



Università  
Ca' Foscari  
Venezia



**VENICE**  
DIPLOMATIC SOCIETY



CITTA' DI  
VENEZIA



Global Campus  
of Human Rights



**EIUC**

European Inter-University  
Centre for Human Rights  
and Democratization

## Venice Universities' MODEL UNITED NATIONS



10-11-12 November 2017  
Isola di San Servolo

Organized in collaboration with:



Università  
Ca' Foscari  
Venezia

### Ca' Foscari University of Venice

was born as the first **business school in Italy** and the **second in Europe**. Today it provides several courses in various departments, such as **Languages, Management, Environmental studies, Philosophy, Science, Humanities, International Relations** and more. Just like the city that hosts it, it is a crossroad of cultures, fields of research, ideas and creativity; a modern university that keeps abreast of things by realizing, within its **eight departments**, advanced research projects and innovative study programs that guarantee an excellent educational experience. Through its **five interdepartmental schools**, Ca' Foscari works with cross-cutting and integrated educational approaches. Whoever studies in Venice can this way acquire a wider range of and more articulate skills: economy interfaces with cultural heritage, languages intersect with economics, restoration meets science just to cite a few examples.

For further information: <http://www.unive.it>



### Venice International University (VIU)

is something unique in the international academic environment: a **group of 17 Universities** from all over the world sharing a common Campus on the **beautiful Island of San Servolo**, in the Venice lagoon. These Universities collegially devise study programs to prepare their students to face today's global challenges: **Sustainable Development, Ageing and Welfare, Global Ethics and Cultural Heritage** are central topics of VIU programs. Students who choose to spend a term studying at VIU are taught to move across disciplines and through cultures with a flexible approach, an open mind and creative thinking. VIU offers its support for research programs involving the various Universities that form its network, and develops specific programs for advanced training.

For further information: <http://www.univiu.org>



### The Venice Diplomatic Society (VDS)

is a **non-profit organisation** founded in 2015 by students of Ca' Foscari University of Venice, Italy. Its main aims are rising awareness and giving students and citizens the chance **of acknowledging the complex functioning of the greatest international organizations**, introducing them to their inner dynamics, organising workshops to train them to speak in a foreign language in front of an international audience, debating on pressing issues of the planet's agenda – from current geopolitical crises to environmental issues, but also the theme of refugees, the allocation of foreign investments and violations of international law, gender equality, on-going conflicts and wars, human rights issues. Also, it puts students in contact with the reality of Model United Nations, which are extra-curricular activities where students play the role of Delegates of the United Nations and simulate the inner proceedings of UN committees. After the first VeUMUN on 2016 and VeUMEU 2017, with the collaboration **BETA Italia**, Venice Diplomatic Society is glad to announce the second edition of the Venice Universities' Model United Nations.

For further information: <https://www.vdsviews.com/>



**EIUC**  
European Inter-University  
Centre for Human Rights  
and Democratisation

### The European Inter-University Centre for Human Rights and Democratisation (EIUC)

was founded in 2002—thanks to EU funding—with the aim to develop educational activities, research and interdisciplinary training on the issues of human rights protection. The EIUC has its roots in Europe, but a global vision. It is now the hub for a network of over 100 universities (Global Campus of Master's Programmes and Diplomas in Human Rights and Democratisation) representing the EU member states and university networks in Asia, Africa, Latin America, the Caucasus Region and South East Europe: institutions and partners that make the EIUC/GC a unique institution.

The Institution aims to contribute broadly to the dissemination of a shared global knowledge of human rights and democracy. It is located at the Monastery of San Nicolò in the Venice Lido, sharing with the town its ambition to become a European Capital of Human Rights.

For further information: <http://www.eiuc.org>

### VeUMUN benefits from the generous support of:



#### Europe Direct

is a **European Commission information network** designed to inform citizens about the activities and opportunities offered by the European Union. Europe Direct aims to **reinforce citizens' sense of attachment to the European Union** by involving them in the process of building Europe. The Veneto has a Europe Direct information relay, set up by the City of Venice - as leading figure - and 18 institutional partners: the Veneto Region, the Prefettura di Venezia, the Provinces of Venice, Belluno, Padua, Rovigo and Treviso, the Venice Chamber of Commerce, the Eurosportello of Unioncamere Veneto, the Cities of Bassano del Grappa, Chioggia, Jesolo, Padova, Thiene and Valdagno, Università Iuav di Venezia (Architecture and Design), ESU of Venezia (Students' Union) and USR (the Veneto Regional Schools). 32 centers in the region support citizens in accessing information relative to the areas of activity of the European Union. Since 2008, the information relay has also hosted **Eurodesk**, providing young people and youth workers with information on the sector- opportunities offered by the European Union and the European Council.

Info: <http://europa.eu/contact/> <http://www.comune.venezia.it/europedirect> @: [infoeuropa@comune.venezia.it](mailto:infoeuropa@comune.venezia.it)



san servolo  
servizi metropolitan  
di venezia

**San Servolo - Servizi Metropolitan di Venezia**

the company owned by the Metropolitan City of Venice, responsible for the management of the services on the island of San Servolo.

Info: <http://servizimetropolitani.ve.it/> - Eng. <http://servizimetropolitani.ve.it/en/>

**Contact Information for the Venice Universities' Model United Nations 2017**

For information about the **VeUMUN contents** write to: [veumun2017@vdsviews.com](mailto:veumun2017@vdsviews.com)

For information about **organization and logistics** write to: [shss@univiu.org](mailto:shss@univiu.org)

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# Social Media Management

Nowadays, we are overwhelmed by several kinds of social media, which have been continuously acquiring such a meaningful power in the promotion of each event. This is the reason why we all as a committee came up with the following # to extensively and effectively spread the word.

#VeUMUN2017  
 #MUN  
 #SanServolo  
 #UN  
 #UNsimulation  
 #threatenedheritage  
 #LearnHowtoMaketheDifference  
 #VIUopportunity  
 #diplomacy  
 #training  
 #ourfuture

Also, it is very important to tag all the institutions/organizations who collaborated in the event management:

## ! Venice International University

Facebook: @VIU-VeniceInternationalUniversity  
 Instagram: @univiu  
 Twitter: @univiu

## ! Università Ca' Foscari Venezia

Facebook: @cafoscari Instagram:  
 @cafosciuniversity  
 Twitter: @CaFoscari

## ! Venice Diplomatic Society

Facebook: @venicediplomaticsociety  
 Instagram: @univiu  
 Twitter: @VeDiplSociety

## ! EIUC - European Inter-University Centre for Human Rights and Democratisation

Facebook: @eiuc.venice  
 Twitter: @EIUC

## ! Europe Direct - Venezia

Facebook: @Comunedivenezia  
 Instagram: @comunevenezia  
 Twitter: @EuropeDirectVe

Thank you for your help, we really appreciate it!

# Welcome Letter

## Secretary General & Deputy Secretary General

Dear delegates,

With such a heartfelt honor, we proudly welcome all of you to the second edition of the Venice Universities' Model United Nations!

The VeUMUN 2017 has been built with the joint efforts of the Venice International University (VIU), Ca' Foscari University of Venice, European Inter-University Centre for Human Rights and Democratisation (EIUC), and the Venice Diplomatic Society. It is absolutely essential here to remember that we are truly grateful to all the people who have been working hard and tirelessly for the last 6 months, because every single person has been extremely important to reach the goals we set in May and that we can gladly say so right now: every sponsor, every partner, every colleague, you all invested your time to plan an event to be absolutely proud of and that we honestly hope will be a success. Thank you very much!

The marvelous campus of Venice International University on the island of San Servolo and the unique city of Venice will be the set of our impressive simulation: their well-known international traits and their being a hub of both cross and intercultural knowledge allow them to be perfectly suitable for hosting such an event. We are totally convinced that the atmosphere generated by this proper environment will drive, excite and inspire all of the 'beginner delegates'.

The topic chosen for this edition is the following:

### **“Maintenance of international Peace and Security: Destruction and Trafficking of Cultural Heritage by Terrorist Groups and in Situations of Armed Conflict”**

Currently, international security is dominating the news, where we are unfortunately always updated about crude violations of our inestimable cultural heritage across the world. Especially areas in the Middle East have been paying the price for a struggle that do not deserve at all: attacks of pure vandalism which neglect the history of humanity, that insult the values on which a rich civilization flourished, that we must consider an inexcusable and illogical abomination. Several institutions across the world are cooperating effectively in order to try to find a solution that protects every piece that luckily escaped the destructive fury of terrorism.

Dear delegates, the task you have been given is not easy to tackle, but an intense brainstorming of your fresh, dynamic and young minds has an incredibly promising potential: your analysis, inquiries, and investigations could only be the beginning, gradually making way for innovative and effective paths.

The four committees we chose are as follows: UNESCO, UN Women, Social, Humanitarian and Cultural Committee, and the UN Security Council. Our choice relies upon the fact that they are particularly meaningful for this very topic, and the voice of each country represented is undoubtedly essential to add value to the debate. You will be representing your country's position on the specific topic that you will discuss: it is clearly of crucial importance that you read all the study guide carefully and properly behave as a delegate of your nation.

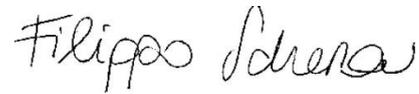
Your resolution will be the official document containing all the decisions you have made during the simulation: reaching an agreement upon it will mean that you have worked effectively, and that will be without doubt an endeavor you shall be really proud of.

We eagerly wish the best of luck to all participants, and sincerely hope that it is going to be an impressive experience, which will allow you to learn, to grow, to dream.

All the best!

Yours sincerely

Secretary General Thomas Triangeli and Deputy Filippo Schena

Handwritten signature of Thomas Triangeli in black ink.Handwritten signature of Filippo Schena in black ink.

# Secretary General's Profile



Honourable chairs, co-chairs, press,  
Honourable delegates,

My name is Thomas Triangeli and I am deeply honoured to serve as your Secretary General for the second edition of the Venice Universities' Model United Nations.

I am currently studying "Philosophy, International Studies and Economics" at Ca' Foscari University of Venice and this is my last year of Bachelor's Degree. My first experience at a MUN was in May 2016, where I was a delegate representing Angola in the SOCHUM Committee, here on San Servolo island. This very first experience with international relations helped me a lot in understanding what my study path would be. After that, I joined the Venice Diplomatic Society and I am now the Vice-President.

Together with this fantastic association I was in the organizing team of the first edition of the VeUMEU2017, the first edition of the Venice Universities' Model European Union. During the simulation, I served as President of the European Parliament: it was my first time chairing such an important institution.

After that, I took part in *CombinAzioni*, in Montebelluna, in collaboration with Levi Alumni, where my colleagues and I had the opportunity to talk with students about the European Union.

But let me spend a few words on the VeUMUN 2017. For many of you this might be the first time participating in such a project. You might be scared of talking in front of people in a language that is not yours (yes, everything is in English, also the breaks!!). But to be honest, this is the least scary part. What I always suggest is to take a deep breath and do not be afraid of making mistakes: nobody is perfect.

Moreover, your background is not a pre-requisite. You do not have to be an expert in international relations and you will never be asked to tell the story of the UN by heart. It is a simulation, which means that we must have fun but in a constructive way.

For me the VeUMUN opened the door to a huge number of topics and possibilities that I had never thought of before: the Venice Diplomatic Society, VeUMEU etc.

Moreover, even if I am mostly involved in organizing such events, I still know what it means to be a delegate. This is why I submitted the application to participate as a delegate in the Harvard National Model United Nations in February 2018 and my delegation and I won!

I do not want to bother you anymore but let me finish by saying that, even if it is your first experience in a MUN, take your chance at the fullest. Do not be afraid of making mistakes, breath, try to do your best and I am sure you will make this experience remarkable both for you, but also for your fellow delegates.

I am really looking forward to seeing you all in San Servolo,  
Sincerely,

Thomas Triangeli,  
Secretary General VeUMUN 2017

# Deputy Secretary General's Profile



Dear all, Hello! And let me deliver my deepest and warmest welcome to the VeUMUN 2017!

I am Filippo, and I am super excited, but honored firstly, of being your Deputy Secretary General of this edition.

Before talking about this truly outstanding experience, just a couple of lines to introduce myself to those who do not know me yet (for former ministers and deputies of the VeUMEU 2017 I was The European Commissioner for the proposal on Equal Treatment). I am a MA candidate (International Relations focusing on Eastern Asia) very keen on PR and communications. I have got a lot of hobbies, but photography and social media stand out undoubtedly. Currently, I am the President of Venice Diplomatic Society, a member of Gruppi Assicurazione Qualità for the Comparative International Relations Master's Degree, one of the two L'Oréal Campus Ambassador for Ca' Foscari University of Venice, a tutor for the Settore Orientamento e Tutorato, and in February I will be taking part in the HNMUN for the second time (I participated in the 2017 edition

too in the DISEC Committee representing Singapore). Finally, I have just got back from the US, where I interned 3 months at the Embassy of Italy in Washington D.C. thanks to the program 'Ca' Foscari "in rete": diplomatica!'

I can only eagerly tell you that I worked so gladly with such an incredible staff to set up the 2nd VeUMUN: I resolutely believe in this kind of simulations. Not only do I think so as for my interest in international studies and world history, but also because I am totally convinced that they are a unique and enriching opportunity to broaden minds of growing older men and face pressing international issues affecting the daily life of each of us. We are young, we need to deepen our knowledge, we have to keep our eyes wide open; we deserve the chance of working on ourselves, we deserve the chance of working together, we deserve the chance of being paid attention: and the MUN allows them all.

This year, the theme we will be dealing with is the protection of our cultural heritage: recently, it has become such a pressing issue asking for our help that we cannot underestimate it anymore, because it is our cultural identity that has been put on the line.

I completely trust you guys, and I am sure you will strive hard to do your best: push it to the limit and you are going to do a great job! I really look forward to meeting all of you dear delegates, and cannot wait to listen to every inspiring speech or constructive conversation you will be carrying out.

Wish you all the best, and that you will live an unforgettable and rewarding experience as it was to me (and hope it is going to be).

See you very soon!

*Filippo Schena*

# Event Coordinator's Profile



Dear Delegates,

First of all I would like to introduce myself: I am Kristina Caushaj and I am 20 years old. I am a third year student of the Bachelor degree in "Philosophy, International and Economic Studies" at the Ca' Foscari University.

As you probably can tell from my surname, I am not Italian. I was born in a very small Village in Albania 20 years ago and, at the age of 4, I moved here in Italy. When I moved, I had to face a completely different reality. This experience taught me the importance of respect for the others and their culture. This is probably the reason why languages and cultures have always fascinated me. I can speak Albanian, Italian, English, German and Russian.

Ever since I can remember, I have been interested in international affairs and diplomacy. For this reason, when I began my university studies, I also joined Venice Diplomatic Society.

The journey from there has been quite long, allowing me in the past 2 years not only to grow my personal and communicational skills, but also to put my political, economical and philosophical skills in practice.

In May 2017 I have become a member of the BOARD of our NGO. Therefore, I currently am the treasurer of Venice Diplomatic Society.

My biggest passions are travelling and meeting new people. I firmly believe that it is pointless to constantly acquire knowledge without ever practicing it. This is the main reason why I have chosen to work together with my colleagues at VeUMUN.

For sure, all together, we will make a great experience!

*Kristina Caushaj*

# Legal Advisor's Profile



Dear delegates,

my name is Yae Stryckers and it is my honor to serve as your legal advisor.

I obtained my Bachelor's degree in Law at the Dutch-speaking Free University of Brussels, and I am currently in my last year of the Master's Program in International and European Law at the Catholic University of Leuven. This semester, my home university has granted me the opportunity to study at the Venice International University, where I stumbled upon VeUMUN.

I have long thought of joining MUN, yet this is the first time I have come across an opening for a function that embodies my personal interests. My MUN experiences, therefore, are rather scarce. Nevertheless, I hope to be able to compensate this with the knowledge I have within the specific field of International Law. I am very eager to learn from you and to support each one of you with legal advice.

As you all know, the topics that are assigned this year are wildly interesting. However, every global issue has a more technical dimension, namely a legal one. It is within this domain that I would like to contribute to this organization. MUN has gained a worldwide reputation throughout the years amongst students of a variation of faculties. It has opened doors to political debates for the younger generation as well as creating a forum where these motivated people are able to improve their skills.

I cannot emphasize enough how thrilled I am to be a part of this project! I am looking forward to meeting you all.

See you in San Servolo!



# The Venice Universities' Model



## United Nations 2017

The **VeUMUN – Venice Universities' Model United Nations 2017** focuses on “Maintenance of international peace and security: destruction and trafficking of cultural heritage by terrorist groups and in situation of armed conflict”.

The abovementioned topic is going to be debated by delegates split into the four following committees:

- '' United Nations Security Council Committee
- '' UNESCO
- '' UN Women Committee
- '' Social, Cultural and Humanitarian Committee

# Conference Schedule

<b>Friday</b>		<b>November 10th, 2017</b>
	<b>9.00 – 9.30</b>	Registration
	<b>9.30 – 11.30</b>	<b>Opening Remarks</b>
	<b>11.30 – 12.00</b>	Delegates Distribution in the Committees
	<b>12.00 – 13.30</b>	<b>Role Call and General Speakers' list</b>
	<b>13.30 – 14.30</b>	Lunch Break
	<b>14.30 – 16.00</b>	<b>First Session</b>
	<b>16.00 – 16.15</b>	Break
	<b>16.15 – 18.15</b>	<b>Second Session</b>

<b>Saturday</b>		<b>November 11th, 2017</b>
	<b>9.30 – 11.30</b>	<b>First Session</b>
	<b>11.30 – 11.45</b>	Break
	<b>11.45 – 13.30</b>	<b>Second Session</b>
	<b>13.30 – 14.30</b>	Lunch Break
	<b>14.30 – 16.00</b>	<b>Third Session</b>
	<b>16.00 – 16.15</b>	Break
	<b>16.15 – 18.15</b>	<b>Fourth Session: Drafting the Resolution</b>

<b>Sunday</b>		<b>November 12th, 2017</b>
	<b>9.30 – 11.30</b>	<b>First Session</b>
	<b>11.30 – 11.45</b>	Break
	<b>12.00 – 13.30</b>	<b>Second Session: The Draft Resolution</b>
	<b>13.30 – 14.30</b>	Lunch Break
	<b>14.30 – 16.30</b>	<b>Presentation of Debate Results</b>
	<b>16.30 – 18.30</b>	<b>Award Ceremony</b>

# Location



The **Venice Universities' Model United Nations 2017** will be held on the campus of Venice International University, on the island of San Servolo, Venice.

## *How to reach San Servolo island:*

The **no. 20 vaporetto** (public transport) connects the island with the city center in a 10 minute journey. It departs from **San Zaccaria**, the waterfront adjacent to Piazza San Marco. The landing dock for the **no. 20** vaporetto is "San Zaccaria Monumento" in front of the Londra Palace Hotel.

Remember to arrive a few minutes before departure time.

Link to **Line no. 20 timetable**: [http://www.univiu.org/images/Line\\_20\\_timetable.pdf](http://www.univiu.org/images/Line_20_timetable.pdf)

## *From Piazzale Roma or the Train Station to San Servolo:*

ACTV Public water bus **no. 1, 5.1, 4.1** (only from Piazzale Roma) or **2** direction "Lido", getting off at San Zaccaria. From here make your way to the S.Zaccaria – M.V.E. stop, **line no. 20** for San Servolo (see above).

Link to ACTV waterbus timetable: <http://actv.avmspa.it/content/orari-servizio-di-navigazione-0>

## *From Lido to San Servolo:*

From Lido take **boat no. 1, 2, 5.2 or 14** to San Zaccaria boat. Change to line no. 20 which leaves from "San Zaccaria Monumento" boat stop opposite the Londra Palace Hotel.

## *Arriving by train:*

Venice has rail connections with every major city in Italy and the rest of Europe.

The main train station, Venezia Santa Lucia, is on the Grand Canal in the northwest of the city.

## Public Transport: ACTV tickets & prices

### LAND SERVICES

€ 1,50 - ORDINARY TICKET FOR *LAND SERVICES*, 75 MIN

€ 14,00 - ORDINARY TICKETS BOOKLET (10 tickets) FOR *LAND SERVICES*, 75 MIN TRIPS

Allows using the land services of Lido island and the mainland city of Mestre (to Piazzale Roma), Tram and People Mover for 75 minutes from stamping, with transport means change allowed.

### NAVIGATION SERVICE FARES for “VENEZIA UNICA” CARD HOLDERS

€ 1.50 – 75 MINUTE “RETE UNICA” TICKET and € 2.00 – 100 MINUTE “RETE UNICA” TICKET

or € 3,00 – 75 MINUTE *ON-BOARD* TICKET FOR “RETE UNICA”

RETE UNICA TICKET BOOKLET (10 tickets) – € 14,00 FOR 75 MIN TRIPS and € 19.00 FOR 100 MIN TRIPS

Allows 75 or 100 min. travel from the moment of validation on urban network (Navigation services, Lido, Mestre, Tram and People Mover). The validation process must be repeated at each change of travel means. The ticket does not include ACTV navigation routes 16, 19, Alilaguna services and buses travelling to and from the Marco Polo airport.

