (1392-1910)

[Turkey]

Turkey has lost many of its ancient treasures to thieves and blackmarketers. Although the Ottoman Empire imposed a ban on the exportation of antiquities in 1906, a well-organized local mafia has continued to wreak havoc in Turkey. For example, in the early 1960s, among the remains of the ancient city of Bourbon in southwestern Turkey, thieves discovered a Roman temple filled with more than 30 life-size bronze imperial statues. It would have been a global sensation -- but the public never saw the statues. Instead, unbeknownst to the authorities, they all vanished into the voracious pipelines of the global antiquities trade. Now Turkey is striking back. It wants these wrongs to be righted. An investigative committee in Ankara was recently reinforced with legal experts to wage what has been dubbed an "art war." The country has set itself "on a collision course with many of the world's leading museums," writes the British trade publication *The Art Newspaper*.

[USA]

In recent years, museums in the United States have begun returning objects to their countries of origin. Each case tells its own story. The Getty, which had bought the statue in 1988 for \$18 million, returned it to Italy in 2011 after Italian prosecutors found that it had been looted, illegally exported and sold by dealers who very likely dissembled about its provenance. In 2010 the Yale Peabody Museum of Natural History agreed to return to Peru thousands of everyday objects unearthed at Machu Picchu a century ago by the explorer Hiram Bingham III. Returned to Peru in 2012, the objects — which include ceramics, tools, jewelry and human and animal bones — provide a remarkable account of the city, which was abandoned after the Spanish conquest of Peru in the 16th century.

V. Possible Solutions

Now, with a global atmosphere heading toward the right direction and cooperation, all the countries need to step forward to come up with effective solutions for the whole society.

1. Strengthening the cultural property's research capability and capacity.

America's repatriation research is assigned to a research specialist. The research specialist is responsible for gathering information about the repatriation claim and for organizing this information in a repatriation research report. Research includes gathering all pertinent information from museum record groups, archival and historical sources, specialized publications, and other materials that help determine the identity and history of the objects. Repatriation documentation may also involve consultation with Native and non-Native experts or authorities versed in tribal history, oral traditions, geography, anthropology, or archaeology. The repatriation research report includes a recommendation as to whether the requested objects should be deaccessioned for repatriation. The process by which the report and its recommendations are examined, critiqued, and ultimately accepted or denied involves review by the museum director and staff. Through this process, they could achieve the results returning lots of artifacts.

2) Increasing cultural awareness of people across the world.



We owe something to countries laying claim to artifacts, even if they are doing so in ways that appear “tribal,” selfish, or politically motivated. After all, the priorities of these nation-states may be just as important for them as sharing a common artistic patrimony is for “enlightened” members of the world

community. For example, to show their emergency of returning cultural properties, Greek made some advertisements which are written in English. The range of responses to this is from “Greek are creative” to “The countries which looted Greek properties should regret their wrongdoings”. As you can see, the number of countries returning artifact is largely increasing.

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Agenda 2: Preventing international terrorism against civilians

I. Introduction

Terrorism surfaces in a most brutal manner in the global conflicts in the early 21st century. Terrorism has purpose whether it is territory, decolonization, national power, international power, political power, resources and other. To achieve its goal, it destabilizes the state and results in massive losses of lives among innocent civilians as well as injured innocents. Terrorism has been employed as a strategy for political purposes since at least the French Revolution. It used to target groups or individuals at that period but what is new in the 21st century is the indiscriminate use of terrorist tactics against innocent civilians on a huge scale.

The new terrorism is a rational form of political behavior, highly intentional and planned in time and space. By its very design and purpose, terrorism is a violation of all norms of behavior, law, and combat. Its objective is to demoralize, dehumanize, humiliate, and horrify through acts of random and demonstrative viciousness.

The term 'terrorism' means premeditated, politically motivated violence perpetrated against noncombatant* targets by subnational groups or clandestine agents, usually intended to influence an audience. The term 'international terrorism' means terrorism involving citizens or the territory of more than one country.

The term "terrorist group" means any group practicing, or that has significant subgroups that practice, international terrorism."

II. History

The history of terrorism is as old as humans' willingness to use violence to affect politics. The Sicarii were a first century Jewish group who murdered enemies and collaborators in their campaign to oust their Roman rulers from Judea.