Monthly Rete Unica (Lagoon services, Lido, Mestre with Aerobus, Lido, Tram, People Mover)

Ordinary € 37,00, Students € 25,00

Car Park + Rete Unica € 51,00

“VENEZIA UNICA”– IMOB CARD can be requested by people resident in Venice (additional cost: €10), in the Veneto Region (additional cost: 20€) or outside Veneto region (additional cost: €50) at any ACTV main ticket office, and is valid for 5 years.

### NAVIGATION SERVICE FARES *without* “VENEZIA UNICA”– IMOB CARD

- € 7.50 – 75 MINUTE TICKET and *ON-BOARD* TICKET

Allows 75 min. travel from the moment of validation on urban network (Navigation services).

The price includes a luggage not exceeding 150 cm (three sides total sum).

- € 5.00 one way, or € 10.00 Return ticket CROSS Service

valid only for short journeys, between San Marco (San Zaccaria) – San Servolo stop.

For more information: <http://actv.avmspa.it/en/content/prices>



# United Nations Educational, Scientific and Cultural Organization



## **MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY: DESTRUCTION AND TRAFFICKING OF CULTURAL HERITAGE BY TERRORIST GROUPS AND IN SITUATION OF ARMED CONFLICT**

**Chair:** Ms. Sara Dal Monico

**Co-chair:** Mr. Simone Foresti

**Secretary:** Mr. Niccolò Malatesta

**Mail:** [veumun2017unesco@gmail.com](mailto:veumun2017unesco@gmail.com)

**For general enquiries:** [veumun2017@vdsviews.com](mailto:veumun2017@vdsviews.com)

**Facebook group:** UNESCO VeUMUN 2017

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## **WELCOMING MESSAGE FROM YOUR CHAIR, CO-CHAIR AND SECRETARY**

We are extremely happy and thrilled to welcome you all to the second edition of the Venice Universities' Model United Nations! We are looking forward to working with you on these incredibly challenging issues and we promise we will do our best to guide you towards a successful and rewarding outcome: but remember to have fun meanwhile, as well.

Before getting started, we would like to introduce ourselves:



Dear Delegates,

Welcome to the second edition of the Venice Universities' Model United Nations, and congratulations for your successful application! My name is Sara Dal Monico and I am extremely honored and excited to serve as your Chair for UNESCO. I graduated in Foreign Languages from Ca' Foscari University with a dissertation on the violations of human rights in Hungarian refugee camps and the rights of the refugees. Currently, I am attending a Master's Degree in Comparative International Relations and I am Counselor and member of the Venice Diplomatic Society.

I am particularly happy to be making this experience as your Chair, since about one year ago I was standing in your shoes, representing the United States of America at UNHCR at the very first VeUMUN, and on that occasion I won the prize for Best Delegate for my Committee. Next February, I will be participating in the Harvard National Model United Nations 2018, since I obtained the scholarship offered by Ca' Foscari University of Venice alongside other students, such as my dear co-chair Simone, Kristina Caushaj, Filippo Schena and Thomas Triangeli. Last May, I helped organized the Venice Universities' Model European Union and there, I received a Honorable Mention for my work as European Commissioner.

Lastly, I would like you to know that I am very happy to serve as Chair for this particular Committee for two main reasons: firstly, I have worked in my hometown theatre for five years by now, the Teatro Olimpico of Vicenza included in UNESCO's World Heritage List, thus I have been involved in a large part of the cultural environment in Vicenza. Secondly, I am very interested in the power of culture, since I think it holds a fundamental role in helping us remember where we come from, it shows us the potential that mankind has, to do good and achieve great goals. UNESCO's main concerns revolve around culture of course, but also access to education, promote the diversities of cultures through dialogue, enhance international communication and cooperation. The opportunities, provided by such a Committee, are great and challenging, though I am sure that in the end, it will be rewarding for us all.

I can't wait to meet and work with you all!

See you in San Servolo,

Sara

A handwritten signature in black ink, reading "Sara Bernini". The signature is written in a cursive, flowing style with a large initial 'S' and a long, sweeping tail.



Hello honorable delegates, my name is Simone Foresti and I am very pleased to be your UNESCO co-chair at VeUMUN 2017.

I come from Bergamo, and I am currently attending the Philosophy, International Studies and Economics Bachelor's Degree at Ca' Foscari University of Venice.

I was a RomeMUN General Assembly delegate in 2017, on which occasion I represented the Republic of Singapore, and a few months later I participated in the VeUMEU 2017 as a European MP for Platforma Obywatelska, EPP, Poland.

In recent years, I have been fortunate enough to deepen and delve into one of my greatest interests, politics, which, in my opinion, constitutes an incredibly creative, full of opportunities and engaging world, especially on international level: I deeply believe of fundamental

importance that the voice and commitment of young people can be heard.

I am convinced that VeUMUN 2017 will prove to be a unique and enriching experience for every delegate, so as to bring out the best of each and give the chance to expose and take challenges while acquiring peculiar skills in the diplomatic field.

I wish you all to enjoy and make the most out of this opportunity. I am really looking forward to meeting you all soon!

See you in San Servolo!

*Simone Foresti*



Hello everyone!

I am Niccolò Malatesta, I am 19 years old, and I am currently attending the program of Philosophy, International and Economic Studies at Ca' Foscari University of Venice. I chose that kind of Bachelor's Degree thanks to my deep interest in international relations and, furthermore, because I do believe that philosophy must have a seat in diplomatic assemblies.

For me, this is the first year here in Venice: so, I am really pleased and proud to join the VeUMUN as the secretary of UNESCO committee. I am really interested in the protection of the cultural heritage, because I think that it is an actual issue of our contemporaneity: our cultural heritage represents our history, our roots and, especially when it is in danger, we must take care of it!

Moreover, I learnt by experience that simulations are actually the best and the most prolific way to ease into complex mechanisms, therefore I think that the VeUMUN will be an amazing experience to understand the real functioning of the United Nations and also an unmissable opportunity to face new challenges.

A handwritten signature in black ink, appearing to read 'N. Malatesta'.

## UNESCO:

### United Nations Educational, Scientific and Cultural Organization

In the system of intergovernmental institutions configured around the United Nations (UN), each organization is dedicated to a specific sector of society and they all are intended to consider the issues they deal with from a holistic and universal point of view, trying to develop related policies and agreements in order *"to save succeeding generations from the scourge of war (...), reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, to establish conditions under which justice (...) can be maintained, and to promote social progress and better standards of life in larger freedom"*<sup>1</sup>, as stated in the Preamble to the United Nations Charter.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) is a specialized agency of the UN, which is based in Paris and which was founded on the occasion of the Conference of Allied Ministers of Education (CAME), which took place from 1st to 16th November 1945. The UNESCO Constitution was signed on 16 November 1945 and entered into force on 4 November 1946, after its ratification by twenty states. Currently, UNESCO has 195 member states and ten associate members<sup>2</sup>.



UNESCO was created with the institutional mandate to promote peace and understanding among nations through education, the sciences, culture, communication and information, to promote *"a universal respect for justice, for the rule of law and for the human rights and fundamental freedoms"*<sup>3</sup> as defined and affirmed by the UNESCO Constitution.

In particular, UNESCO focuses on two global priorities (namely, Africa and Gender equality) as well as on the following overarching objectives: attaining quality education for all and lifelong learning; mobilizing science knowledge and policy for sustainable development; addressing emerging social and ethical challenges; fostering

<sup>1</sup> Charter of the United Nations - <http://www.un.org/en/sections/un-charter/un-charter-full-text/>

<sup>2</sup> The Constitution of UNESCO, signed on 16 November 1945, came into force on 4 November 1946 after ratification by twenty countries: Australia, Brazil, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Egypt, France, Greece, India, Lebanon, Mexico, New Zealand, Norway, Saudi Arabia, South Africa, Turkey, United Kingdom, United States.

<sup>3</sup> UNESCO Constitution document - [http://portal.unesco.org/en/ev.php-URL\\_ID=15244&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=15244&URL_DO=DO_TOPIC&URL_SECTION=201.html)

cultural diversity, intercultural dialogue and a culture of peace; building inclusive knowledge societies through information and communication.

*As stated in the UNESCO Constitution, "since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;*

*That ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;*

*That the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;*

*That the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern;*

*That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.*

*For these reasons, the States Parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives;*

*In consequence whereof they do hereby create the United Nations Educational, Scientific and Cultural Organization for the purpose of advancing, through the educational and scientific and cultural relations of the peoples of the world, the objectives of international peace and of the common welfare of mankind for which the United Nations Organization was established and which its Charter proclaims"*

**REMARKS FROM UNESCO'S DIRECTOR GENERAL,**  
**MRS. IRINA BOKOVA**

**WITH REGARD TO SUBTOPIC A: The destruction of cultural heritage as the attempt to deny cultural identity**

UNESCO's Director General has in many occasions underlined the crucial importance of cultural heritage with regard to people's cultural identity. In her speeches and remarks, she stated that in times like the present ones, where globalization is ever more blurring lines and borders between nations, culture holds a key role in remembering to people where their place in the world is. It is fundamental, in her opinion, that cultures meet and exchange knowledge and understanding, though in order to reach this goal, cultural identities must be respected and safeguarded. According to Mrs. Bokova, cultures represent the dignity of people and unfortunately, World War II and the Nazi's attempt to destroy a whole culture, has been a negative reminder of that. Therefore, in times in which cultural identity is even more at stake, being the object of destruction so as to annihilate other peoples, UNESCO and all the States around the Earth need to take a step forward in defence of such an important world heritage.

**WITH REGARD TO SUBTOPIC B: Illicit trafficking of cultural heritage**



Mrs. Irina Bokova, the director general of UNESCO, spoke several times about the open issue of illicit trafficking of cultural property. In particular, in the introduction for UNESCO to the Security Council Resolution 2199, she condemned the illicit trade of cultural goods and kindly invited the countries to join the fight against it, improving the safeguard of such heritage.

Moreover, in a similar introduction to SC Resolution 2347, she was more tough saying that the tutelage of the cultural property during armed conflicts was one of the main purposes of UNESCO and therefore that "UNESCO wishes to hold itself fully accountable for the coordination and implementation of all Resolution 2347's decisions for the protection and promotion of cultural heritage as a source of peace and stability." Finally, in her address on the occasion of the meeting of the G7 Countries on "Culture as a tool for dialogue

among people” (Florence, 30 March 2017), she denounced the increasing degree of danger of such illicit trade stating that “the looting and illicit trafficking of archaeological objects has reached an industrial scale, and is used as a means to finance criminal activities”.

### **WITH REGARD TO SUBTOPIC C: How To Implement UNESCO’s Actions**

After Resolution 2347 was adopted, Irina Bokova, Director-General of UNESCO, met the representatives of the States, and in that occasion, she said that the “destruction of cultural heritage was a war crime and tactic of war, and that defending that heritage was a security imperative”. From Palmyra to the Shrine of Mosul, cultural heritage sites were symbols of unity, bearing witness to the dialogue of cultures that had always existed, she said, adding: “Violent extremists know this, and that is why they seek to destroy it.” Therefore, reinforced by the adoption of such resolution, it is imperative that States cooperate to prevent such crimes and protect cultural heritage in danger.



UNESCO has issued a Heritage Emergency Fund to help States in need, and encouraged those States who can afford it to contribute to the fund. This is a reminder of the fact that States cannot cope with such harsh situations alone, they must be helped and supported.

Mrs. Bokova is quite positive on the fact that if measures are seriously taken, they will prove to be effective, since UNESCO tireless efforts have also proved to be efficient (being resolution 2347 a proof of that).

## **Introduction to Resolution 2347 (2017)**

Resolution 2347 is one of the latest achievements of the UN Security Council, which unanimously voted to adopt this important document. It encourages Member States to do whatever is in their power, to protect and safeguard their cultural heritage, and to help the other countries in achieving the same goal, as well. UNESCO's role in this process has been essential: as a matter of fact, UNESCO has issued the Heritage Emergency Fund to help those states in need, and encourages States, alongside the UNSC, to provide funds to support preventive emergency operations. Another worth-considering feature of this resolution is the network of "safe havens", which is an issue that has been discussed for a long time within the Committee (you may find a more fulfilling explanation of "safe havens" in the attached Terminology file). Lastly, UNESCO's great purpose with the adoption of such resolution is, not only to preserve and protect cultural heritage, but also to promote cultural pluralism, which is decisive so as to further a culture of respect and understanding of others among nations and people<sup>4</sup>.

### **SUBTOPIC A: The destruction of cultural heritage as the attempt to deny cultural identity**

Human awareness, interest and study of what our civilization has been able to build over the years, and therefore the memory and interpretation of the processes characterizing world history, reveal themselves to be fundamentally important efforts in order to pursue UNESCO's humanist and pacifist innate inclinations. In fact, culture and history are deeply tied together. Two indispensable elements for dialogue and coexistence are the awareness of human experience in the millennia and its promotion, which is significantly defined by the cultural heritage present all over the world. Today, it is unfortunate that cultural heritage is not always respected and protected from the local as well as the international community.

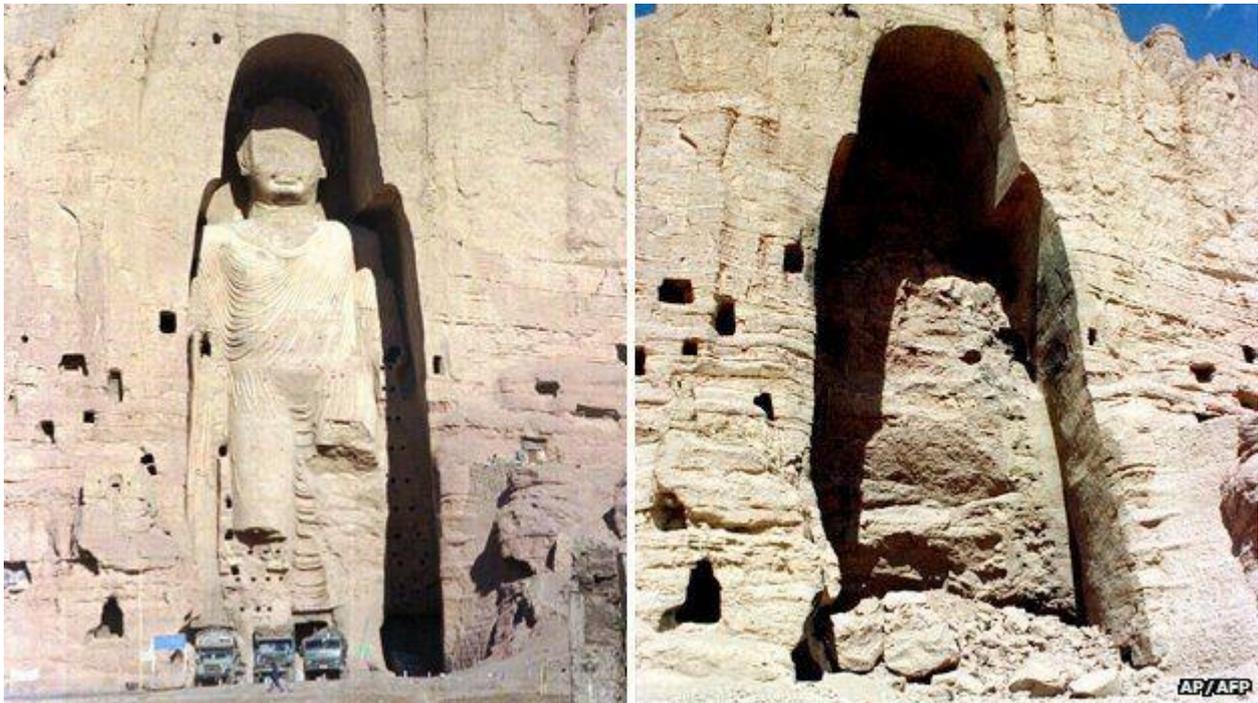
The destruction of the Buddhas of Bamiyan (a symbol of Hazaras People in Afghanistan) and part of the ruins of the ancient city of Palmyra represent two wretched, concrete examples of recent times. In particular, the devastation of this Syrian archaeological site by the militants of the Islamic State jihadist group (which completely destroyed the Arc of Triumph on 5 October 2015) has had an actual media impact. After the military control over this archaeological site (which is inscribed in the UNESCO World Heritage List) in May 2015, they began the destruction of two of the most important and best-preserved temples of Palmira, namely Baalshamin and the Bel temples, in August 2015<sup>5</sup>.

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<sup>4</sup> <https://www.un.org/press/en/2017/sc12764.doc.htm>

<sup>5</sup> <https://www.theguardian.com/world/2015/sep/02/isis-destruction-of-palmyra-syria-heart-been-ripped-out-of-the-city>

These actions were motivated by the intention (as declared by the Islamic State) "to eliminate religious objects that could be attributed to paganism or polytheism or blasphemy in general"<sup>6</sup>. The city of Aleppo in Syria has also been under serious threat from local violence and the political unstable situation the country is still going through. In addition, it is worth considering that further sites in the world have recently been affected by natural calamities such as earthquakes and climate change in general.



In this context, the relevance of the World Heritage Convention, which was adopted by the UNESCO General Conference in 1972 and aims to promote cooperation among nations to protect heritage of outstanding universal value across the world, whose conservation is significant for current and future generations, must be highlighted. Accordingly, this Convention established the "World Heritage List" as a tool to identify that some places, either natural or cultural, are of such importance as to be the responsibility of the international community on the whole. Therefore, not only do States Parties to this Convention pledge to conserve the World Heritage Sites in their territory, but also avoid deliberate measures that could damage World Heritage Sites in other countries. Moreover, under the same Convention, the World Heritage Committee has compiled the "List of World Heritage in Danger": it provides all the information about sites that have been (or are) under imminent threats, or potential dangers in one way or another, so as to increase international awareness of such threats and to encourage counteractive measures.

No country in the world can deny its responsibility for the protection of these sites, and yet there are still many obstacles when it comes to putting this principle into practice. Many countries do not have the financial means to keep these sites, especially in times of war, while many developed countries are nowadays managing the economic recovery, which is still threatened by the economic crisis and, therefore, struggle to financially support the maintenance and protection of these sites. Keeping this in mind, it is still imperative to protect heritage that

<sup>6</sup> <https://www.theguardian.com/world/2015/aug/25/islamic-state-images-destruction-palmyra-temple-baal-shamin-isis>

previous generations have left to us, so that we can preserve it for future generations as well. UNESCO plays a very important role in protecting these cultural sites: the aforementioned lists take on a fundamental role in this regard.

In this sense, it is crucial to understand how war has an impact on the cultural heritage at risk, and how other cultures interpret ideological nuances of the fundamentalist terrorism. Director-General of UNESCO Irina Bokova recently stated during a conference at Yale University that:

*"Heritage is, indeed, a wellspring of 'light and truth', essential to how we see the world, and how we understand ourselves and our place in it. And today, I believe this has never been so important, because these exact values are under attack. Conflicts are changing shape today, and we are seeing the rise of violent extremism, with culture and identities on the frontline of new wars. We see the systematic violations of human rights, the persecution of people on cultural and religious grounds. We see terrorist attacks. We see the intentional destruction of the past, with cultural landmarks bulldozed in Palmyra, in Mosul, in Bosra, in Aleppo (...)"*<sup>7</sup>

Therefore, UNESCO launches an alarm bell by filing a philosophically profound denunciation: not only does preserving the history and heritage of each culture mean defending a precious cultural legacy, but even, and above all, preserving a constituent part of the dignity of peoples. In this vein, the Director-General affirmed that:

*"This features coordinated attacks against the symbols and institutions of creativity and of free thinking – schools are destroyed, universities are bombed, journalists are beheaded... All of this to impose a sectarian vision of faith, of culture and of existence. These attacks on people, on heritage and on minds, are part of the same deliberate strategy, which I consider "cultural cleansing"*<sup>8</sup>. This calls for new approaches to diplomacy. This calls for new strategies to build peace, to put culture on the frontline of all peacebuilding. We need to be clear about the new challenges we face and how to fight back, because I am convinced we can. This means, first, putting words on the nature of the threat we face. Such systematic attacks against cultural heritage and diversity, used as a tactic of war, I believe, are unprecedented in recent history. The deliberate destruction of cultural heritage is a war crime, and should be prosecuted and punished as such. (...) We know that Palmyra belongs to all Syrians, but I would say it belongs to the whole humanity. And this is why it matters that we bring the international community together, around shared values, regardless of our differences of opinions or beliefs. (...) But let me be clear. The destruction of culture shows that violent extremists do not seek only to kill or seize control of a territory – their objective is the complete annihilation of the Other. I believe this is the mark of a genocidal project - and recent attacks around the world - show that such violence knows no borders. Extremists do not choose between culture and people: they attack both. And we need to defend both."<sup>9</sup>

<sup>7</sup> <http://unesdoc.unesco.org/images/0024/002448/244824e.pdf>

<sup>8</sup> UNESCO's Response To Protect Culture In Crises, 2016, <http://unesdoc.unesco.org/images/0024/002449/244984e.pdf>

<sup>9</sup> <http://unesdoc.unesco.org/images/0024/002448/244824e.pdf>

## SUBTOPIC B: Illicit trafficking of cultural property



The international protection of cultural heritage is one of the main purposes for which UNESCO was founded on the ashes caused by the iconoclastic policy of the Nazism in 1945. In particular, illicit trafficking of cultural property has been represented a problematic issue that UNESCO has been trying to face since its foundation. The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property focuses on such subject of concern. The main question that the Committee was supposed to answer was about the real meaning of “cultural heritage”, which was still unclear. For that reason, cultural property to be protected under this Convention is defined in Article 1 on the basis of a general criterion (which includes “property which, on religious or secular grounds, is specifically designated by each state as being of importance for archaeology, prehistory, history, literature, art or science”<sup>10</sup>) and also on the basis of an empirical criterion (which involves a detailed listing of eleven categories of cultural goods ranging from collections of scientific, paleontological, archaeological, traditional artwork to archives, and furniture items that are over a hundred years old). It is also important to have a precise idea of what illicit trafficking is. This is considered as the import, export and transfer of ownership of cultural property undertaken against the provisions of the 1970 Convention (for further information please check the latter terminology). Furthermore, the Convention provides several articles that undermine such relevant conduct, and the fundamental ones can be summed as follows:

- a) Illegal import and export of cultural property is recognized as one of the main causes of cultural depletion<sup>11</sup>;
- b) State Parties to the Convention are required to take action in the following fields: preventive measures; restitution provisions (art. 7); and international cooperation (art. 9). For instance, they are required to establish and update periodically a detailed national inventory of all the cultural goods that are considered essential and unmarketable and to train skilled supervisors of the sensible excavation sites in order to prevent any damage to the archaeological researches<sup>12</sup>;

<sup>10</sup> UNESCO Convention on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property, Paris, 14 November 1970, Article 1

<sup>11</sup> Ivi, Article 2

<sup>12</sup> Ivi, Article 5 and 7

- c) UNESCO may be called to provide technical assistance and to control state-members operations and their possible branches in this field<sup>13</sup>.

It must be noticed that the 1970 Paris Convention has two fundamental limits. First, its material scope of application is restricted to cases of theft and illicit traffic involving only goods stolen from or acquired by museums or similar public institutions (see art. 7). Therefore, cultural objects extracted from or acquired by private individuals remain outside the scope of the Convention, although they represent a very important part of the illicit trafficking of cultural goods at international level. The second limit is given by the non-operation of the Convention with regard to the discipline of the title of property on cultural objects subject to illicit traffic and subsequent claims. In fact, the Convention is a co-operation instrument at intergovernmental level and does not affect the private law of the Contracting States and the way in which they regulate the purchase and loss of the right to property.

In order to overcome these two limitations, the Rome Convention on Stolen or Illegally Exported Cultural Objects (the UNIDROIT Convention) was adopted on 24 June 1995. Firstly, it establishes that stolen cultural goods subject to an international demand must always be restored. Secondly, it sets out the principle that archeological objects resulting from illegal excavations or illegal detention must be classified as stolen goods when such qualification is in accordance with the law of the State in whose territory the excavation was carried out (see art. 3 no. 2). Finally, it addresses the problem of time limitation and decadence and it establishes a uniform regime favorable to the international recovery of stolen or illicitly exported cultural property (see art. 3, 5, 6).

Nowadays, nearly fifty years after the 1970 Paris Convention, the fight against illicit trafficking of cultural property is still one of the most burning issues UNESCO has to deal with. Indeed, the international circumstances are even worse due to the wide spreading of terrorist movements (especially ISIL and ANF), whose assets are often enriched by the illegal excavation of archaeological sites or by the illegal trade of remains, whatever their rarity or cultural value might be. An attempt to underline the tight link between illicit trade of cultural property and terrorist organizations was made by Mr Yuriy Fedotov, the executive director of UNODC (the United Nation Office on Drugs and Crime) who stated that “while the safeguarding of human lives remains the priority, actions against illicit trafficking of cultural property should constitute a key part of the response to threats to peace and security”. In order to prevent such crimes, the United Nations Security Council (which, contrary to UNESCO, has legally-binding powers) recently drafted two important resolutions, respectively in 2015 and in 2017.

SC Resolution 2199 (2015) condemns the actions of terrorist movements in Iraq and Syria and stresses that a large part of their incomes comes from illicit trafficking of cultural property<sup>14</sup>. Therefore, it calls upon all the Member

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<sup>13</sup> Ivi, Article 17

<sup>14</sup> Security Council Resolution 2199 of 12 February 2015, Preamble p.2

States to adopt “appropriate steps to prevent the trade in Iraqi and Syrian cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from Iraq”<sup>15</sup>.

In addition, SC Resolution 2347 (2017) is even tougher and more inflexible: welcoming the central role played by UNESCO, UNODC and INTERPOL (the international Police Organization) in raising awareness on such trafficking<sup>16</sup>, it requests Member States to prohibit cross-border trade of cultural goods even only for a reasonable suspicion concerning their illegal provenance and, if verified, to pledge a safe return to the original state<sup>17</sup>. Eventually, it urges Member States to support and contribute to the World Customs Organization (WCO) Harmonized System Nomenclature and Classification of Goods, to the INTERPOL Database of Stolen Works of Art and to the UNESCO Database of National Cultural Heritage Laws in order to provide the traded goods with a more detailed and certain provenance<sup>18</sup>.

In order to highlight the important role of such resolution, it is worthy quoting UNESCO Director General, Irina Bokova, who stated: “This Resolution is the first to focus exclusively on the protection of cultural heritage and its necessity for peace and security. It reinforces Resolution 2199, which was adopted in February 2015 partly to fight against international terrorism financing, and which prohibits the illicit trafficking of cultural goods from Iraq and Syria. This new Resolution now adds the thorough awareness of culture’s role as a source of stability and inclusion, and as a driver of reconciliation and resilience. It is the result of UNESCO’s efforts within the United Nations in recent years to include and stress the importance of heritage in our international efforts for peacebuilding and maintaining security. The unanimous support towards this text reflects this newly shared acknowledgement at the highest level”. Significantly, in providing some concrete data about illicit trafficking, the European Union stated that in 2017 the trafficking of cultural goods and antiquities is estimated to be worth between US\$50 million and US\$150 million a year<sup>19</sup>. In order to give an accurate portrait of how that affects the European territory, Mr. Thorbjørn Jagland, the 13<sup>th</sup> Secretary General of the Council of Europe, affirmed in his speech held in Strasburg on 13 January 2017 that “Illicit items have been seized in Turkey, Bulgaria, the UK, Switzerland, Italy, Spain. For every object intercepted, many are believed to be lost. Once they enter into private collections, they become extremely difficult to retrieve.”.

<sup>15</sup> Ivi, Paragraph 17

<sup>16</sup> Security Council Resolution 2347 of 24 March 2017, Preamble p.2 and Article 11

<sup>17</sup> Ivi, Paragraph 8

<sup>18</sup> Ivi, Paragraph 17

<sup>19</sup> Tender for a study on 'Improving knowledge about illicit trade in cultural goods in the EU, and the new technologies available to combat it', reference number EAC/06/2017.

## **SUBTOPIC C: How To Implement UNESCO's Actions**

*“[...]They encompass a number of questions such as who actually defines what cultural heritage is, which cultural heritage deserves protection, who can have access and enjoy it and to which extent individuals and their community have to be involved in the safeguarding of their cultural heritage. A huge role is played by States that are the responsible of the selection in the identification of the cultural heritage. As a matter of fact cultural heritage can be instrumental to the protection of the cultural differences inside a community but at the same time it risks to force individuals to assimilate to a certain society. Furthermore there is always the risk of cultural heritage being manipulated by politics for their own purpose or to apply political or social pressure by limiting the access to the enjoyment of the cultural heritage, which may lead to controversies and conflicts”. – Special Rapporteur in the field of cultural rights*

UNESCO's mandate is not limited to the protection of cultural heritage, but also to foster the development of cultural pluralism, a harmonious coexistence of different cultures in a diverse society.

Since its very foundation, UNESCO's activity has been essential to preserve the culture and identity of the different peoples living on this planet: effectively, culture is the core of people's identities and the way through which minds can be stimulated towards peace and knowledge. UNESCO deeply believes in the capacity of culture to shape the minds and help rise future generations full of peace and hope. In order to achieve such goals nonetheless, the actions of UNESCO have to be implemented at best, though most importantly, they have to be supported by the collaboration among people and nations. Collaboration and cooperation come from understanding, and where understanding exists, so does peace: thus, cooperation plays a crucial role in this process.

**So how can States promote collaboration? What tools do they have or do they lack? How can they help each other?**

Surely though, to promote cooperation States and people must have the feeling that they are not left alone to deal with such a huge struggle. Since its creation, UNESCO has always been at State's disposal in case of need, by drafting resolution, recommendations, strategies and action plans, and by issuing Funds-in-Trust or UNESCO's WORLD HERITAGE FUND for example, which receives most of its incomes by compulsory contributions of the States Parties, but also from voluntary contributions.

Moreover, UNESCO's help can come also in the form of technical assistance, as Article 17 of the 1970 Convention recalls; this kind of technical assistance can be backed up by Non-governmental Organizations, as well. On the one hand, The 1972 Paris Convention issued the Intergovernmental Committee for World Heritage Protection to address such problems at best. On the other hand, The second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the event of armed conflict constituted the Committee for the Protection of Cultural Heritage in the event of Armed Conflicts. **Questions to be addressed are, for example, how can the**

**actions of such Committees be implemented? Can they actually help Member States? Should their mandate be widened or limited?**

As the words of the UN Special Rapporteur in the field of cultural rights have stressed out, States play an important role in defining what cultural heritage is. It is important to remember that enjoying cultural heritage is a Human Right, and the importance that cultural heritage has with regard to preserving people's identities.

**Therefore, should the definition of cultural heritage be widened? How should the preservation of identities be addressed?**

With regard to illicit trafficking, **can the network of safe havens be a concrete solution? If yes, how? Are the already existing tools enough for contrasting illicit trafficking? What about the Code of Ethics?**

**But most importantly, what else could we do?**

## TERMINOLOGY

**CULTURAL HERITAGE:** First of all, it is fundamental to bear in mind what cultural heritage is. Although there is no univocal definition of cultural heritage, internationally, there are some legal instruments that can provide us some definitions. According to UNESCO's *Convention Concerning the Protection of the World Cultural and Natural Heritage* (1972), cultural heritage can be defined as:

“monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.”<sup>20</sup>

Furthermore, Cultural heritage is to be understood as a Human Right as well, and according to UN Special Rapporteur in the field of cultural rights, Karima Bennoune, it has to be considered “as the resources enabling the cultural identification and development processes of individuals and groups, which they, implicitly or explicitly, wish to transmit to future generations”. Thus, the loss of cultural heritage is a loss for all humanity as such, being based on culture and traditions, but obviously a more severe loss for the locals, who are also losing a piece of their identity and tradition <sup>21</sup> . The legal framework and standards that protect such right internationally, can be found in the International Covenant on Economic, Social and Cultural rights, precisely art. 15, and UNESCO's declarations and recommendations or conventions, such as: the *Convention concerning the Protection of the World Cultural and Natural Heritage* (1972); the *Convention on the Protection of the Underwater Cultural Heritage* (2001); the *Convention for the Safeguarding of the Intangible Cultural Heritage* (2003); and the *1954 Hague Convention* for the protection of cultural property in the event of armed conflict and following Protocols, for example.

**NATURAL HERITAGE:** The 1972 Convention specifically diversifies cultural from natural heritage, intended as:

“natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;

<sup>20</sup> Art. 1, <http://whc.unesco.org/archive/convention-en.pdf>

<sup>21</sup> <http://www.ohchr.org/EN/Issues/CulturalRights/Pages/SRCulturalRightsIndex.aspx>

natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.”<sup>22</sup>

**TANGIBLE AND INTANGIBLE CULTURAL HERITAGE:** Another difference has to be stressed, with regard to intangible and tangible cultural heritage. The latter, refers to the aforementioned definition, provided by the 1972 Convention. Intangible heritage refers, on the other hand, to: “oral traditions, performing arts, [social practices, rituals, festive events, knowledge and practices concerning nature and the universe](#) or the [knowledge and skills to produce traditional crafts](#)”<sup>23</sup>. As a matter of fact, UNESCO’s concerns do not refer only to tangible, but also intangible heritage, since it is an important factor in maintaining cultural diversity and preserving the identities of peoples, since it holds the knowledge passed on from generation to generation<sup>24</sup>. In 2003, UNESCO approved in Paris the *Convention for Safeguarding Intangible Cultural Heritage*, and issued the *Intergovernmental Committee for Safeguarding Intangible Cultural Heritage*, whose aim is put into practice the objectives of the Convention and protect intangible cultural heritage.

**CULTURAL RIGHTS:** The issue of cultural heritage is related to another important issue, which is that of cultural rights: these are considered as Human Rights, thus linking cultural heritage, access to culture and cultural rights to the Human Rights protection and preservation. But first, the notion of cultural rights has quite a vast meaning, so as to be most inclusive as possible. According to the first Special Rapporteur, they can be addressed as:

“protecting the rights for each person, individually and in community with others, as well as groups of people, to develop and express their humanity, their world view and the meanings they give to their existence and their development through, inter alia, values, beliefs, convictions, languages, knowledge and the arts, institutions and ways of life. They may also be considered as protecting access to cultural heritage and resources that allow such identification and development processes to take place.”<sup>25</sup>

Interestingly enough, the Special Rapporteur, felt the need also to address what cultural rights are not, so as to avoid the possibility that some politicians or violent extremists could use such rights to deny those of others, given the holistic definition: “they are not tantamount to cultural relativism. They are not an excuse for violations of other human rights. They do not justify discrimination or violence. They are not a licence to impose identities or practices on others or to exclude them from either in violation of international law. They are firmly embedded in the universal human rights framework.”<sup>26</sup>

Cultural rights, according to the current Special Rapporteur, help safeguarding human creativity and diversity, free choice of expression, the right to participate in the cultural life of their choice and help its development.

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<sup>22</sup> Art. 2, Ibid.

<sup>23</sup> <https://ich.unesco.org/en/what-is-intangible-heritage-00003>

<sup>24</sup> Ibid.

<sup>25</sup> <http://www.ohchr.org/EN/Issues/CulturalRights/Pages/SRCulturalRightsIndex.aspx>

<sup>26</sup> Ibid.

Most importantly, the right to participate in cultural life is a Human Right, as Article 27 of the Universal Declaration of Human Rights recalls: “everyone has the right freely to participate in the cultural life of the community”<sup>27</sup>. Moreover, Art. 15 of the Covenant on Economic, Social and Cultural Rights states that those States which are parties to the Covenant, shall guarantee to everyone the right to take part in cultural life. Therefore, as it can be seen, cultural heritage and cultural rights are issues linked to Human Rights.

**CULTURAL PROPERTY:** According to the *1954 Hague Convention for the Protection of Cultural Property in the event of Armed Conflicts*, a definition of what cultural property is can be found in Art. 1:

“movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);

centres containing a large amount of cultural property as defined in sub- paragraphs (a) and (b), to be known as “centres containing monuments”<sup>28</sup>.

Cultural property, of course, is a fundamental element constituting cultural heritage.

The Hague Convention underlines that Contracting States shall undertake all measures considered as appropriate to safeguard their cultural property from theft, illicit trafficking, vandalism and so forth. Nonetheless, these measures must always respect the cultural property of the other parties, meaning that they shall not put into practice measures, which could damage that of others, and they shall refrain from acts of reprisals directed against the cultural property of other Contracting States<sup>29</sup>.

This Convention dates back to 1954, but a second Protocol was added in the 1990s. If we look at the dates, we can understand that the moments were significant ones: in 1954 World War II had concluded, but the destruction, deaths and horrors were still vivid in the minds of the people. The Nazis had put into practice an unprecedented cultural destruction, aimed at not only denying but also at erasing the identities and the cultural identity of Jewish people. In the 1990s, on the other hand, the Convention had already entered into force, but still it was not implemented effectively in the wake of the Yugoslavian conflicts that shook Europe, thus, the need for a Second Protocol to fill in the lacks that the previous Protocol had shown.

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<sup>27</sup> Ibid.

<sup>28</sup> <http://unesdoc.unesco.org/images/0018/001875/187580e.pdf>

<sup>29</sup> Ibid.

The *1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* provided a more complete definition of cultural property in Art. 1, so as to widen the scope of the Convention and include many more goods under its protection.

**ILLICIT TRAFFICKING:** The aforementioned 1970 Convention states that illicit trafficking consists of import, export and transfer of ownership of cultural property and it is indicated as one of the main causes of impoverishment of cultural heritage and identity. Article 3 underlines that any action undertaken against the provision of the Convention shall be considered as illicit, while Article 11 specifies that any export or transfer due to compulsion deriving from occupation shall be considered illicit, as well. Most importantly, the parties are required to undertake a number of measures to prevent such crimes, as enlisted in Article 5<sup>30</sup>:

“To ensure the protection of their cultural property against illicit import, export and transfer of ownership, the States Parties to this Convention undertake, as appropriate for each country, to set up within their territories one or more national services, where such services do not already exist, for the protection of the cultural heritage, with a qualified staff sufficient in number for the effective carrying out of the following functions:

- (a) contributing to the formation of draft laws and regulations designed to secure the protection of the cultural heritage and particularly prevention of the illicit import, export and transfer of ownership of important cultural property;
- (b) establishing and keeping up to date, on the basis of a national inventory of protected property, a list of important public and private cultural property whose export would constitute an appreciable impoverishment of the national cultural heritage;
- (c) promoting the development or the establishment of scientific and technical institutions (museums, libraries, archives, laboratories, workshops . . . ) required to ensure the preservation and presentation of cultural property;
- (d) organizing the supervision of archaeological excavations, ensuring the preservation in situ of certain cultural property, and protecting certain areas reserved for future archaeological research;
- (e) establishing, for the benefit of those concerned (curators, collectors, antique dealers, etc.) rules in conformity with the ethical principles set forth in this Convention; and taking steps to ensure the observance of those rules;
- (f) taking educational measures to stimulate and develop respect for the cultural heritage of all States, and spreading knowledge of the provisions of this Convention;
- (g) seeing that appropriate publicity is given to the disappearance of any items of cultural property.”<sup>31</sup>

<sup>30</sup> <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1970-convention/text-of-the-convention/>

<sup>31</sup> <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1970-convention/text-of-the-convention/>

Other measures that States might undertake are enlisted from articles 6 to 10, and then 13 of the 1970 Convention. They might even ask UNESCO for technical assistance.

As we have seen, the means and measures to overcome illicit trafficking exist, but of course it is not always easy to prevent or even track such actions. As a matter of fact, the need for such international tools (such as UNESCO Conventions and UNSC resolutions), proves the notion that States cannot face such a pending issue alone, they need international support, as well as they also need international cooperation and collaboration, as stressed out by the 1970 Convention as well.

Another tool promoted by UNESCO to prevent illicit trafficking, has been to draft the *Code of Ethics for Dealers in Cultural Property*<sup>32</sup>, a guideline consisting of eight articles, to enhance fair trade in dealing with cultural goods.

**NETWORK OF “SAFE HAVENS”:** In November 2015, due to the alarming effects of the Syrian and Iraqi armed conflicts, UNESCO’s Secretariat organized an expert meeting on the theme of the “Responsibility to Protect”, to exchange ideas and raise awareness on several issues, such as the network of “safe havens”. The meeting ended with a Final Report and in the adoption of recommendations, which introduced the concept of “safe havens”. These have to be intended as places situated outside the conflict zones, therefore in other States, where cultural goods could be stored and kept safe from further damage<sup>33</sup>.

Article 18 of the 1954 Hague Convention explicitly mentioned the possibility of transferring cultural goods abroad, and stresses:

“(a) while the cultural property remains on the territory of another State, that State shall be its depositary and shall extend to it as great a measure of care as that which it bestows upon its own cultural property of comparable importance;

(b) the depositary State shall return the property only on the cessation of the conflict; such return shall be effected within six months from the date on which it was requested;

(c) during the various transfer operations, and while it remains on the territory of another State, the cultural property shall be exempt from confiscation and may not be disposed of either by the depositor or by the depositary. Nevertheless, when the safety of the property requires it, the depositary may, with the assent of the depositor, have the property transported to the territory of a third country, under the conditions laid down in the present article;

(d) the request for special protection shall indicate that the State to whose territory the property is to be transferred accepts the provisions of the present Article.<sup>34</sup>”

The notion of safe havens, therefore, and more precisely of a network, fosters the idea that States, regardless of their proximity to the conflict areas, have to help. Illicit trafficking is a world-concerning issue, and, as stated in

<sup>32</sup> <http://unesdoc.unesco.org/images/0012/001213/121320M.pdf>

<sup>33</sup> <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/R2P-Recommendations-EN.pdf>

<sup>34</sup> <http://unesdoc.unesco.org/images/0018/001875/187580e.pdf>

the mentioned Conventions, recommendations and resolutions, States have to cooperate to control such problem.

**UNESCO ACTION PLAN:** This is an important feature of UNESCO’s 2014-2020 Mid-term Strategy, aimed at further implementing and refining the Strategy itself. According to UNESCO’s website, “The draft Action Plan defines which specific activities – within the overall framework of the *Strategy* – the Organization intends to focus on during the coming six years, identifying at the same time short-, mid- and long term priorities. These activities reflect the two main objectives and various priority areas of action identified in the *Strategy*.”<sup>35</sup>

In November 2015 the General Conference of UNESCO, with the adoption of the Strategy, requested the elaboration of an Action Plan, so as to issue a sort of agenda of the Committee’s priorities. The Action Plan was supposed to be drafted for the autumn of 2016, and in the summer of 2016 the Secretariat opened an online consultation, in order to give to the States the chance to comment on the draft, make suggestions and proposals. The draft was then presented to the 200<sup>th</sup> Executive Board, which issued a second consultation to the Director General and the Member States in order to propose a revised version of the Action Plan at the 201<sup>st</sup> Executive Board. In April 2017, the Action Plan was welcomed by the Executive Board and later by the Member States, in the form of document [201 EX/5 Part \(I\) E](#)<sup>36</sup>.