[The Origins of Modern Terrorism]

The word terrorism comes from the Reign of Terror instigated by Maximilien Robespierre in 1793, following the French revolution. Robespierre, one of twelve heads of the new state, had enemies of the revolution killed, and installed a dictatorship to stabilize the country. He justified his methods as necessary in the transformation of the monarchy to a liberal democracy: "Subdue by terror the enemies of liberty, and you will be right, as founders of the Republic."

[1950s: The Rise of Non-State Terrorism]

The rise of guerrilla tactics by non-state actors in the last half of the twentieth century was due to several factors. These included the flowering of ethnic nationalism (e.g. Irish, Basque, or Zionist), anti-colonial sentiments in the vast British, French and other empires, and new ideologies such as communism.

Terrorist groups with a nationalist agenda have formed in every part of the world. For example, the Irish Republican Army grew from the quest by Irish Catholics to form an independent republic, rather than being part of Great Britain.

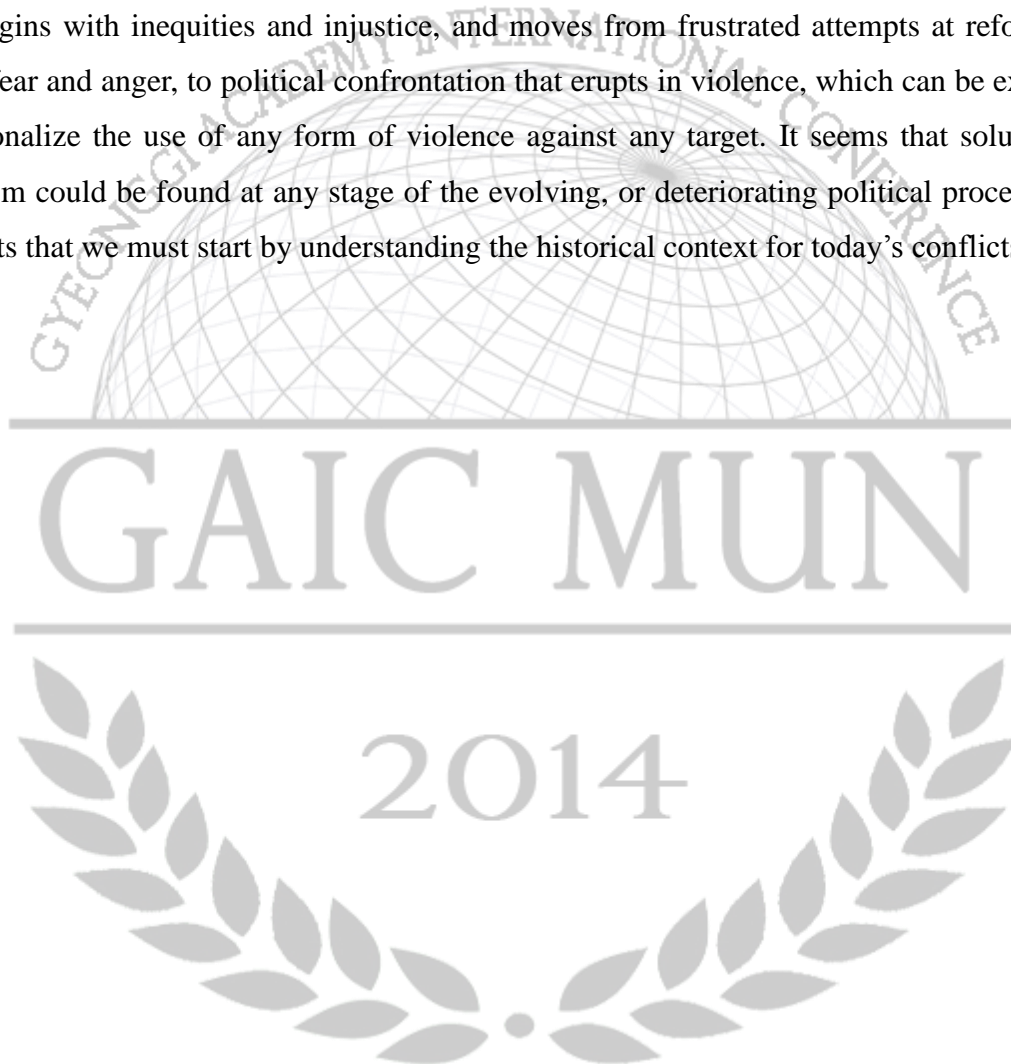
[1970s: Terrorism Turns International]

International terrorism became a prominent issue in the late 1960s, when hijacking became a favored tactic. In 1968, the Popular Front for the Liberation of Palestine hijacked an El Al Flight. Twenty years later, the bombing of a Pan Am flight over Lockerbie, Scotland, shocked the world.

[1990s: The Twenty First Century: Religious Terrorism and Beyond]

Religiously motivated terrorism is considered the most alarming terrorist threat today. Groups that justify their violence on Islamic grounds- Al Qaeda, Hamas, Hezbollah—come to mind first. But Christianity, Judaism, Hinduism and other religions have given rise to their own forms of militant extremism.

Terrorism doesn't just happen. Terrorism is an advanced stage of a failed political process that begins with inequities and injustice, and moves from frustrated attempts at reform that breed fear and anger, to political confrontation that erupts in violence, which can be exploited to rationalize the use of any form of violence against any target. It seems that solutions to terrorism could be found at any stage of the evolving, or deteriorating political process. This suggests that we must start by understanding the historical context for today's conflicts.



III. Status Quo

More than 8,500 terrorist attacks killed nearly 15,500 people in 2012 as violence tore through Africa, Asia and the Middle East, according to the National Consortium for the Study of Terrorism and Responses to Terrorism. That's a 69% rise in attacks and an 89% jump in fatalities from 2011.

"There's just a lot of killing going on along sectarian and religious lines," said Daniel Benjamin, coordinator for counterterrorism at the State Department from 2009 to 2012. "And that's a worrisome thing." The reasons behind the rise are complex, experts say:

- Weak and unstable states and corrupt or ineffective governments.
- Poverty and high unemployment, particularly among young men.
- Access to more lethal weaponry and increasing use of tactics like suicide bombings capable of killing scores of bystanders.
- A spike in sectarian tensions between Sunni and Shiite Muslims, where ancient grudges give rise to modern massacres.
- The increasing use of terrorism as a tactic in war.

[Previous Actions]