Interestingly enough, UNESCO Action Plans refer to specific activities and cases, such as SIDS, Small Islands Developing States Action Plan<sup>37</sup>, Madrid Action Plan<sup>38</sup>. Moreover, the latest version of the Action Plan includes also Natural Disasters within its scope.



<sup>35</sup> <http://en.unesco.org/heritage-at-risk/strategy-culture-armed-conflict>

<sup>36</sup> <http://unesdoc.unesco.org/images/0024/002477/247706e.pdf>

<sup>37</sup> <http://www.unesco.org/new/en/natural-sciences/priority-areas/sids/resources/publications/unesco-sids-action-plan/>

<sup>38</sup> <http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/man-and-biosphere-programme/strategies-and-action-plans/madrid-action-plan/>

## **USEFUL LINKS:**

- <http://www.un.org/en/>
- <http://www.ohchr.org>
- <http://www.ohchr.org/EN/Issues/CulturalRights/Pages/IntentionalDestruction.aspx>
- <http://www.unesco.org/new/en/unesco/>
- <http://www.un.org/News/>
- <http://www.un.org/apps/news/story.asp?NewsID=51336#.WdJpJa1aZ8d>
- <https://www.un.org/apps/news/story.asp?NewsID=51279#.WdJpJa1aZ8d>
- <http://whc.unesco.org/en/danger/>

Do your research, prepare yourselves and study hard,

Though, don't forget to have fun!

Good luck!

Your Chair, Co-chair and Secretary.





United Nations Entity for Gender Equality  
and the Empowerment of Women

# UN WOMEN COMMITTEE

Study guide



## Women's condition during armed conflicts

**Chair:** Ms. Delia Bonsignore

**Co- chair:** Ms. Alessandra Biscaro

**Secretary:** Ms. Serena Carassale

**For position papers or committee questions:** [veumun2017unwomen@gmail.com](mailto:veumun2017unwomen@gmail.com)

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## WELCOMING MESSAGE FROM YOUR CHAIR AND CO-CHAIRS



Honorable Delegates,

I am pleased to welcome you to the 2nd edition of the Venice Universities' Model United Nations!

My name is Delia Bonsignore, I am 22 years old and I am honored to join the VeUMUN 2017 Team as a chair for the UN WOMEN committee.

I am graduating in Languages, Civilisation and the Science of Language with a minor in International Relations and I have already started a Master's Degree program in International and Cross-cultural Relations at Ca' Foscari University of Venice. I am also a member of the Venice Diplomatic Society.

I have attended various MUN conferences so far, the most remarkable being RomeMUN 2017, in which I represented the Delegation of The Netherlands in

UNHCR and won the Best Delegation Award, and the D'MUN 2017 in Antalya, Turkey in which I had the pleasure to chair for UNHRC. Thanks to the above-mentioned experiences I understood that diplomacy and international relations are my biggest passions and that I want to work in such fields.

A Model United Nations is not just a conference in which you will have the possibility to improve your public-speaking, negotiation and leadership skills, but also a huge opportunity to discover your passions and to experience what being a real diplomat or ambassador from a UN member state feels like! I strongly believe in the power of such experiences, that will surely shape our future, making us aware of the most problematic issues worldwide and giving us the courage, confidence and skills to deal with them. Do not miss the opportunity to build not only your future, but also a better world!

I am incredibly excited about it and looking forward to meeting you all!

*Delia Bonsignore*



Honorable delegates,

My name is Alessandra Biscaro, I am 21 years old and I am a graduate student in Languages, Civilization and the Science of Language, with specialization in International politics. Currently, I am studying International Comparative Relations (Cross Cultural Curriculum) at Ca' Foscari University of Venice.

Last year I had the chance to participate in the Rome Model United Nations representing the delegation of Turkey in the General Assembly: it has been one of the most inspirational experience I have ever had so far, as I had the opportunity to test myself and improve my skills. As a result, I joined the Venice Diplomatic Society, and I took part in the organization of the first edition of the VeUMEU, participating as Secretary of the European Parliament. In addition, I have been involved in the project of the Kids University: "Io e le Nazioni Unite: rappresento un paese, rappresento un mondo" on the topic of the 2030 Agenda for Sustainable Development.

This time, I will be the co-chair of the UN Women committee during the VeUMUN 2017. I am deeply interested in human rights and women rights: in fact, my final dissertation dealt with the jurisprudence of the ECHR and the IAHR regarding women's rights.

Not only has our committee an important role in working to develop and uphold standards, but also guarantee to every woman the exercise of human rights. I am sure you will work hard in order to try to achieve this goal.

Therefore, I am pleased to be part of the VeUMUN 2017 team and I am looking forward to working with you!

Alessandra Biscaro



Hello Honorable Delegates!

My name is Serena Carassale and I am honored to be the Secretary for UN women.

I come from La Spezia (Liguria), but I am currently living in Venice as I have started my Bachelor's Degree in Philosophy, International and Economic Studies at Ca Foscari University of Venice.

I realized my deep interest in International Relations as a result of a year spent abroad, in England indeed, where I was given the chance, thanks to my Politics Professor, to give public speeches and debate on Brexit in the months before the referendum date. That experience was crucial to orient my studies towards a career in the Diplomatic world.

As this is my first experience in Venice Diplomatic Society, I am very excited and full of expectations, which I hope will be fulfilled at the VeUMUN.

See you all in San Servolo!



## Introduction to UN WOMEN

The United Nations Entity for Gender Equality and the Empowerment of Women, also known as UN Women, is “the UN organisation dedicated to gender equality and the empowerment of women”<sup>39</sup>.

After years of negotiations between UN member states, UN Women was created in July 2010 after the adoption of the resolution 65/289 by the General Assembly.

Its creation is the product of the merging of four different parts of the UN system, that is the Division for the Advancement of Women (DAW), the International Research and Training Institute for Advancement of Women (INSTRAW), the Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI) and the United Nations Development Fund for Women (UNIFEM).<sup>40</sup> Each one of them focused only on gender equality and women’s empowerment.

Un Women finally became operational in January 2011.

UN Women supports UN Member States as they set global standards for achieving gender equality, and works with governments and civil society to design laws, policies, programs and services needed to ensure that the standards are effectively implemented and truly benefit women and girls worldwide. It works globally to make the vision of the Sustainable Development Goals a reality for women and girls and stands behind women’s equal participation in all aspects of life, focusing on five priority areas:

- Increasing women’s leadership and participation
- Ending violence against women
- Engaging women in all aspects of peace and security process
- Enhancing women’s economic empowerment
- Making gender equality central to national development planning and budgeting.

UN Women also coordinates and promotes the UN system’s work in advancing gender equality, and in all deliberations and agreements linked to the 2030 Agenda. The entity works to position gender equality as fundamental to the Sustainable Development Goals, and a more inclusive world.

Over many decades, the United Nations has made significant progress in advancing gender equality, including through landmark agreements such as the Beijing Declaration and Platform for Action<sup>41</sup> and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)<sup>42</sup>.

Working for the empowerment and rights of women and girls globally, UN Women’s main roles are:

<sup>39</sup> <http://www.unwomen.org/en/about-us/about-un-women>

<sup>40</sup> <http://www.unwomen.org/en/about-us/about-un-women>

<sup>41</sup> [http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa\\_e\\_final\\_web.pdf?la=en&vs=800](http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf?la=en&vs=800)

<sup>42</sup> <http://www.un.org/womenwatch/daw/cedaw/index.html>

- To support inter-governmental bodies, such as the Commission on the Status of Women, in their formulation of policies, global standards and norms.
- To help Member States implement these standards, standing ready to provide suitable technical and financial support to those countries that request it, and to forge effective partnerships with civil society.
- To lead and coordinate the UN system's work on gender equality, as well as promote accountability, including through regular monitoring of system-wide progress.<sup>43</sup>

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<sup>43</sup> <http://www.unwomen.org/en/about-us/about-un-women>

## Interview of Nadia Murad Basee Taha

Yazidi human rights activist and first Goodwill Ambassador for the Dignity of Survivors of Human Trafficking of the United Nations (UNODC)

Nadia Murad Basee Taha is a courageous Yazidi woman who survived the massacre of her family and sexual enslavement by IS jihadists. On Wednesday, December 16, 2015, Nadia spoke to the UN Security Council about the genocidal attack against the Yazidi people, and their sexual enslavement of women. [...]



In her speech before the UN Security Council [...] She demanded that action to be taken to free the several thousand abducted Yazidis that remain enslaved by IS, that the campaign to exterminate the Yazidis and their identity be recognized as “genocide,” that the Yazidi areas still under IS control be liberated so that Yazidis can return, that an international project be conducted to rebuild the destroyed Yazidi areas so that they can start their lives again, and most importantly, Nadia asked that international protection be provided to the Yazidi homelands to ensure that future campaigns of genocide against the Yazidis be prevented.

It is with great sadness, gratitude and hope that I address the Security Council. As a Yazidi survivor, I am a descendant of one of the world’s oldest religions, which is today threatened with extinction. I am here to talk about the practices against us by what is called the Islamic State/Daesh —

trafficking in persons, sexual enslavement of women, recruitment of children in war, displacement and the genocide of our society. I am here to tell the Council my story, of what happened to my society, which has lost hope for life and is now moving into unknown territory. I am also here to tell the Council about the more than 3,400 women and children who have been abducted. I am here to tell the Council about this global terrorist organization, the Islamic State, which is trying to destroy our culture and take away our freedom. I am here to talk about the nightmare that, just overnight, turned the life of an entire community upside-down.

[In 2014 the Islamic State attacked our region.] Their aim was to eliminate all Yazidi existence under the pretext that — according to them — we were infidels. The Islamic State did not just come to kill us, women and girls, but to take us as war booty and merchandise to be sold in markets for a bit of money, or even for free. Those crimes were not committed without design, they were part of a premeditated policy. The Islamic State came with the sole aim of destroying the Yazidi identity through force, rape, recruitment of children and destruction of all of our temples, which they took control of. All of this can be interpreted only as an act of genocide against our identity, in particular against Yazidi women. Rape was used to destroy women and girls and to ensure that they could never again lead a normal life.

On 15 August, elements from the Islamic State summoned us to the village school. They separated the men from the women and children. [...] We, the women and children, were taken by bus from the school to another area. They humiliated us along the way and touched us in a shameful way. They took me to Mosul [...] One of the men came up to me. He wanted to take me. [...] He kicked and beat me. A few minutes later, another man came up to me. [...] The man who took me asked me to change my religion. I refused. [...] A few days later, this man forced me to get dressed and put on my makeup. Then, on that terrible night, he did it.

He forced me to serve in his military company. He humiliated me daily. He forced me to wear clothes that barely covered my body. I was not able to take any more rape and torture. I decided to flee, but one of the guards stopped me. That night he beat me. He asked me to take my clothes off. He put me in a room with guards, who proceeded to commit their crime until I fainted.

I was finally able to escape three months after my abduction. I currently live in Germany. [...] More than 400,000 thousand people have been displaced, and over 40 per cent of our land is still under the control of Daesh.

Our liberated areas are uninhabitable because of the devastation, and Yazidis have no confidence that they will ever live on their land again. Just last week, more than 70 Yazidis drowned during their perilous journey to Europe. Thousands are looking for a way out, and a great many see migration as their only option. The Islamic State has made Yazidi women fodder for human trafficking.<sup>44</sup>

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<sup>44</sup> <https://www.yazda.org/yazidi-woman-demands-international-action-at-un-security-council/>

## TOPIC A: Women's conditions during armed conflict and displacement



We are living in an era of many crises and troubles, as United Nations Secretary-General Ban Ki-moon has warned. Record numbers of people are fleeing war and persecution, and the international community is grappling with acute migration challenges in the Mediterranean, the Balkans, in the Andaman Sea, Latin America and Africa.<sup>45</sup>

While entire communities suffer from the consequences of armed conflicts and terrorism, they effectively affect particularly women and girls because of their sex and their status in society. Indeed, women are often those who suffer the most during armed conflicts. “Conflict [...] renders women acutely vulnerable to poverty, the loss of jobs and the destruction of assets such as homes. Often the only recourse is to flee within countries or across borders. According to the United Nations Refugee Agency, women comprise 49 per cent of the refugees worldwide (based on available data) mostly as a result of conflict, and are often put at greater hardship than men in these situations based upon their gender.”<sup>46</sup>

The rate of violence against women is much higher during armed conflicts than in situations of peace and stability. Indeed, violence against women and violation of their human rights in such situations is experienced by women of all ages, who suffer from displacement, loss of their homes and properties, loss or disappearance of close relatives, family separation and disintegration, and poverty. Women are victims of acts of murder, terrorism, torture, rape, sexual abuse and forced pregnancy, especially as a result of policies of ethnic cleansing and other new and emerging forms of violence. Rape is often seen as a tactic of war and terrorism by parties to conflict. What stated above is compounded by the life-long social, economic and psychologically traumatic consequences of armed conflict and foreign occupation and alien domination.<sup>47</sup>

Not to be forgotten is the trafficking of women for nefarious purposes, such as sex slavery, forced labour and many other inhuman practices.

“Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. Massive violations of human rights, especially in the form of genocide, ethnic cleansing as a strategy of war and its consequences, and rape, including systematic rape of women in war situations, creating a mass

<sup>45</sup> World Day against Trafficking in Persons Statements (2015), United Nations Office on Drugs and Crime Executive Director Yury Fedotov: Message on World Day against Trafficking in Persons, 30 July 2015

<sup>46</sup> <http://beijing20.unwomen.org/en/in-focus/armed-conflict>

<sup>47</sup> Beijing Declaration and Platform for Action, pag 89. available at [http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa\\_e\\_final\\_web.pdf?la=en&vs=800](http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf?la=en&vs=800)

exodus of refugees and displaced persons, are abhorrent practices that are strongly condemned and must be stopped immediately, while perpetrators of such crimes must be punished".<sup>48</sup>

Women should not be viewed solely as victims of war, since they assume the key role of ensuring family livelihood in the midst of chaos and destruction, and are particularly active in the peace movement at the grassroots level, cultivating peace within their communities.<sup>49</sup> For these reasons, the international community urges to take serious measures to stop the above stated violations of the human rights of women.

### **What makes women and girls vulnerable to violence during armed conflicts?**

There are several circumstances that make women more vulnerable to violence, and those are both at the basis of society and attributable to the lack of severe legal consequences. Some of the main causes for a woman to be more exposed to violence during conflict settings are:

- Impunity: A weak system of justice not punishing the perpetrators increases the perception in the public opinion that the culture of sexual abuse is still protected and accepted by governments and societies.
- Lack of Legal Rights: Since the majority of refugees cannot work legally in the hosting country, they are left with no other possibility but to resort to illegal jobs.
- Lack of basic supplies: To feed herself and her family, a woman or a girl, could decide to expose herself to risks like prostitution and sexual work. The possibility for the woman or girl to be sold by her own relatives is not remote.
- Shift in Household Power Dynamics: Domestic violence could be exacerbated when women become the primary breadwinners of the family, since men could feel inadequate or useless.
- Social and Cultural Background: In some countries, violence against women finds its roots in culture aspects and traditions. Refugee women are considered even more vulnerable targets than the local females.

### **1. Trafficking of women**

The illegal trade and exploitation of human beings for forced labor, prostitution and reproductive favors are known as human trafficking. Human trafficking is a transnational phenomenon and it is second only to the international drug trade in relation to organized crime and it is considered a severe violation of human rights. By some estimates, it is a multi-billion dollar business affecting several million people in virtually every country across the globe. It is identified as a modern day version of slavery.

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<sup>48</sup> Beijing Declaration and Platform for Action, pag 87. available at [http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa\\_e\\_final\\_web.pdf?la=en&vs=800](http://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf?la=en&vs=800)

<sup>49</sup> <http://www.un.org/womenwatch/daw/followup/session/presskit/fs5.htm>

In cases of armed conflicts, women and young girls are the ones who are most exposed to such phenomenon. The trafficking of women is the recruitment, transportation, transfer, harboring or receipt of a woman, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over a woman, for the purpose of exploitation.<sup>50</sup>

Sexual exploitation is by far the first purpose of trafficking in women. Most trafficked women are forced into commercial sexual services

while many are also victims of domestic servitude. Nevertheless, exploitation should include the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, or the removal of organs.

During armed conflicts, governments divert existing resources to respond to the imminent crisis with a resulting loss in



facilities and personnel for peacetime governmental services. This exacerbates existing limitations and creates new gaps in a government's structures to protect and provide for its citizens. Some militias use human trafficking to generate incomes and obtain new combatants. For such purposes, young women and girls are often forced to marry or have sex with commanders and male combatants.

### **1.1 Sexual violence against women and exploitation**

Unfortunately, sexual violence against women is the most common during armed conflicts. Some forms of violence resulting from conflict or refugee situations are:

- mass rape, military sexual slavery, forced prostitution, forced “marriages” and forced pregnancies;
- multiple rapes and gang rape of young girls;
- sexual assault associated with violent physical assault;
- resurgence of female genital mutilation, within the community under attack, as a way to reinforce cultural identity;
- women forced to offer sex for survival, or in exchange for food, shelter, or “protection”.

Furthermore, trafficking for sexual exploitation is not always visible and includes various illicit activities: it goes from street prostitution and clandestine forms of it such as sexual exploitation in brothels or private homes, to sex work in strip clubs. Violence is a common tool used for controlling victims and they are sometimes raped by their traffickers, and drugged to prevent them from escaping.

<sup>50</sup> Adapted from Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention against Transnational Organized Crime, United Nations, 2000.

Trafficking for sexual exploitation obeys the principles of supply and demand. Sexual exploitation does not exist just because its victims are vulnerable, but because there is a demand for sexual services from which traffickers can profit. Commercial sexual services in Europe are consumed almost exclusively by men and mainly provided by women. According to a 2010 UNODC report, around 1 million women in Europe could be engaging in transactional sex. The report also estimates that one in seven women engaged in commercial sex is a trafficking victim, which means a total of 140 000 victims and a market worth €2.5 billion annually. Other reports suggest that the proportion of trafficked women in prostitution is much higher.<sup>51</sup>

Ten years ago, the United Nations launched its first-ever global campaign against sexual violence in conflict. In the decade since, addressing sexual violence in conflict became the focus of a string of UN Security Council resolutions, calls to action, national commitments, and the mandates of peacekeeping missions. Funding for research, advocacy and programs has increased significantly, and new programs are reaching hundreds of thousands of survivors every year. Today, an emerging cadre of specialized lawyers and investigators are pursuing these cases. Journalists are covering these atrocities with unprecedented regularity. In recent years, we have seen many historic firsts in the international jurisprudence on sexual violence in conflict and unprecedented advances in awarding reparations for sexual violence survivors. In 2009, the Special Court for Sierra Leone issued the first-ever conviction in an international tribunal for crimes against humanity of sexual slavery and forced marriage. In the Sepur Zarco case last year, Guatemala became the first country where a national court issued a conviction for sexual slavery during armed conflict. The International Criminal Court (ICC) issued its first conviction for sexual and gender-based crimes in 2016 against Jean Pierre Bemba for atrocities committed in the Central African Republic. Only a few months ago this year, in a separate case against a Congolese warlord, the ICC ruled that international humanitarian law<sup>52</sup> prohibits rape and sexual slavery committed against own soldiers, and not just civilians or enemy soldiers.<sup>53</sup> Nevertheless, there is still a lot that urges to be done to solve the problem.

## 1.2 Forced labour

Sexual slavery is not the only way in which fundamental human rights of women are violated during conflict settings. Many young girls and women are forced to work in degrading and inhuman conditions.

In 2012, the ILO estimated that 14.2 million people worldwide were victims of labour exploitation. Women and girls are most often trafficked for the purpose of domestic servitude, which is extremely difficult to detect, as domestic work – hidden in its nature – is often part of the informal economy. These victims are forced to work very long hours for an extremely low or no salary,

<sup>51</sup> [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS\\_BRI\(2016\)577950\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS_BRI(2016)577950_EN.pdf)

<sup>52</sup> Prosecutor v Akayesu, Case No. ICTR-96-4-T (Trial Chamber), September 2, 1998, available on <http://www.un.org/icttr/english/judgements/akayesu.html>

<sup>53</sup> Pablo Castillo Díaz. *Expert's take: A decade of efforts to combat sexual violence in conflict—Where are we now?* June 30, 2017.

<http://www.unwomen.org/en/news/stories/2017/6/experts-take-a-decade-of-efforts-to-combat-sexual-violence-in-conflict>

while living in unacceptable conditions and sometimes suffering psychological and physical violence, humiliation, abuse and punishment.<sup>54</sup>

## 2. Women's condition in refugee camps

The growing number of armed conflicts and the violations associated with them have resulted in an increase in forced internal displacement and refugee flows. As a rule of thumb, more than 75 per cent of displaced people are women and children, and in some refugee populations they constitute 90 per cent.

The abuses that women and girls suffer in armed conflicts may take various forms, such as rape, sexual slavery and forced prostitution. Women refugees remain vulnerable to violence and exploitation while in flight, as well as in countries of asylum and during repatriation.<sup>55</sup>

Important to be considered are also the conditions in which women refugees live in refugee camps, taking into account also the fundamental human needs of a woman, that differ from the ones of a man. In fact, women in the refugee camps have some special but still fundamental needs, and healthcare is foremost among them. Access to basic healthcare is a huge issue that urges to be solved. For instance, the generic hygiene kits that are distributed by relief and humanitarian agencies ignore often women's basic needs, such as sanitary napkins. Furthermore, the lack of access to contraception or maternal healthcare, the lack of knowledge about reproductive health and the frequent sexual abuses in refugee camps cause an increase on birth rates. As a result of what stated above, there are also high rates of infant mortality and deformity.



Domestic violence, street harassment and rape within the camps are very frequent.

In addition, forced marriages and child marriages are common and are not seen as a violation against women. Indeed, some families conceive it as an opportunity to keep their daughters safe, to protect their family honor, and to get out of poverty given their limited economic options.

In order to solve these issues, the international community and various UN agencies have worked on guaranteeing acceptable human conditions to all refugee women.

The responses of the international community and its Member States have included:

- The United Nations High Commissioner for Refugees (UNHCR) has issued guidelines on the protection of refugee women, including the prevention of and response to sexual violence against them.
- UNHCR has sought to ensure that refugee women obtain adequate protection in international law, particularly in circumstances where they experience gender-based persecution.

<sup>54</sup> [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS\\_BRI\(2016\)577950\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/577950/EPRS_BRI(2016)577950_EN.pdf)

<sup>55</sup> <http://www.un.org/womenwatch/daw/followup/session/presskit/fs5.htm>

- Australia, Canada, France, Germany, New Zealand, the United Kingdom and the United States are among the growing number of countries that have granted refugee status on the basis of persecution on gender grounds, including female genital mutilation, forced marriage, forced abortion, honor killings and domestic violence.
- Several member states have recognized the importance of providing physical and psychological support to refugee women, particularly those that have suffered gender-specific abuses.

Yet again, what stated above is not enough to guarantee the respect of human rights of women during armed conflicts and in refugee camps.

## SUBTOPIC: The persecution of Yazidi women

### 1. Historical and cultural background

“Yazidism is a closed religion and identity, one that is passed down through generations by stories and music.”<sup>56</sup>

The Yazidis, or Yazidis, or Izydis, are a Kurdish-speaking religious minority living in the Nineveh province in Northern Iraq, North-Eastern Syria, South-Eastern Turkey, and in the Caucasus. Nowadays, Yazidis are around 5,000 and a great number has moved to Europe and currently live in Germany, Russia and Armenia.

The language spoken by Yazidis is a Northern Kurdish dialect called Kurmanji Kurdish, but Arabic is also spoken by a minority. Kurdish is also their religious language.<sup>57</sup>

The Yazidis group has been persecuted by Muslim rulers because of their religious belief.

According to their religion, God is believed to be the creator of the world, which is placed under seven holy angels. God is guided by the chief Melek Taus, who has the power to cause good and bad to befall individuals and is second only to the creator. Each angel is affiliated with an animal and Melek Taus is associated with a peacock.

Yazidism does not have a holy book like the Quran to Islam or the Bible to Christianity. However, the Kiteba Cilwe (Book of Revelation) and the Mishefa Res (Black Book) are considered as holy books. ISIS employs this element to differentiate Christians, called “people of the book” and Yazidi, considered worshippers or heretics.

Moreover, their religious practice involve visiting sacred places, such as the tomb of 'Adī ibn

Map 2. Cities where Yazidis are present in the Middle East.



(Açıkyıldız, 2010, p.4)

Musafir. Traditions are maintained through hymns and stories about the Peacock Angel, who angers the Creator and falls into a hellish prison, but then his remorseful tears destroy the fires of his prison and he reconciled with God.

Yazidism may be considered a conservative religion as they are not allowed to marry a person with another belief and one cannot convert to Yazidism.

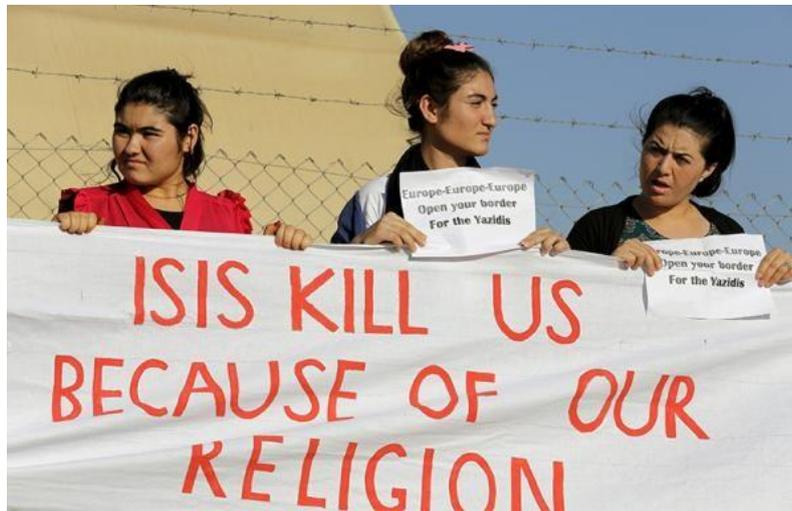
According to some theories, Yazidism is similar to the

Abrahamic religions. As a matter of fact, Yazidis believe that God created the world in six days and rested on the seventh, and in the religious tradition of baptism, during which male children are circumcised and given a godfather.

<sup>56</sup> <https://www.theguardian.com/world/2017/jul/25/slaves-of-isis-the-long-walk-of-the-yazidi-women>

<sup>57</sup> Refugees, United Nations High Commissioner for. “Refworld | UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Iraqi Asylum-seekers”. Refworld, 2016, pp. 75-80

Moreover, Yazidi's religious has been linked to Sufi tradition of Iblis, who refused to prostrate to Adam and disobeyed God. Therefore, the Peacock Angel has been identified with Satan, but Yazidis' belief purely consider Satan as an agent of God on earth, who would not submit to Adam due to his love for God, despite God ordering him to do it as a test of his righteousness and obligation.<sup>58</sup>



## 2. Displacement and exploitation of Yazidi Women

Throughout their history, Yazidis have been victims of massacres and oppression within the borders of Iraq and between 1585 and 1918, the Ottoman Empire committed more than 34 genocides in the Yazidi Community.

The first persecutions started in 1640 when more than 40,000 Ottoman soldiers attacked some Yazidi villages throughout the Sinjar mountain area and caused the death of thousands of Yazidis and the destruction of their villages.<sup>59</sup>

A second act of violence took place in 1982 during the campaign made by Sultan Abdulhamid II in order to spread Islam throughout the Ottoman Empire. As a consequence, the Yazidi minority was targeted for widespread conscription or murdered.<sup>60</sup>

Moreover, Yazidis were subject of forced displacement during the Ba'ath party and under Saddam Hussein's regime.

In 2014, Sinjar, a town located at the feet of Mount Sinjar, in the Nineveh province, near the Iraqi-Syrian borders was attacked. The forces of the Islamic State of Iraq and the Levant (ISIL) killed more than 500 Yazidis and others were forced to flee to the top of the mountains in order to avoid being massacred. After the attack, the forces assigned to protect Yazidis, the Kurdish Peshmerga forces, abandoned their positions leaving the population under control of the ISIL forces, who were

<sup>58</sup> Sali Bitar, *Sexual Violence as a weapon of war: the case of ISIS in Syria and Iraq*, Uppsala University, December 2015, pp. 47-48

<sup>59</sup> Adam Roberts, *The Yazidi and the Responsibility to Protect*, University of Oregon, 2016, pp. 53-54

<sup>60</sup> Delsah Farhan, 2008.

threatening to be planning a fatal “rendezvous” with the “Satan worshipping” Yazidis after the Eid al-Fitr holiday on July 28 (which marked the end of the Ramadan).<sup>61</sup>

During the ISIL attack in August, thousands of men were executed and women and children were buried alive or subjected to physical and sexual violence: OHRCR stated that 2,5000 women and children had been captured and abducted.<sup>62</sup>

Since 2014, Yazidi Women have been sold into force marriages or sexual slavery. According to some reports, older women have been sold to slave markets, taken in Mosul and Raqqa and exposed with price tags.

Younger girls have been used as “weapon of war” by ISIL militants, raped or married to a fighter who, after having had sex with her, passes her on to other fighters. In order to prevent pregnancy, a huge use of contraceptives has been made by militants and those girls who had been found to be pregnant have been forced to abort.

A great number of Yazidi girl have committed suicide by jumping from Mount Sinjar in order to try to escape from ISIL violations.

In 2015, about 400 Yazidis children and aged people were freed after an offensive led by US air assaults and Iraqi forces in the effort of conquest Tikrit and push ISIL forces northbound.

In March 2016, Iraqi security forces released a group of Yazidi Women in a special operation against ISIL in Mosul. In the same year, 51 Yazidis hostages were freed thanks to the militant group Kurdistan Workers’ Party in an operation called “Operation Vengeance for Martyrs of Shilo”, during which three guerrillas of the party died.

In April 2006, the Kurdistan Workers’ Party was able to release another 53 Yazidis from ISIL.<sup>63</sup>

### 3. UN Reports

The UN has recognized the Islamic State for the violence committed as the perpetrator of genocide of Yazidis in Iraq.

According to a UN report published in 2014, 150 unmarried girls and women were reportedly transported to Syria in order to be sold as sex slaves or to be given to ISIL fighters. As a consequence, the Yazidis crisis was declared by United Nations as a “Level 3 Emergency”, which implied an implementation of resources in goods, funds and assets for the population affected by the forced displacements. Moreover, in October 2014 UN declared that 5,000 to 7,000 women were detained as slaves or forced brides in Northern Iraq.

In November 2014, a document containing a price list of Yazidi and Christian female issued online. Dr. Widad Akrawi was the first to verify the legitimacy of the document and translated it in order to make it available to everyone. After a few months, United Nations confirmed the authenticity of it. In 2015, the Office of the High Commissioner of Human Rights recognized the violations committed by ISIL both against the Yazidi ethnical group and other ones. In addition, on March

<sup>61</sup> Idan Bahri, Expert Analysis / The Yazidis: Traumatic Memory and Betrayal, Telaviv University, 18 September 2014. Available at <https://english.m.tau.ac.il/impact/yezidis>

<sup>62</sup> UN Assistance Mission for Iraq (UNAMI) and the Office of the High Commissioner for Human Rights (OHCHR), Report on the Protection of Civilians in Armed Conflict in Iraq: 6 July - 10 September 2014, retrieved 4 April 2015, pp. 12-16

<sup>63</sup> Genocide of Yazidis by ISIL, Wikipedia, available at [https://en.m.wikipedia.org/wiki/Genocide\\_of\\_Yazidis\\_by\\_ISIL](https://en.m.wikipedia.org/wiki/Genocide_of_Yazidis_by_ISIL)

2015 a UN panel stated that ISIL “may have committed” genocide and that the attacks on the Yazidis “were not just spontaneous or happened out of the blue, they were clearly orchestrated”.<sup>64</sup> Moreover, in 2016 the United States Secretary of States John Kerry, stated that “(ISIS) is responsible for genocide against groups in areas under its control including Yazidis, Christians and Shiite Muslims” and pointed out that ISIL killed and enslaved thousands of Yazidi women and girls “selling them at auction, raping them at will and destroying the communities in which they had lived for countless generations.”<sup>65</sup>

According to a report published in 2016 by the Associated Press, ISIL uses messages secured with end-to-end encryption, namely Telegram, Facebook and WhatsApp in order to publish advertisements for the girls. In these advertisements “many of the women and girls are dressed in finery, some in heavy makeup. All look directly at the camera, standing in front of overstuffed chairs or brocade curtains in what resembles a shabby hotel ballroom. Some are barely out of elementary school. Not one looks older than 30.”<sup>66</sup>

In June 2016, the report “They Came to Destroy: ISIS crimes against the Yazidis” issued by of the Independent International Commission of Inquiry on Syria revealed a great number of cases of violence against women. Moreover, according to the Genocide the Commission demonstrated that Yazidis can be considered as a religious group and that the group had been subject to violation including murder, torture, rape and sexual violence, which had caused serious body and mental harm consequences. According to the Independent International Commission of Inquiry on Syria, it is likely that “ISIS committed prohibited acts [...] against individual Yazidis as a consequence of his or her belonging to the Yazidi group, and as an incremental step in the overall objective of destroying the group.”<sup>67</sup>

In addition, the Commission has called for the recognition of the violation suffered by Yazidis, including genocide, to the International Criminal Court (ICC) and stated that implemented measures should be taken in order to ensure the protection of this religious minority, including psycho-social and financial support for the victims of this genocide.

As stated in the Security Council Study Guide, the Commission of Inquiry proposed different measures including instituting *ad hoc* tribunals, and the referral of the International Court of Justice. However, as Syria has not ratified the statute of the International Criminal Court and therefore the Court cannot be invoked.<sup>68</sup>

<sup>64</sup> N. Cumming-Bruce, ISIS Suspected of Genocide Against Yazidis in Iraq, UN Panel Says, the New York Times, retrieved 19 March 2015. Available at <https://www.nytimes.com/2015/03/20/world/middleeast/isis-genocide-yazidis-iraq-un-panel.html>

<sup>65</sup> John Kerry speech, March 18, 2016. Available at <http://edition.cnn.com/2016/03/17/politics/us-iraq-syria-genocide/index.html>

<sup>66</sup> L. Hinnant, M. Alleruzzo, B. Szlanko, “Islamic State tightens grip on captives held as sex slaves”, Washington Post, retrieved 5 July 2016. Available at [https://www.washingtonpost.com/world/middle\\_east/islamic-state-tightens-grip-on-captives-held-as-sex-slaves/2016/07/05/a30c0942-42df-11e6-a76d-3550dba926ac\\_story.html?utm\\_term=.bedcbed2d93](https://www.washingtonpost.com/world/middle_east/islamic-state-tightens-grip-on-captives-held-as-sex-slaves/2016/07/05/a30c0942-42df-11e6-a76d-3550dba926ac_story.html?utm_term=.bedcbed2d93)

<sup>67</sup> Independent International Commission of Inquiry on Syria report, para. 164, available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A\\_HRC\\_32\\_CRP.2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf)

<sup>68</sup> Article 12 states that the Court can exercise its jurisdiction only in the territory of the States that have accepted its jurisdiction, regardless of the nationality of the State perpetrating the violence. Rome statute of the International Criminal Court, 1998, available at [https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf)

The Commission also proposed two other options, which included the referral by the United Nation Security Council. This option would lead to an investigation by the Persecutor followed by a declaration of the States in which the jurisdiction is accepted.

As far as the Security Council is concerned, the resolution for the referral to the International Criminal Court hadn't been adopted because two Permanent Members, the Russian Federation and China, voted against its approval. In 2015 it was proposed again and a question was issued: Which situation should have been referred to the Court? Some scholars argued that States could refer a group to the ICC, but the issue is still controversial.<sup>69</sup>

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<sup>69</sup> De Vido, "Protecting Yazidi Cultural Heritage Through Women: An International Law Analysis", *Journal of Cultural Heritage*, 2017.

## TOPIC B: Post- conflict: Return, Reintegration and Support<sup>70</sup>

Women who have been victims of grave exploitations or have lived in situations of severe violence, such as the ones of countries involved in wars, not only often do they suffer from physical pain, but moreover are also victims of the psychological effects caused by the memory of what they have been through. These effects can either appear at the time of the violence or in a secondary moment, triggered by trauma and developed in time. There is an extreme lack of data to acknowledge the long term health of women who have been trafficked, but it has been proved by several studies that the effects of such events show some similarities with the ones which occur after domestic abuses. These similarities could lead us to treat the two different cases with the same programme and to adopt an identical approach but that could not be more wrong and the risk of compromising the reintegration of these individuals could seriously arise.



Therefore, reintegration assumes the presence of organs and represents women at the diplomatic table, but the situation in Syria has well shown that that is not the case: when Syrian opposition groups discussed the peace process in Riyadh, only ten of 108 participants were women. Talks in which women are underrepresented almost inevitably result in outcomes that do not take account of women's needs. The Riyadh conference recommended the creation of a 34-member High Negotiations Committee, which had only two places for women, and called for women's representation in transitional institutions to be just 25 per cent. The lack of women in such institutions causes them not to be taken seriously hence leaving the survivors of the conflicts without the chance of having State's help.

Therefore, in order to really understand the situation and then be able to create a tailor made support for these very people, it is fundamental to listen to these people's voices. Thanks to Veronyka's

<sup>70</sup> <http://howlround.com/listening-for-unheard-voices-syria-the-trojan-women>

<http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2017/women-migrant-workers-journey.pdf?vs=4009>

<https://autori.fanpage.it/yazidi-chi-sono-e-perche-l-isis-li-perseguita/>

[https://www.huffingtonpost.com/hind-kabawat/riyadh-conference-what-ma\\_b\\_8811514.html](https://www.huffingtonpost.com/hind-kabawat/riyadh-conference-what-ma_b_8811514.html)

voice, for instance, we can discover the fear of a person who has been so brave and so capable to escape her captors: but that person now lives with the fear of them returning to get her back, as they used to threaten her to do so and as she heard stories regarding that. For that reason, despite her being back home in Moldova, she can no longer feel to be “at home”, in the safe place that home should be at least. So, for Veronyka and for all the other Veronykas out there, the hard part does not just end when they finally escape, but it is only a step towards being back to what is closer to normality, and to feel part of society again. These women normally feel as if they were carrying an emotional burden in their daily life: that provokes a feeling of isolation while in the place that once used to be their community, while now, for instance, they find many difficulties even to find a well or at least a right paid job. For a migrant, the lack of these basics options, could lead to face further stigma from being trafficked: so, the reintegration for these individuals requires a differentiated set of services and unique support, unfortunately absent in many countries. For instance, it has been highlighted that the Badanti Syndrome, a set of psychological illnesses that result from the provisions of 24-hour care, in Moldova is only treated in small centres, of which rarely do we have piece of information. In addition, the lack of information about the aforementioned centers often prevents them from receiving funding: this very condition forces them to close in less than a semester, leaving women to keep on living their illness alone, with no help. That could further increase their feeling of isolation: therefore, it is not unfathomable that some returned migrant women might consider migration the answer to their problems, and indeed migrate again.

Determined to explore every opportunity they could find, in order to share their stories and lift their silent voices, Syria Trojan Women was created. Since 2013, this project has developed joint therapeutic drama while improving advocacy projects for the Syrian refugees located in Jordan. Syria Trojan Women was born to give a voice to those women who were kept in silence for too long, in parallel to what has just been said: they have been able, over the time, to record documentaries aiming to raise awareness about the case. Without underestimating the importance of that part of their work, it is also important to stress the meaning this association has on a psychological level for these women. The United States’ government denied Visas to a group of Syrian women refugee who then went indeed to the Syria Trojan Women to perform their art and show their unforgettable aspects: The Women, the Art, Nonviolent work. Civil society building. The US claim to advocate for a civil society believing in the freedom of women, but denies refugee women the opportunity to come and express their voices through art: this cannot be the behaviour of a country which has founded its history and education on a leadership based on ‘good example’. As Omar Abu Saada said, “Refugees become artists, demonstrating an ability to make use of their past experience, at the same time that the combination of voices demonstrates different responses to war. The playing space becomes an open discursive field in which varied understandings of the self become platforms for new understandings of the nation. In the process, these artist/refugees trouble the boundaries between the private and the public, potentially creating a new public sphere that is not only revolutionary in its critique of entrenched political power but in its reformulation of the idea of the public itself.”<sup>71</sup>

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<sup>71</sup> <http://howlround.com/listening-for-unheard-voices-syria-the-trojan-women>

Always as far as the importance of raising awareness is concerned, it is fundamental to underline the critical situation of Yazidi women, often not even mentioned despite their importance in the world theatre of violation of human and in particular of women's rights. Yazidi women are used in the Islamic State as sexual slaves: they are forced to remain naked all day, as any kind of clothes could be used to commit suicide, and are victims of rapes even thirty times a day. The Isis military often takes videos during the sexual abuses in order to sell them to the pornography markets: green eyes virgin yazidis in good health are seen as the golden fruit. These women are very often still young girls, taken away from their families: they are considered nothing more than beasts, upon which any kind of violence can be applied. Nadia Murad used to be one of these women.



“To the Council today, I lay out our demands, and I very much hope that humanity has not yet come to an end.

First, we demand the liberation of the more than 3,400 women and children still suffering and living under the mercy of the merciless.

Secondly, we demand that the incidents that took place, including the murders, collective slavery and human trafficking, be defined as genocide. I am asking the Council today to find solutions to the issue of genocide before the International Criminal Court.

Thirdly, demand the liberation of all of our areas, including my own village of Kocho, so that we can bury our dead. We demand the establishment of international protection for the Yazidi areas and

for the minorities under threat so that, one day, we can return to our regions and live in peace. I also request the allocation of an international budget, under international supervision, to compensate the victims and rebuild the region.

Fourthly, we ask that members open up their countries to my community. We are victims and we have the right to seek a safe country that safeguards our dignity. Every day, hundreds of people risk their lives. We entreat you today to consider the resettlement option for the Yazidis and the other minorities under threat, especially the victims of human trafficking, as Germany has done.