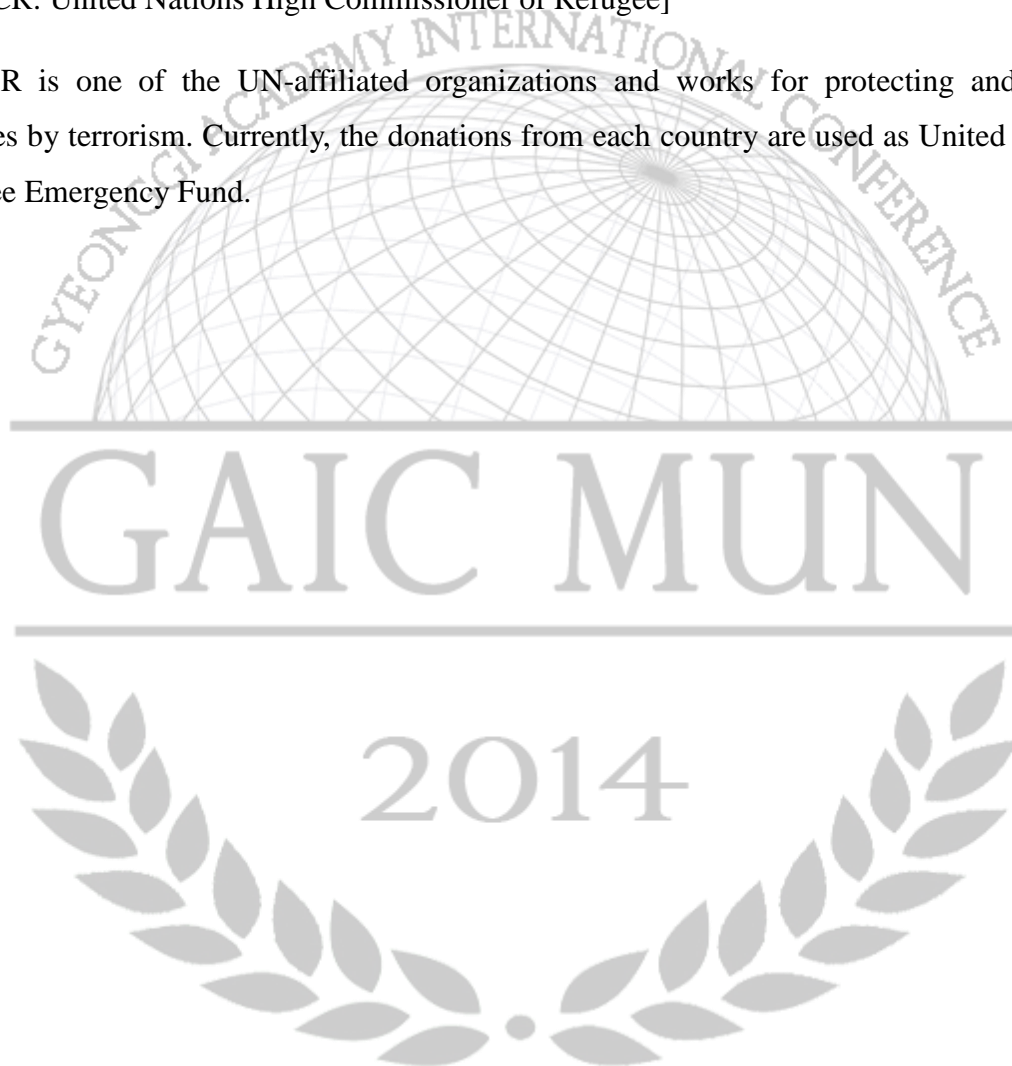
In 2006, the Security Council passed Resolution 1674, committing it to take action to protect civilians in armed conflict. The UN also has set civilian protection precedents in the mandates of specific missions, including the Democratic Republic of Congo (MONUC/MONUSCO), Sudan (UNAMID and UNMIS), and Afghanistan (ACRO). Over time, the emphasis on civilian protection has increased and become a frequent staple for UN peace operations. Other UN organs and agencies, in particular the General Assembly Special Committee on Peacekeeping (known as the C34), the Department of Peacekeeping Operations, and the Office for the Coordination of Humanitarian Affairs, have included the topic of civilian protection in their agendas and enhanced their efforts to protect endangered civilian populations.

[CTC: United Nations Security Council Counter-Terrorism Committee]

After the 911 Terror by Al-Qaeda, the Security Council immediately organized the CTC. CTC regulates the financing to the terror groups as “crime”, and when they judge as financing the terror groups, they set articles to stop the financing.

[UNHCR: United Nations High Commissioner of Refugee]

UNHCR is one of the UN-affiliated organizations and works for protecting and aiding refugees by terrorism. Currently, the donations from each country are used as United Nations Refugee Emergency Fund.



IV. Country Positions

[Israel & Palestine]

The conflict between Israel and the Palestinians had a very different beginning (See: Israel-Palestine Country Briefing). The U.N. voted to create the state of Israel on the land where the Palestinians lived, under British authority, but without self-government. The Jews attacked immediately to claim their land. As the British exited, neighboring Arab states also claimed the land. The fledgling UN never did intervene to establish two governments as decreed in the UN resolution. Palestinians lost out, but never accepted defeat. Once Egypt and Jordan renounced their claims to Palestine, the Palestinians opted to fight for their own future. By this time Israel was a substantial military power with American warplanes, attack helicopters, tanks and their dreaded bulldozers, and used them to demolish Palestinian homes and orchards.

[United States]