Fifthly, and finally, we ask the Council, please, to put an end to Daesh once and for all. I suffered the pain they inflicted on me. I saw their evil. All those who commit the crimes of human trafficking and genocide must be brought to justice so that women and children can live in peace — in Iraq, Syria, Nigeria, Somalia and everywhere else in the world. These crimes against women and their freedom must be brought to an end today”<sup>72</sup>

-Nadia Murad

<sup>72</sup> <https://www.yazda.org/yazidi-woman-demands-international-action-at-un-security-council/>

**Useful links:**

Un Women website <http://www.unwomen.org/en>

Report “They came to destroy”: ISIS Crimes Against the Yazidis

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A\\_HRC\\_32\\_CRP.2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf)

The Guardian, “Slaves of ISIS: the long walk of the Yazidi women”:

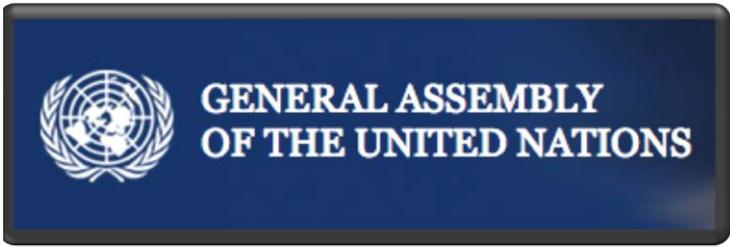
<https://www.theguardian.com/world/2017/jul/25/slaves-of-isis-the-long-walk-of-the-yazidi-women>

Nadia Murad speech [https://www.youtube.com/watch?v=LehFq\\_3Uigk&app=desktop](https://www.youtube.com/watch?v=LehFq_3Uigk&app=desktop)

Post conflict reintegration <http://howlround.com/listening-for-unheard-voices-syria-the-trojan-women>

Independent International Commission of Inquiry on Syria report,

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A\\_HRC\\_32\\_CRP.2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf)



# Venice Universities Model United Nations

## 10 - 12 November 2017

### Study Guide



Cultural heritage and cultural rights: challenges and issues arising in times of war and peace.



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## WELCOMING MESSAGE FROM CHAIR AND CO-CHAIR OF THE GENERAL ASSEMBLY – SOCHUM

Honorable Delegates,

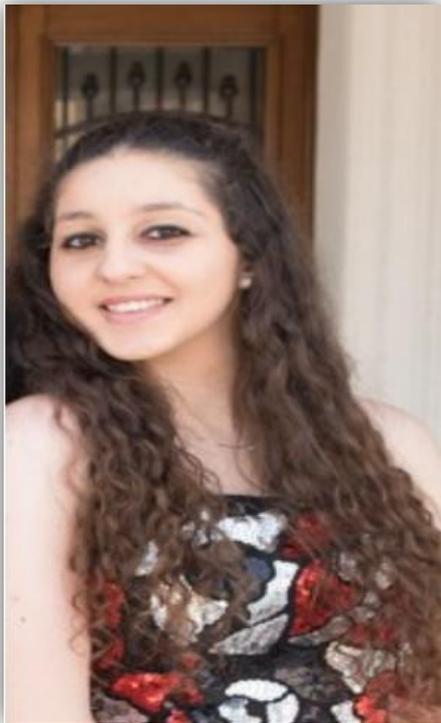
Welcome to the second edition of the Venice Universities' Model United Nations. The dais of the General Assembly - Sochum is extremely pleased to meet each of you and have the chance to discover and discuss with you challenging issues that afflict the International Society.

We hope you enjoy this amazing experience. But first, we want to introduce ourselves.

### MEET THE DAIS.

#### SOPHIA RITA JADDA - CHAIR

Hello, Honorable Delegates!



I am happy to personally welcome each of you to the VeUMUN 2017.

This Conference is an opportunity for every young leader to gain insight into the art of diplomacy, understand the value of collaboration and compromise, build skills in public speaking, leadership, research, debate, and teamwork.

My name is Sophia Rita Jadda, I am 21 years old and I am attending the third year of Languages, Civilisation and the Science of Language - International Politics curriculum - at Ca' Foscari University of Venice. I had my first MUN experience, as a delegate, last March at the Headquarters of the United Nations in New York, representing Jamaica in the UNDP committee working on the topic "Africa in motion", and from that moment I completely got into this world.

This time, instead, I have decided to watch the MUN from another point of view, and I am really honored and proud to be your *Chair in the SOCHUM committee*.

Participating in this conference represents a unique opportunity for all of you: this experience could surely be added to your cultural baggage. You will be the future leader's generation, and you have to improve our world making the right decisions: so,

let's start working diligently, positively, fairly, respectfully and tolerantly from now!

Good work delegates: do the best, be the best.

*Sophia Rita Jadda*

**MARCO GFALL - CO-CHAIR**

Distinguished Delegates,

my name is Marco Gfall, and I will be **your Co-Chair at the SOCHUM.**

I am from Vicenza and I am currently pursuing a professional master's degree in "Strategic Studies and International Security" at the Institute of Military Maritime Studies – Naval Staff College of Venice, and I have previously obtained a bachelor's degree in "Modern and Contemporary Languages and Civilizations" and a master's degree in "International Relations" at the Ca' Foscari University of Venice.

Foreign politics and public relations, together with the different cultures and languages of the world, have always fascinated me and I would very much like to pursue a career in this field. In 2014 I had the chance to work in Australia as a teacher assistant, and in 2016 I spent a semester in Ottawa, Canada as part of an exchange program. I have recently worked at the Ca' Foscari University of Venice as an English language tutor, and for three academic years I have held the position of student representative

in the Interdepartmental School of International Relations. Since 2013 I have participated as a delegate in four different MUNs, and this will be my second experience as Co-Chair.

I cannot wait to meet you at the 2017 VeUMUN, I promise it will be unforgettable.

A handwritten signature in black ink that reads "Marco Gfall". The signature is written in a cursive, slightly stylized font. To the right of the signature, there is a vertical line that extends from the top of the signature area down towards the bottom of the page.

**DLOVAN MOHAMMED ABDULLAH – SECRETARY**



Dear Delegates,

A very warm greeting,

My name is Dlovan Mohammed Abdullah. I am 21 years old and I come from Kurdistan. I am currently attending the Globalization Program at the Venice International University in Venice and at the same time, I am undergraduate Pharmacy student at the University of Rome Tor Vergata. My interest in different cultures has always been a motivation for me to seek more knowledge and better experience. Recalling the fact that my University life has started in North of Cyprus in 2014, from one university to another, and eventually Rome.

I am a member of the Student Committee at VIU for this Fall 2017, a member of world largest Pharmacy Student Organizations which are IPSF-International Pharmaceutical Student's Federation, EPSA – European Pharmaceutical Student's Association, EAHP – European Association of Hospital Pharmacists as well as other pharmacy organizations such as EMUPSS, IPST, and This year, I have joined the network of volunteerism in Kurdistan with Nishtiman Youth Network,

which is an NGO that holds more than 4000 Youth Volunteers regardless the nationality, ethical, social and religious background under the theme of positive change for the community.

In 17-19 August 2017 I have been an organizer of a campaign in Kurdistan about the World Humanitarian Day by the help of the Messengers of Humanity to raise the awareness of the human right violations with a hashtag of #NotATarget as well as curator of Kurdistan Color Festival, which held more than 6000 people from different cultures, age and religion under the theme of Coexistence, Peace and Love.

The concept of Human Rights runs through my daily life since I am from a region, which belongs to a stateless nation with a population over 30 million around its territory.

It's been a while I am interested in the MUN, and this year thanks to the Venice Diplomatic Society, I have been selected as the *secretary of the SOCHUM* at the VeUMUN 2017, which is a great honor.

## INTRODUCTION TO THE GENERAL ASSEMBLY<sup>73</sup>.

The UNGA is the democratic heart of the UN, a forum for decision-making in which all 193 Member States have equal representation. The first session of the assembly convened in January, 10th, 1946, in London, with 51 countries represented.

There are also numerous nonmember observer States, Vatican City and Palestine, and organizations, such as the International Committee of the Red Cross, that have the right to speak and participate in the works at the assembly meetings: however, they cannot vote resolutions.

As delineated in the Charter of the UN, the function of the General Assembly is to discuss, debate and make recommendations on subjects pertaining to the international peace and security, including disarmament, human rights, development, international law and peaceful arbitration of disputes between nations. Other duties regard the approval of the annual budget of the organization and the acceptance of new member States: the Assembly, given the previous approval of the Security Council, rejects or approves with the two-thirds majority (129 votes) the application made by the States. The article 4 of the Charter specifies that the membership is only reserved to “peace-loving States” that accept all the obligations and will be able to respect them.

In fact, in the 1960s the Assembly suspended the South African delegation from the United Nations because the country was practicing apartheid, in violation of both international law and Security Council resolutions.

The GA convenes annually and in special sessions: the President changes each annual session, and is elected by the body itself. He is empowered to enforce rules of procedure, such as setting the agenda, and adjourning or suspending the debate.

At the beginning of each session, all members participate and may raise any issue of international relevance. However, most work is delegated to six main committees:

1. Disarmament and International Security;
2. Economic and Financial;
3. Social, Humanitarian and Cultural;
4. Special Political and Decolonization;
5. Administrative and Budgetary;
6. Legal.

The number of the resolution passed each year has climbed, and many are adopted without opposition: but there have been sharp disagreements on several issues, such as those relating to the Arab-Israeli conflict and human rights.

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<sup>73</sup> All information is taken from the UN official website <http://www.un.org/en/ga/about/background.shtml>

## INTRODUCTION TO THE THIRD COMMITTEE – SOCHUM<sup>74</sup>.

United Nation's Third Committee of the General Assembly, known as Social, Cultural and Humanitarian Committee, is one of the six specialized subcommittees of the UN General Assembly. It was founded in 1948, after the development of the *Universal Declaration of Human Right*. It focuses on the advancement of women, the protection of children's rights, indigenous issues, the treatment of refugees and the promotion of fundamental freedoms through the elimination of racism, racial discrimination and promoting the right of self-determination.

The committee also addresses important issues, such as juvenile crimes, the fight against drug trafficking, and other topics that can affect individual rights.

Since many issues are very wide-ranging, the Third Committee works with other organizations such as UNICEF, UNDP, WHO, UNESCO, UNICEF and UNHRC to ensure the strength of resolutions to make a real change.

The GA session runs from September to November each year: it is during this time that the SOCHUM drafts working papers to be put forward for adoption by the GA Plenary in the following year's session. The resolutions are recommendations to all Member States often supported by treaties.

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<sup>74</sup> All information is taken from the UN official website <http://www.un.org/en/ga/third/index.shtml>

## CULTURAL HERITAGE: TANGIBLE OR INTANGIBLE<sup>75</sup>?

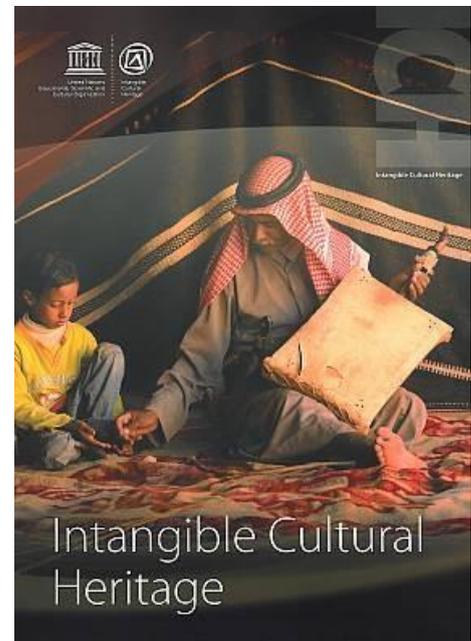
Employing the term “*tangible cultural heritage*” we refer to physical artifacts, monuments, statues, historical places, inherited from past generations, maintained in the present and bestowed for the benefit of future generations. It also includes important objects linked to the archaeology, architecture, art: they represent an essential element to both provide ideas and validate themselves.

On the contrary, talking about “*intangible cultural heritage*” we refer to skills, expressions and practices that groups, societies and sometimes individuals recognize as part of their Cultural Heritage (UNESCO, 2003). An example of intangible heritage is the oral tradition and local knowledge.

Tangible and intangible cultural heritage require different approaches for protection and preservation: therefore, there is a focus on the safeguard of cultural identities and diversity of humankind.

Egypt has been one of the first parties to the 2003 *Convention on the Protection on the Oral and Intangible Heritage of Humanity*. Its goal is preserving cultural identity and using this intangible heritage as a gimmick for sustainable economic development of local populations. The presence of both tangible and intangible cultural heritage might serve as example: tangible because of the protection of famous monuments, such as the Pyramids, the Sphinx, mosques, and temples; intangible because this country has traditions and ancient knowledge. It is interesting to mention that in Emir Taz Palace, in Cairo, on 5-6-7 March 2009 has been held a festival, which gathered a vast audience, named is *Festival of Traditional Egyptian Festivals*.

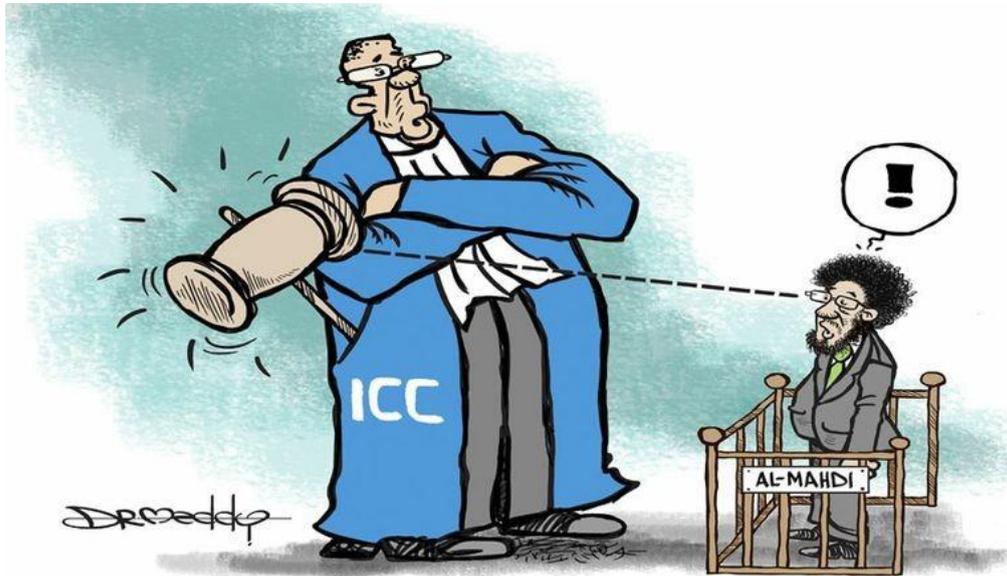
Protecting the world cultural heritage concerns us all: it can both provide an automatic sense of unity and belonging, and allows all of us to understand history and previous generations.



<sup>75</sup> All information is taken from the UNESCO official website <http://www.unesco.org/new/en/cairo/culture/intangible-cultural-heritage/>

<http://whc.unesco.org/en/statesparties/EG/>

## CASE STUDY: AL MAHDI ICC CASE<sup>76</sup>.

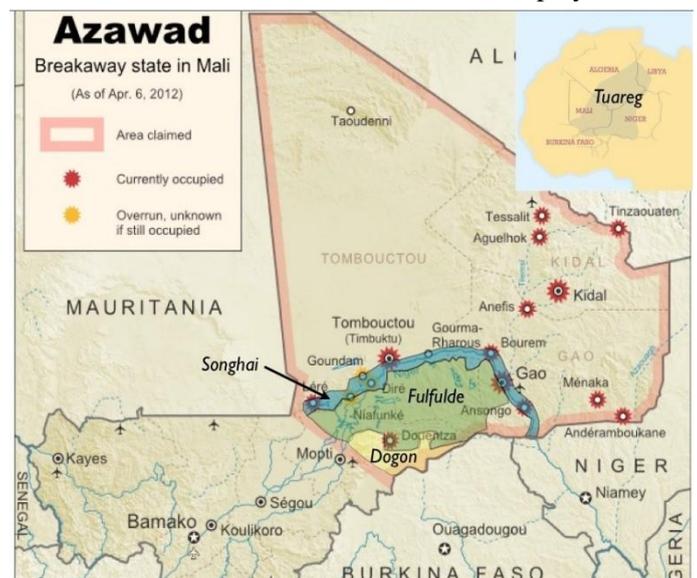


### Who is Al Mahdi?

Ahmad Al Faqi Al Mahdi, also known as Abou Tourab, was born in Agoune, a village near Timbuktu (Mali), approximately in 1975. He belongs to a family recognized in his community as having a good educational background in Islam. Since his childhood, he has received Koranic education and he played the role of a lecturer as an expert on religious matters.

2011: he worked for the government of Mali;

January 2012: an armed conflict broke out between the Malian government and independentist movements aiming to achieve a greater autonomy for northern Mali (territory also known as Azawad). There have been the creation of the organization *National Movement for the liberation of Azawad (MNL)*, composed by ethnic Tuareg, that by April.1,2012 was in control of the northern part, including the three largest cities of Kidal, Gao and Timbuktu.



During this conflict, Al Mahdi was a member of *Ansar Dine*, a militant Islamist group led by Iyad Ag Ghaly, suspected of having contacts with the Al-Qaeda in the Islamic Maghreb (AQMI).

<sup>76</sup> <https://www.icc-cpi.int/mali/al-mahdi>

He was one of the four commanders for the harsh occupation in Timbuktu.

**June-July 2012:** the city of Timbuktu was under the control of AQMI and Ansar Dine.

In this period, Al Mahdi worked closely with the leaders of these two-armed groups.

For about a year, the armed groups managed to impose their religious and political edicts on the people of Timbuktu and result their effect on the local government as well: it ended up with an Islamic Police force, an Islamic Tribunal, a media commission and a morality brigade called *Hesbah*.

Al Mahdi was an expert on religious matters, and he was such a very active on the aspects *Ansar Dine* and *AQMI* administration that he was asked by the governor of Timbuktu to take control and lead the *Hesbah*.

Between April and September 2012 he wrote documents, on the objectives and the role of the *Hesbah*, to all the governmental structures to put in place. He was in charge of both regulating the morality of people and preventing/suppressing any crime committed by the occupiers.

**September, 2016:** Al Mahdi is accused and he is charged with intentionally directing attacks against 10 buildings of religious and historical character in Timbuktu, Mali, between 30 June and 11 July 2012 which were:

1. *The Sidi Mahamoud Ben Omar Mohamed Aquit Mausoleum;*
2. *The Sheikh Mohamed Mahmoud Al Arawani Mausoleum;*
3. *The Sheikh Sidi El Mokhtar Ben Sidi Mouhammad Al Kabiri Al Kounti Mausoleum;*
4. *The Alpha Moya Mausoleum;*
5. *The Sheikh Mouhamad El Mikki Mausoleum;*
6. *The Sheikh Abdoul Kassim Attouaty Mausoleum*, built in the sixteenth century;
7. *The Sheikj Sidi Ahmed Ben Amar Arragadi Mausoleum*. Al Mahdi physically participated in destroying this Mausoleum, while in the other destruction sites he was either an observer or a supervisor giving instructions on where to attack;
8. *The door of the Sidi Yahia Mosque*, which was said to have been kept closed for 500 years and was under the protection of the UNESCO;
9. *Ahmed Fulane Mausoleum;*
10. *Bahaber Babadié Mausoleum*.

These sites were not military buildings, but religious and historical monuments: they were the most cherished buildings in the city of Timbuktu, places that prayers and believers would visit frequently and a pilgrimage location as well.

The first step towards the destruction of the sites began when the governor and his collaborators found out that the populations were practicing their religion and prayers by visiting the Mausoleums. Al Mahdi was asked to monitor the movements of the residents and, after one month, realized that any meeting with religious leaders occurred.

The *Ansar Dine* leader, *Ah Ghaly*, was the one who decided to destroy the mausoleums.

At first, Al Mahdi concluded to preserve the mausoleums, in order to keep the relation with the population and the occupying groups: but that did not change the decision.

He was chosen as chief of *Hesbah* and accepted to conduct the attack, by reading the sermon he wrote, dedicated to the destruction of the mausoleums, on a Friday prayer at the launch of the attack in which he personally indicated which building to be targeted.

Trial Chamber VII of the International Crime Court found Al Mahdi guilty of the war crime of destructing cultural heritage in Timbuktu while it was under the control of jihadis in 2012, and sentenced him to 9 years of imprisonment. Also, he was asked to pay a reparation: the reparation order stresses the importance of reparation as a consequence of destruction of cultural heritage. And, a strong cooperation is necessary to avoid the reparation itself. **For the first time in the ICC history, the perpetrator pleaded guilty and the person is not part of any State organ.**

Al Mahdi's trial could serve as a template for potential future prosecutions for cultural vandalism, such as for the members of the Islamic State militant group (ISIS), accused of destroying historic sites including the ancient Syrian city of Palmyra.

### **Could be the destruction of historic or religious monuments considered a war crime?**

YES, according to the *Rome Statute of the International Criminal Court*<sup>77</sup> (Art.8 section 2b-ix) a war crime includes “*intentionally directing attacks against buildings dedicated to religion, art, historic monuments [...] provided they are not military objectives.*”

The judges emphasized that not only does the destruction of this heritage affect the direct victims of the crimes, the inhabitants of Timbuktu, but also people throughout Mali and the International Community.

### **Has Al Mahdi committed other crimes?**

YES, Al Mahdi was also charged - but not condemned - of crimes against humanity, including gender-based and sexual crimes.

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<sup>77</sup> All information is taken from the ICC official website [https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf)

## **SUBTOPIC A: PROTECTION OF THE WORLD HERITAGE SITES IN CONFLICT ZONES.**

### **Introduction:**

*The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17th October to 21st November 1972 gives birth to the World Heritage Convention<sup>78</sup>: it states that the World Heritage Committee “shall establish, under the title of *List of World Heritage in Danger*, a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary. The Heritage on the list is threatened by serious and specific dangers, such as the threat of disappearance caused by the outbreak or the threat of an armed conflict” (Art 11, 4). Today, 54 sites around the world are on this list, and many others could be added in an impending future.*

**Hague Convention, 1907:** *“In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes. It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand”, (Art 27).*

Reading this article, we understand that the protection of cultural sites is a priority for all States, contrarily to what was believed in the past, when the common laws did not underscore the importance of preserving the general heritage of humankind.

**Hague Convention, 1954:** *Convention for the Protection of Cultural Property in the Event of Armed Conflict* was adopted in 1954 in the wake of the large-scale destruction of cultural heritage carried out during the Second World War. This is the first multilateral treaty exclusively focusing on the protection of cultural heritage during hostilities.

The preamble of the Convention says: *“Recognizing that cultural property has suffered grave damage during recent armed conflicts and that, by reason of the developments in the technique of warfare, it is in increasing danger of destruction”.*

Not only do these two Conventions demonstrate how much the protection of cultural heritage is internationally considered, but also provide its legal framework.

### **Background information:**

Despite the fact that the International Community continuously strive to bring peace, armed conflicts still cause a lot of damage to World Heritage Sites in the entire world.

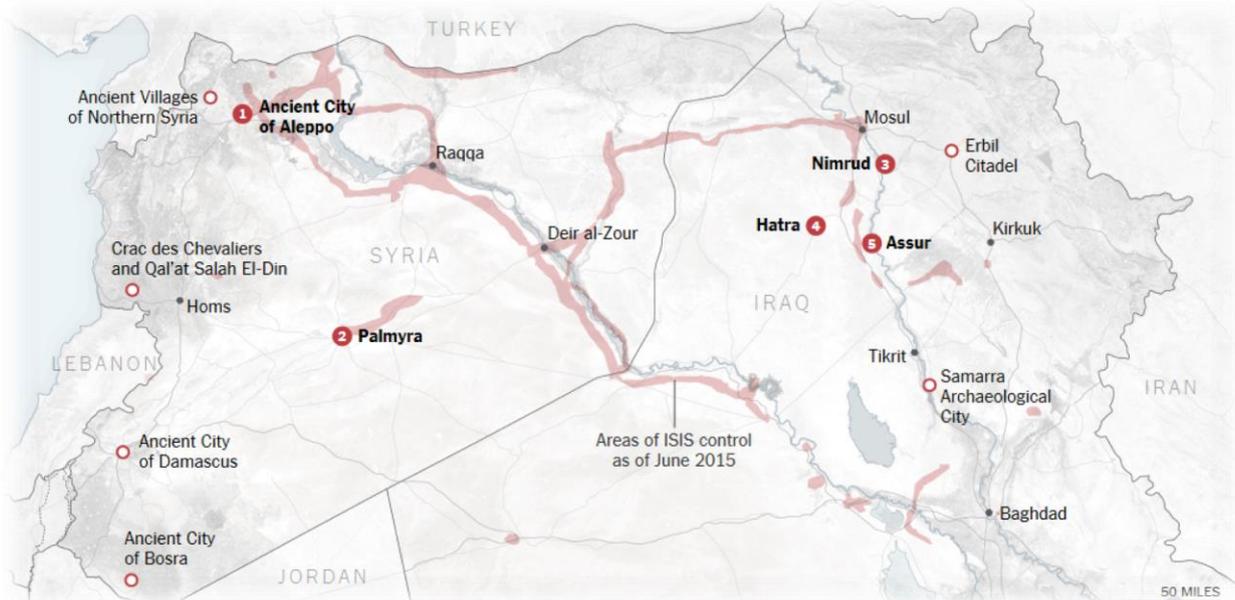
Looking back on history, there was the habit of stealing as a trophy or destroying cultural symbols by the winners to underline enemy’s defeat.

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<sup>78</sup> All information is taken from the official website of UNESCO <http://whc.unesco.org/en/conventiontext/#Article11.4>

The terrorist organization *ISIS*, whose members believe that monuments have to be destroyed because they do not correspond to their religion conviction, might be considered a modern example of that very trend.

This map shows that the territory the Islamic State of Iraq and Syria occupied is close to several World



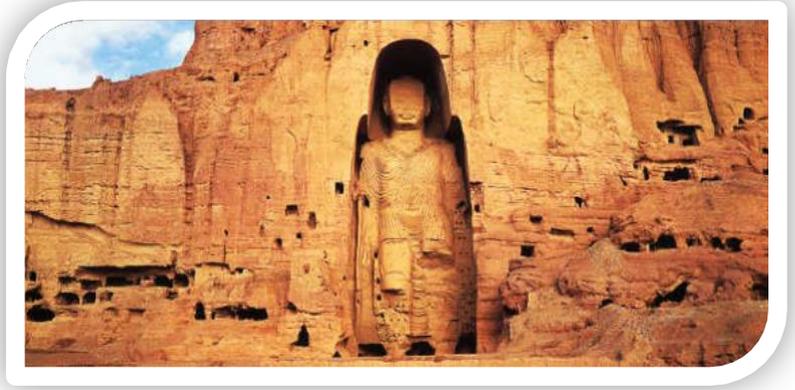
Heritage Sites:

1. Numerous historical structures in the *Ancient City of Aleppo* have been destroyed over the course of the Syrian war;
2. *ISIS* destroyed the *Temple of Baalshamin* and damaged the *Temple of Baal* in Palmyra. In this city they found two historic tombs: one of a Shiite saint; the other of a Sufi scholar. Since they are considered forms of idolatry by *ISIS*'s militants, they were both destroyed;
3. *ISIS* exhibited the destruction of the ancient Assyrian city *Nimrud* in order to increase the propaganda;
4. The remains of the ancient Arab city of *Hatra* are considered vulnerable to destruction;
5. The city of *Assur*, whose status remains unclear.



Through videos showing destructions, the terrorist group wants to reach the following goals: shocking the world while demonstrating the impotence of the international community to prevent and punish them; extending its message widely; potentially recruiting.

Another case study related to the destruction of Cultural Heritage dates back to 2001. In this year, the world's two largest Buddhas statues - one of them 165 feet high - located at the bottom of the Hindu Kush mountains of central Afghanistan, were blown up by *the Taliban* and left in rubble. The order of destruction came from the Taliban leader Mullah Mohammed Omar and



they explained this outrage saying that a foreign delegation offered money to preserve the ancient works while millions and millions of Afghans faced starvation.

As already stated, one of the crucial issues regarding the destruction of cultural sites involves the loss of cultural bonds. During conflicts, cultural identity and cultural heritage acquire value: it is a faith, an element of strength they hold during the war period.

### **Historic background:**

Over the whole human history, it is possible to notice enemy's buildings and monuments that have been demolished. War has always taken a toll on heritage, from the sacking of Constantinople by crusaders, to the firebombing of Coventry during the Second World War.

Looking back on history, other examples could be found: early Christians destroyed many pagan temples across the Middle East, probably including some of Parthenon temple's statues in the Acropolis of Athens; or, during the decade of chaos, that began in 1966 in China, many Confucius temples and monasteries had been burned or disfigured.

After the World War I, since there was not any international organization focusing on the heritage, there were no records of the destruction of sites and monuments. However, after the Second World War, UNESCO was established, and the Convention for the Protection of Cultural Property in the Event of Armed Conflict in 1954 has been adopted.

After the Cold War, which highlighted the necessity to improve the protection of the heritage, the *Convention Concerning the protection of the World Cultural and Natural Heritage*<sup>79</sup> of 1972 introduced a new system of identification and registration internationally enlisted.

Moreover, not only have many sites destroyed, but pieces have also been used for trafficking purposes: cultural property has been stolen, looted or exported, giving birth to illicit activities, such as the financing of terrorist groups.

<sup>79</sup> All information is taken from the official website <http://whc.unesco.org/uploads/activities/documents/activity-562-4.pdf>

**Questions to address:**

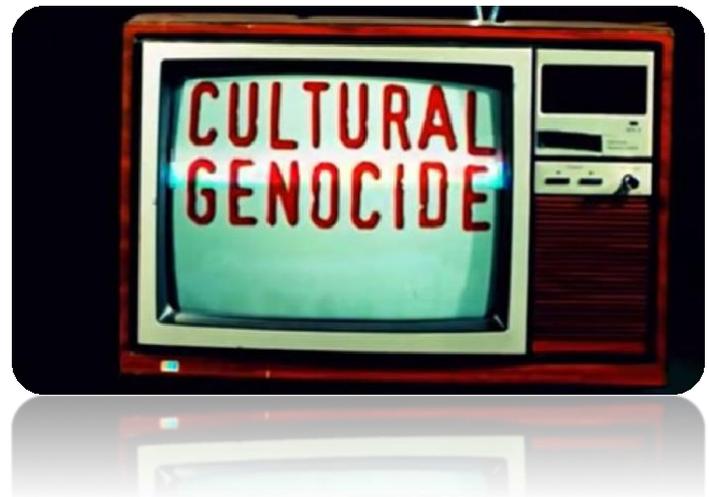
- # What measures could be taken by the International community to protect and prevent attacks against Cultural Heritage Sites?
- # Are the current measures in force providing an effective level of protection?
- # Under what circumstance is it appropriate for the International community to intervene and prevent the destruction?
- # Does State sovereignty play any role in the protection

**SUBTOPIC B: CULTURAL GENOCIDE.****Introduction:**

*Cultural genocide* is the systematic destruction of traditions, values, language and other characteristic elements which distinct a group of people from another. In the last years, we have been homogenizing the world by imposing the materialistic consumerism across the globe: sometimes, there has been a completely annihilation of the uniqueness and individuality which actually used to give to diverse groups their cultural identity. In many cases, this forced imposition led to the impoverishment of the whole country.

In history, many events clearly showed the idea of superiority of one culture on another: for instance, the decimation of the Aztec capital and cultural centers in 1521 by Hernàn Cortés.

The Social, Humanitarian, and Cultural Committee shall address these cases of cultural genocide, as well as formulate an effective resolution that provides prevention frameworks and restoration strategies.

**Background information:**

After the Nazis' era, the United Nations adopted the *Convention on the Prevention and Punishment of the Crime of Genocide*<sup>80</sup> in 1948.

The term "cultural genocide" was even mentioned in Article 7 of the 1994 UN *Declaration on the Rights of Indigenous People draft*<sup>81</sup> and it is said that "*Indigenous people have the collective and individual right not to be subjected to ethnocide and cultural genocide, including prevention of and redress for:*

<sup>80</sup> All information is taken from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CrimeOfGenocide.aspx>

<sup>81</sup> <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

- *Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;*
- *Any action which has the aim or effect of dispossessing them of their lands, territories or resources;*
- *Any form of population transfer which has the aim or effect of violating or undermining any of their rights;*
  
- *Any form of assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;*
- *Any form of propaganda directed against them.*

Also, there are other UN resolutions, such as the 2001 *Universal Declaration on Cultural Diversity*, adopted by the 31<sup>st</sup> Session of the General Assembly.

### **Historic background:**

Oppression and exploitation have always been present over our history, especially in the form of enslavement of conquered nations. The Roman Empire was particularly inclined to enslave territories and populations, as it expanded and denied the cultural identity of those who were subjected to its control.

However, the most remarkable and meaningful event of annihilation of cultures was represented by the devastation of the Aztec, Maya and Inca populations.

In the last hundred years, various governments have employed the massacre of ethnic groups: effectively, the more prominent case is Germany under Adolf Hitler.

In 1944, lawyer Raphael Lemkin coined the term “*cultural genocide*” to define “*acts and measures undertaken to destroy any nations or ethnic groups’ culture.*”

### **Question to address:**

1. How is it possible to respond to cultural genocide while respecting national sovereignty?
2. What is the position of your country with regard to cultural genocide?
3. Do governments and other actor seek to control historical memory?
4. Is it realistic to think that all cultural genocides can be prevented or suppressed?
5. Does your country support the amendment of the convention to include cultural genocide?

## WRITE A POSITION PAPER FOR SOCHUM.

The position paper is an official political document on which each delegation in a committee must summarize the real position of the represented country in relation to the topics on the agenda. This document must contain:

### FIRST PARAGRAPH:

1. General statements about the problem;
2. Indication of the subscribed and signed treaties;

### SECOND PARAGRAPH:

1. Declarations and statements of the national government;
2. Previous actions to face the phenomenon under consideration;

### THIRD PARAGRAPH

1. Suggestions of practical solutions, that should be realistic.

The position paper requires formal criteria:

- Write in Times New Roman, 12, single line spacing and do not use contracted forms in English. Remind English correctness and Decorum.
- Headline at the top left with the indication of the Committee (SOCHUM), the represented Country and the Topic/Agenda;
- You **must write 1 position paper containing all the subtopics** and it should be not much longer than **1 page**.
- Do not indicate your Name, you represent the country and its government.
- You should submit your position paper in **PDF format** and the file should be renamed this way: **GASOCHUM\_COUNTRY** and send it to [sochumveumun@gmail.com](mailto:sochumveumun@gmail.com)

The best websites to use are the **official** ones, those of the United Nations and those of the assigned State, for instance; you **do not have to** invent any information and you must **STAY IN CHARACTER** starting from the conception of the position paper.

As a delegate, you have to know the position of your Country related to **all the subtopics** and, as already said, produce a position paper. However, before the committee works start, it will be necessary to proceed with the **Setting of the Agenda**, in which all delegates will vote to set the order topics will be discussed. It is not said that, during the 3 days simulation, you will be dealing with every topic.

**SAMPLE POSITION PAPER.**

Committee: UNDP

Topic: Globalization and Development

Country: Romania

In the past two decades the rapidly growing world trend has been toward globalization. With the emergence of the internet as a means of communication and the increasing accessibility of international trade physical barriers are not the only barriers withering away. Protective tariffs are plummeting and free trade agreements are becoming more prevalent. Romania appreciates that globalization creates favorable situations for expansion of commercial as well as economic assets. In the past year Romania has seen a foreign direct investment (FDI) increase of 199%. Inward FDI increased from EURO 234 million in 2005 to EURO 699 million in 2006. However, Romania realizes that increased globalization does not automatically produce more equality.

Globalization and Development can contribute to the advancement of the overall international human condition; however, the delegation of Romania recognizes that without proper regulation the potential for advancement will remain limited to an elite few individuals, businesses, and nations. Unless checked and aimed toward the common good, globalization cannot effectively serve the global community. Crucial in dealing with the complexities of globalization, good governance must act with solidarity and responsibility. Romania believes that in involving people in globalization we must promote moral values, democratic principles, inclusive global political culture, institutions that safeguard both individual civil rights and inherent freedoms, and the common good. In addition, coping with the influx of information from globalization governments must act with solidarity and insight. Access to digital education will undoubtedly result in the confidence of citizens in their respective administrations and allow for a greater degree of transparency, and therefore a lesser degree of corruption.

Romania believes the multinational business community has the ability and the obligation to support pertinent values in human rights, labor standards, and environmental preservation. As stated by the president, Mr. Traion Basescu, Romania feels a "heartfelt attachment to multilateralism, as an effective instrument designed to identify the adequate answers to the challenges brought by globalization."

Romania is party to most of multilateral treaties and conventions identified as such by the Secretary General in the context of the Millennium Summit in 2001. Romania has always supported innovative and effective ways of establishing cooperation within and between regional organizations. As one of the newest members of the European Union, Romania is an active member of the World Trade Organization, and looks forward to offering its support to the redirection of globalization to best benefit the global community.

## EXAMPLE OF RESOLUTION.

You **do not have** to write a draft resolution, because it will be written during the 3 days-work in the committee: the aforementioned document will be written down with all the other States. There could be one or more draft resolutions in the committee (each coalition could create a document with Sponsor and Signatories): but finally, the resolution which passes will be approved only by reaching the majority.

### **69/327. Promoting inclusive and accountable public services for sustainable development**

*The General Assembly,*

*Recalling* its resolutions 66/288 of 27 July 2012, in which it endorsed the outcome document of the United Nations Conference on Sustainable Development, entitled “The future we want”, and 69/313 of 27 July 2015 in which it endorsed the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

*Looking forward* to the United Nations summit for the adoption of the post-2015 development agenda,

*Recalling* its resolutions 50/225 of 19 April 1996, 56/213 of 21 December 2001, 57/277 of 20 December 2002, 58/231 of 23 December 2003, 59/55 of 2 December 2004 and 60/34 of 30 November 2005 on public administration and development, resolution 69/204 of 19 December 2014 on information and communications technologies for development, resolution 69/199 of 18 December 2014 on preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption and resolutions 66/209 of 22 December 2011 and 69/228 of 19 December 2014 on promoting and fostering the efficiency, accountability, effectiveness and transparency of public administration by strengthening supreme audit institutions, Economic and Social Council resolution 2014/38 of 18 November 2014 on the report of the Committee of Experts on Public Administration on its thirteenth session and Human Rights Council resolution 27/24 of 26 September 2014 on equal participation in political and public affairs,<sup>82</sup>

*Condemning* corruption at all levels and in all its forms, including bribery, as well as the laundering of proceeds of corruption and other forms of economic crime, and expressing concern about the magnitude of corruption at all levels, and in this regard reiterating its commitment to preventing and combating corrupt practices at all levels, in accordance with the United Nations Convention against Corruption,<sup>83</sup>

*Emphasizing* the growing need to strengthen public institutions and public services in support of sustainable development,

*Reaffirming* the importance of freedom, human rights, national sovereignty, good governance, the rule of law, peace and security, combating corruption at all levels and in all its forms, and effective, accountable and inclusive democratic institutions at the subnational, national and international levels as central to enabling inclusive and accountable public services for sustainable development,

*Reiterating* that each country has primary responsibility for its own economic and social development and that the role of national policies and development

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<sup>82</sup> See *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1 and Corr.1 and 2), chap. IV, sect. A.