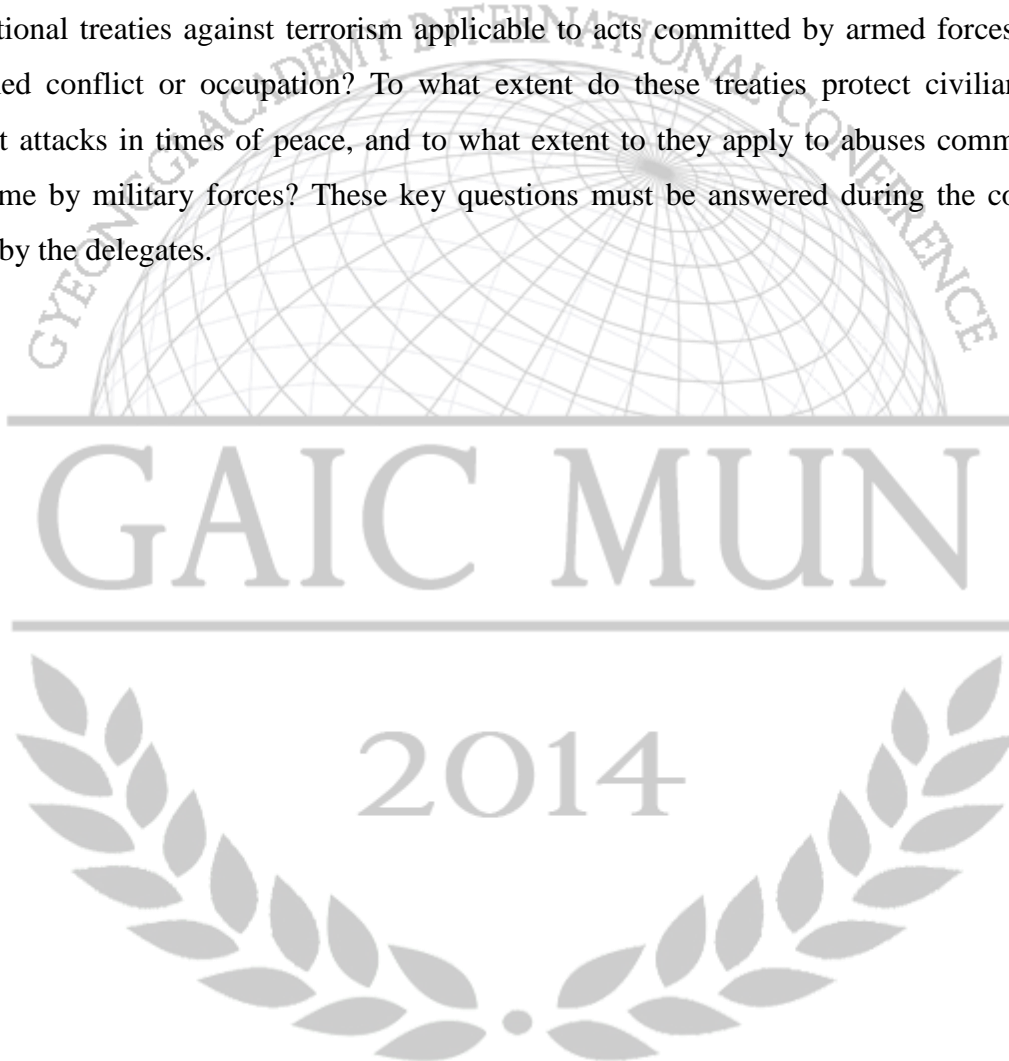
- Nearly 5,600 people lost their lives and more than 16,300 people suffered injuries due to international terrorism directed at the United States;
- While terrorist attacks against the U.S. tend to be slightly deadlier (2.01 fatalities per incident) than attacks against other nations (1.74 fatalities per incident), the higher number of average fatalities for the United States is a consequence of 9/11;
- Terrorism directed at the United States accounts for only 7.8 percent of all terrorism worldwide, but almost 43 percent of all attacks against military institutions are leveled against U.S. institutions

[Europe]

To increase the effectiveness of existing international texts on the fight against terrorism, the Council of Europe has adopted a new Convention on the Prevention of Terrorism which entered into force June 1st 2007. It aims to strengthen the efforts of member states to prevent terrorism and contains a provision on the protection and compensation of victims of terrorism.

V. Possible Solutions

Though there have been efforts to prevent international terrorism against civilians, the damage is getting worse. The efforts to stop terrorism, also, have been significantly lacking. There are now thirteen international treaties against terrorism, as well as numerous regional treaties, and the process of drafting a general treaty against international terrorism is nearly complete. In other words, there are concepts that have to be justified. To what extent are international treaties against terrorism applicable to acts committed by armed forces during an armed conflict or occupation? To what extent do these treaties protect civilians from terrorist attacks in times of peace, and to what extent do they apply to abuses committed in peacetime by military forces? These key questions must be answered during the course of debate by the delegates.



VI. Citations

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