<sup>83</sup> United Nations, *Treaty Series*, vol. 2349, No. 42146.

strategies cannot be overemphasized, at the same time respecting each country's policy space and leadership to implement policies for promoting inclusive and accountable public services for sustainable development, while remaining consistent with relevant international rules and commitments,

*Emphasizing* that efficient, accountable, effective, inclusive and transparent public institutions and public services at all levels have a key role to play in the implementation of internationally agreed development goals, including the unfinished business of the Millennium Development Goals and the forthcoming sustainable development goals,

*Recognizing* the work of the Committee of Experts on Public Administration of the Economic and Social Council in providing policy advice to the Council on issues related to public administration in development, and the contributions of the United Nations Public Administration Network as an implementation tool for the exchange of information and experience in public administration and public services for development,

*Recognizing also* the need to promote research, knowledge-sharing and the exchange of experience related to the role of public administration in the implementation of international agreed development goals,

*Recognizing further* the potential of e-government in promoting transparency, accountability, efficiency and citizen engagement in public service delivery,

*Recognizing* the support being provided by the United Nations programme in public administration and finance to Member States, in particular developing countries, on institutional and human resources capacity development, electronic and mobile government, and citizen engagement in managing development programmes,

*Stressing* the need for capacity-building as a tool to promote development, and welcoming the cooperation of the International Organization of Supreme Audit Institutions with the United Nations in this regard,

1. *Reaffirms* that the United Nations system has a central role to play in promoting international cooperation in strengthening public institutions and public services for sustainable development;

2. *Also reaffirms* that the foundations for sustainable development at all levels include transparent, inclusive, participatory and accountable public institutions and professional, ethical, responsive and information and communications technology-enabled public services;

3. *Encourages* all countries that have not yet done so to ratify and accede to the United Nations Convention against Corruption,<sup>83</sup> and encourages parties to review its implementation, while reiterating the commitment to making the Convention an effective instrument to deter, detect, prevent and counter corruption and bribery, prosecute those involved in corrupt activities and recover and return stolen assets to their country of origin, and to strengthening international cooperation and national institutions to combat money-laundering and the financing of terrorism;

4. *Encourages* the international community to develop good practices on asset return, while supporting the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank and other international initiatives that support the recovery of stolen assets, urges that regional conventions against corruption be updated and ratified, and reiterates the aim of eliminating safe havens that create incentives for transfer abroad of stolen assets and illicit financial flows, while working to strengthen regulatory frameworks at all levels to further increase transparency and accountability of financial institutions and the corporate sector, as well as public administrations;

5. *Urges* the international community to continue to promote the exchange of information, the exchange of experience and the sharing of lessons learned and

best practices, as appropriate, in strengthening inclusive and accountable public institutions and public services;

6. *Encourages* Member States, observer States and observers to promote effective and accountable leadership, high standards of professionalism, ethics, integrity, transparency, accountability, responsiveness, efficiency and effectiveness in public institutions and the delivery of public services at all appropriate levels;

7. *Reaffirms* that the foundations of sustainable development at all levels include transparent, participatory and accountable governance and a professional, ethical, responsive and information and communications technology-enabled public administration, and encourages the international community to continue to support capacity development in public governance and institution-building at all levels, with a view to accelerating progress towards sustainable development;

8. *Recognizes* the importance of strengthening public administration institutions, improving public sector human resources capacity and fostering knowledge creation and innovation and the utilization of information technology for development in public administration and in the implementation of internationally agreed development goals;

9. *Encourages* Member States to utilize information and communications technologies in the design of public policies and the provision of public services in order to support national development efforts and respond effectively to national and local needs and priorities;

10. *Underlines* that service to citizens should be at the centre of transforming public administration, requiring appropriate institutional frameworks, professional and ethical leadership, a focus on diversity and gender equality, harnessing information and communications technologies, innovation, responsibility and public sector capacity-building;

11. *Recognizes*, in their specific context, the positive contribution of indigenous peoples and local communities, including through some of their traditional values and principles, to strengthening individual and societal commitments in order to improve the efficiency, effectiveness and transparency of public administration and promote inclusive and accountable public services for sustainable development, including the Andean principles of *ama suwa* (do not be a thief), *ama llulla* (do not be a liar) and *ama qhilla* (do not be lazy), the Inupiat values of *pitqiksīgautaiññiq* (honesty) and *qiksiksrautiqağniq* (respect for others) and the Blackfoot value of *tukuki* (impartiality and incorruptibility), while recognizing that it is a duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

12. *Calls for* renewed efforts to promote diversity and inclusion in public services and to enhance equality in access to services by all, especially persons with disabilities, the elderly, women, youth, children and other disadvantaged groups;

13. *Stresses* the need for government institutions, the judicial system and the legislative system to be gender-sensitive and for the continued promotion of the full participation of women in such institutions;

14. *Encourages* all States, observers and relevant United Nations institutions to continue to intensify their cooperation, including in capacity-building, with the International Organization of Supreme Audit Institutions in order to promote good governance at all levels by ensuring efficiency, accountability, effectiveness and transparency through strengthened supreme audit institutions, including, as appropriate, the improvement of public accounting systems;

15. *Requests* the Secretary-General to continue to provide assistance, in particular to developing countries, at their request, in their efforts to strengthen public institutions and public services for sustainable development by, inter alia, fostering information-sharing and the exchange of experience, lessons learned and best practices, as appropriate, including through United Nations Public Service Day,

the United Nations Public Service Awards and the United Nations Public Administration Network, providing assistance in institution-building and improving the integration and coordination, as well as the innovation, of public sector initiatives and activities in sustainable development;

16. *Also requests* the Secretary-General to report to the General Assembly at its seventy-first session, through the Economic and Social Council, on the status of the implementation of and follow-up to the present resolution in the context of his reporting on the Committee of Experts on Public Administration.

*105th plenary meeting  
14 September 2015*

# UNITED NATIONS SECURITY COUNCIL COMMITTEE



## **THE POSSIBILITY FOR A REFERRAL TO THE INTERNATIONAL CRIMINAL COURT FOR WAR CRIMES COMMITTED TO SYRIAN TANGIBLE AND INTANGIBLE HERITAGE**

**Chair:** Ms. Laura Gaspari

**Co-Chair:** Mr. Francesco Gaddoni

**Secretary:** Mr. Lorenzo Di Chiara

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## WELCOMING MESSAGE FROM YOUR CHAIR AND CO-CHAIRS

Honourable Delegates,

Welcome to the second edition of the Venice Universities Model United Nations. The Board of the United Nations Security Council Committee is extremely pleased to have you in here and spend three wonderful days with you in San Servolo from the 10th to the 12th of November 2017. We hope you will enjoy this experience together with us. First, let us introduce ourselves.



I am Laura Gaspari and I graduated in International Relations (Master's Degree) here in Venice. I am 25 years old and I was born in Verona, but I have lived in Venice for four years. I have been Secretary and Vice President of the Board of Venice Diplomatic Society, and now I still collaborate with VDS as a passionate associate. I have been a trainee at the Council of Europe office of Venice and at ALDA (Association of Local Democracy Agencies) office in Brussels last year.

I wrote my final dissertation on the issue of the protection and assistance to women victims of human trafficking for sexual exploitation. I am also interested in refugees and asylum seekers issues, international politics and human rights, especially in the West Balkans and West Africa. I am a passionate (and amateur)

photographer and reader. I love writing, especially short articles or essays.

I was a RomeMUN delegate in 2015, where I represented Bulgaria in the UNICEF committee and I chaired the General Assembly SOCHUM Committee during in last year VeUMUN here in San Servolo. I participated also to the VeUMEU 2017 as Vice Editor in Chief of the Press team.

I am honoured to be the Chair of the Security Council. This committee is very important and crucial. You are only fifteen people, but you are in charge of a great responsibility. The SC has a great power in the UN system, especially with regards to the five members with the Veto power. The topic of this year is challenging. Talking about war crimes and genocide is not easy, they seem to be so "distant" but this is one of the purposes of a UN simulation: to understand that the future is up to us and to begin to be more concerned about some important problems. This is a role play game: you have to pretend to think with another mind, to put yourselves in other States' shoes and have fun! Learning by doing is the motto of a MUN so let's work together to make the difference. See you in San Servolo!

*Laura Gaspari*



Dear Delegates,

My name is Francesco Gaddoni and I am extremely honoured and excited to serve as your Co-Chair of the Security Council.

I am currently attending the third year of the Bachelor Degree program in *Philosophy, International Studies and Economics*.

Just about one year ago I was in your place, being a UNHCR Delegate in the very first edition of the VeUMUN. That was to me a great experience through which not only have I been equipped with a deep and direct insight of what the United Nations are and how they work, but it was also an occasion to have good time and make new friends. Since then, I have been cultivating my interest in International Affairs. In particular, the last semester passed in Canada as an exchange student helped me in developing a more comprehensive world view to better understand global scale events.

Although challenging, the topic of this year, Cultural Heritage is one of the utmost importance. Indeed, in the increasingly multicultural societies composing the globalized world, politics is more and more frequently identity politics. Preventing tangible and intangible destruction of cultural heritage not only is a duty to the United Nations, but also the only way to set the basis for the maintenance of peace in a post-conflict scenario.

Cannot wait to seeing you all in San Servolo,



Hello Honourable Delegates,

Welcome to the VeUMUN 2017. I am honoured to be your Secretary at the UN Security Council.

My name is Lorenzo Di Chiara, and I am 19. I am from Lecco, but I currently live in Venice, where I am attending the first year of Languages, Civilisation and the Science of Language - International Politics curriculum - at Ca' Foscari University of Venice. I study Russian, German and Swedish.

This is my first experience with Venice Diplomatic Society, so I am very excited about it. I have always been interested in Foreign Cultures, History and International Relations, and my interest towards the latter increased during the last few years, as we are living in such a tumultuous and unstable era.

Therefore, thanks to Venice Diplomatic Society I will have the chance to see tangibly how an international organization works.

I believe that even through small actions and by becoming more aware of the dynamics of the world surrounding us we can contribute to change our world for the better, and reach the goal for a more egalitarian society.

An amazing opportunity lies in your hands, and I hope you are going to make the most out of it!

I cannot wait to meet you all in San Servolo!

*Lorenzo Di Chiara*

## THE UNITED NATIONS SECURITY COUNCIL

The Security Council is the organ of the United Nations responsible for the maintenance of peace and security. As stated in Article 24 of the Charter of the United Nations, the Security Council is mandated to act on behalf of all members of the United Nations to “ensure prompt and effective action”<sup>84</sup> with respect to the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations.



The Security Council consists in ten non-permanent and elected States, and five permanent members (China, the United States, France, the United Kingdom, and the Russian Federation), for a total of fifteen members.

Each year the General Assembly elects five non-permanent members (out of 10 in total) for a two-year term; they are distributed as follows: five for African and Asian States; one for Eastern European States; two for the Latin American and Caribbean States; and two for Western European and other States.<sup>85</sup> The presidency of the Council is held by each of the members in turn for one month, following the English alphabetical order of the Member States names.

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<sup>84</sup> United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at: <http://www.refworld.org/docid/3ae6b3930.html>, at art. 24, hereinafter UN Charter.

<sup>85</sup> *Ibid.*, art. 23

As stated in Article 28 of the UN Charter, the Security Council shall be so organized as to be able to function continuously. Therefore, a representative of each of its members must be present at all times at UN Headquarters so that the Security Council can meet at any time as the need arises.

According to the United Nations Charter, the functions and powers of the Security Council are:

- to maintain international peace and security in accordance with the principles and purposes of the United Nations;
- to investigate any dispute or situation which might lead to international friction;
- to recommend methods of adjusting such disputes or the terms of settlement;
- to formulate plans for the establishment of a system to regulate armaments;
- to determine the existence of a threat to the peace or act of aggression and to recommend what action should be taken;
- to call on Members to apply economic sanctions and other measures not involving the use of force to prevent or stop aggression;
- to take military action against an aggressor;
- to recommend the admission of new Members;
- to exercise the trusteeship functions of the United Nations in "strategic areas";
- to recommend to the General Assembly the appointment of the Secretary-General and, together with the Assembly, to elect the Judges of the International Court of Justice.

According to article 39 of the Charter of the UN the Security Council shall determine the existence of any threat to peace, every breach of the stability and security, or act of aggression. The range of situations the Security Council determined as giving rise to threats to the peace includes country-specific situations such as inter- or intra-State conflicts or internal conflicts with a regional or sub-regional dimension.

Article 39, 40, 41 and 42 of the Charter of the United Nations describe a series of measures the Security Council has to take, in order to maintain or restore international security. These measures include:

- calling upon the parties concerned to comply with such provisional measures as it deems necessary or desirable;
- applying measures not involving the use of armed force, such as: embargoes, the severance of diplomatic relations and the interruption of economic relations;
- taking measures involving the use of armed force: such as demonstrations, blockade and other operations by air, sea or land forces; such actions shall be taken only if the previous measures are proved to be inadequate.

## Voting system and veto power

The voting system of the Security Council is described in Article 27 of the UN Charter this way:

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.<sup>86</sup>

The five-permanent members have the so-called “**Power of Veto**” for decisions on **substantive matters** (it does not apply to “procedural” votes) and for appointment of the Secretary-General. This means that the five permanent members are able to block any “substantive” resolution by casting a negative vote on it. For example, if a resolution has 13 votes in favour and 2 against, one of which is of one P5 member, the resolution does not pass.

However, if a permanent member does not fully agree with a proposed resolution but does not wish to cast a veto, it may choose to abstain, thus allowing the resolution to be adopted if it obtains the required number of **nine favourable votes**. Despite Article 27, the practice within the UN has evolved so to determine that abstention is not veto.

Several criticisms have been raised towards the Veto Power. It has been deemed as undemocratic and it has been argued that this power does not reflect the current global balance of power anymore, as the Veto was granted to the great powers considered to be victors of World War II. Furthermore, the Permanent Members often employ the Veto for their own political interests.

The UN Security Council Resolution can contain legal obligations. If the UNSC decides, this is a legal obligation. If the Council cannot reach consensus or a passing vote on a resolution, they may choose to produce a non-binding presidential statement instead of a Resolution. These are adopted by consensus. They are meant to apply political pressure — a warning that the Council is paying attention and further action may follow.

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<sup>86</sup> *Ibid.*, art. 27

## THE INTERNATIONAL CRIMINAL COURT

The International Criminal Court is an intergovernmental organization and international tribunal. Its headquarter is in The Hague, Netherlands. The Court's founding treaty, called the Rome Statute, grants the ICC jurisdiction over four main crimes, enlisted in article 5: **genocide (article 6), crimes against humanity (article 7), war crimes (article 8), crime of aggression (article 8 bis)**.<sup>87</sup>



The ICC is not part of the United Nations and it is independent. The Court is participating in a global fight to end impunity, and through international criminal justice, the Court aims to hold those individual internationally responsible for one of the aforementioned crimes and to help prevent them from happening again. The Court is intended to complement existing national judicial systems and it may therefore only exercise its

jurisdiction when certain conditions are met, such as when national courts are unwilling or unable to prosecute criminals. Normally, States Parties of the Rome Statute refer their situation to the Court if one of their nationals are guilty of one of the crimes enlisted in article 5. However, the jurisdiction of the Court can be expressed in the following three situations (article 12):

- If the crime is committed in the territory of a State party to the Rome Statute;
- If the crime is committed by an individual of State party to the Rome Statute - even if the crime is committed in the territory of a third State;
- If the crime is committed in third State territory or by a third State individual, the Court has jurisdiction if the State of which the individual is national or if the State where the crime has been committed, accepts it through a declaration registered in the Registry.

The Court can exercise its jurisdiction also in case the United Nations Security Council refers a crime to the Court through a Resolution. In situations that are referred to the Court by the United Nations Security Council, the territorial jurisdiction is defined by the Security Council, which may be more expansive than the Court's normal territorial jurisdiction. For example, if the Security Council refers a situation that took place in the territory of a State that has both not become party to the Rome Statute and not lodged a declaration with the Court, the Court will still be able to prosecute crimes that occurred within that State.

<sup>87</sup> UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6, available at: <http://www.refworld.org/docid/3ae6b3a84.html>, at art. 5, (hereinafter Rome Statute)

The Court may exercise jurisdiction in a situation where crimes were committed starting from 1 July 2002 (no retroactivity), taking into account:

- crimes committed by a State Party national, or in the territory of a State Party, or in a State that has accepted the jurisdiction of the Court;
- crimes referred to the ICC Prosecutor by the United Nations Security Council pursuant to a resolution adopted under chapter VII of the UN Charter.

A trial at the ICC consists in the following main steps: preliminary examination, investigations, pre-trial stage, trial stage, appeals stage and enforcement of sentence. Sentences are served in countries that have agreed to enforce ICC sentences.

The ICC has four principal organs: the Presidency, the Judicial Divisions, the Office of the Prosecutor, and the Registry. The **President** is the most senior judge chosen by his or her peers in the Judicial Division, which hears cases before the Court. The Office of the Prosecutor is headed by the **Prosecutor**: this person

investigates crimes and initiates proceedings before the Judicial Division. The Office of the Prosecutor is an independent organ of the Court. The Prosecutor conducts preliminary examinations, investigations and is the only one who can bring cases before the Court. The current Prosecutor is Ms Fatou Bensouda from Gambia; her Deputy is Mr James Stewart from Canada. The **Registry** is headed by



the Registrar and is charged with managing all the administrative functions of the ICC, including the headquarters, detention unit, and public defence office. The Office of the Prosecutor has opened ten official investigations and is also conducting an additional nine preliminary examinations. Thus far, 39 individuals have been indicted in the ICC.

Together with the ICC, the Rome Statute provides also an Assembly of States Parties and a Trust Fund for Victims. The Assembly of States Parties gathers the representatives of States Parties, that meet and provide management oversight for the Court, including electing judges and the Prosecutor and approving the ICC's budget. The Trust Fund for Victims aids, support and provides reparations to victims.

### **Some key facts about the Court:**

1. The ICC does not prosecute those under the age of 18 when a crime was committed.
2. Before the Prosecutor can investigate, she must conduct a preliminary examination considering such matters as sufficient evidence, jurisdiction, gravity, complementarity, and the interests of justice.
3. When investigating, the Prosecutor must collect and disclose both incriminating and exonerating evidence.
4. The defendant is considered innocent until proven guilty. The burden of proof lies with the Prosecutor.
5. During all stages of proceedings (Pre-Trial, Trial and Appeals), the defendant has the right to information in a language he or she fully understands, thus the ICC proceedings are conducted in multiple languages, with teams of interpreters and translators at work.
6. Pre-Trial judges issue warrants of arrest and ensure there is enough evidence before a case can go to trial.
7. Before a case is committed to trial (during the Pre-Trial phase), the defendant is referred to as a suspect. Once the case is committed to trial, since at that point the charges have been confirmed, the defendant is referred to as the accused.
8. Trial judges hear the evidence from the Prosecutor, Defence, and the Victims' lawyers, render a verdict, and if a person is found guilty, the sentence and decision on reparations.
9. Appeals judges render decisions on appeals from the Prosecutor or Defence.
10. If a case is closed without a verdict of guilt, it can be reopened if the Prosecutor presents new evidence.

## **WHAT DO WE MEAN BY CULTURAL HERITAGE?**

The **Convention Concerning the Protection of the World Cultural and Natural Heritage (1972)** provides a distinction between tangible **cultural heritage** and tangible **natural heritage**. However, it is internationally recognised that also intangible heritage is part of the cultural heritage of a State or a population. Therefore, in the **Convention for the Safeguarding of the Intangible Cultural Heritage of 2003** it is possible to find a concrete definition of what the intangible cultural heritage is.

Consequently, if you want to have a clear idea of the differences between these three concepts, **you may refer to the TERMINOLOGY provided by UNESCO Committee Study Guide**, which provides extensive definitions and legal documents references, which you may find useful.

## **THE UN SECURITY COUNCIL REFERRAL TO THE INTERNATIONAL CRIMINAL COURT**

The UN Security Council can refer a situation to the International Criminal Court according to article 15 of the Rome Statute, which reads:

The Prosecutor shall analyse the seriousness of the information received. For this purpose, he or she may seek additional information from States, organs of the United Nations, intergovernmental or non-governmental organizations, or other reliable sources that he or she deems appropriate, and may receive written or oral testimony at the seat of the Court.<sup>88</sup>

However, the Rome Statute provides that the Court can exercise jurisdiction with respect to a crime if:

(b) A situation in which one or more of such crimes appears to have been committed is referred to the Prosecutor by the Security Council acting under Chapter VII of the Charter of the United Nations;<sup>89</sup>

Chapter VII of the Charter of the United Nations contains the basis for the Security Council mandate to maintain peace and security worldwide, adopting measures such as sanctions, peacekeeping or peacebuilding operations etc. The UNSC enjoys a large discretion over the evaluation whether a threat to security and stability or a breach of human rights exists and in this case the link between the ICC and UNSC is driven by complementarity. Article 16 of the Rome Statute gives the UN Security Council also a deferral power, which means that the Court may be prevented from exercising its jurisdiction for a period of 12 months after the request through the adoption of a Resolution.

Historically, the Security Council has referred situations to the ICC only twice: for the Darfur region of Sudan in 2005 and Libya in 2011. The Security Council, however, has failed to act on other key occasions when there was strong evidence of widespread and serious international crimes and little prospect of local accountability.

Members of the Security Council enjoy a meaningful power as they could trigger the ICC to act against State who did not ratify the Rome Statute, as in the case of Syria analysed in this study guide. The ICC has been established to give a fair and neutral tool to ensure justice when serious crimes were committed. Even if the UN Security Council owns the power to trigger the Court jurisdiction against a third State through a Resolution, it is always up to the ICC Prosecutor to accept the case and verify if there is already an ongoing investigation or trial by the territorial State, respecting the priority of national courts over the ICC. However, if the State is unable or unwilling to act, the Prosecutor has a personal discretion on deciding whether to act or not (*proprio motu authority*).

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<sup>88</sup> Rome Statute, art. 15 (2)

<sup>89</sup> *Ibid.*, art. 13 (b)

In 2004, ICC and the UN adopted the Relationship Agreement between the ICC and the United Nations.<sup>90</sup> This is a formal act whose aim is to regulate the working relationships between both organizations. It establishes a legal basis for cooperation within the respective mandates. The Agreement provides two categories of procedures: first, it formalises some standard procedures (exchange of representatives, exchange of information and documents, administrative cooperation). Secondly, it stresses the special nature of the cooperation between organs of the UN system and the ICC. The agreement describes the way the Security Council should refer or defer and the methods of transmission to the Court. Article 17 of the Agreement regulates specifically the referral or the deferral to the ICC by the part of the Security Council. The Agreement acts as a catalyst of the rules contained in the Rome Statute, to bring effectiveness to this important international tool.

## THE DESTRUCTION OF CULTURAL HERITAGE AS A WAR CRIME

The destruction of any distinctive tangible or intangible symbol of a State or a population is a serious harm for the whole international community and the future generations. The enjoyment by the whole humankind of any form of cultural heritage is considered as a human right and recalled also in the Universal Declaration of Human Rights at article 27, that reads: “Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.”<sup>91</sup> The same is restated at article 15 of the International Covenant on Economic, Social and Cultural Rights<sup>92</sup>. So, any violation to such cultural or natural heritage both in time of peace or in warfare is nowadays considered as a violation of human rights and human dignity both for the population of the territorial State where the cultural heritage harmed is and for the whole mankind. The present section of this study guide will focus more on the destruction of cultural heritage in time of war, that can happen within the borders of a State or they could be transnational and international conflicts involving more than one State and also non-state actors.

Especially in times of war, movable and immovable cultural heritage has been always target of destruction, bombing, looting, illicit trafficking, and seizure that posed a challenge to its integrity and conservation. To destroy or profane the enemy’s cultural heritage is an attempt to annihilate or discourage its history and identity - of which cultural heritage is a long living witness and herald: it is a moral destruction of the enemy. For this reason, States have been called since the last decades of the XIX century to safeguard their own cultural heritage and to respect that of other States.

<sup>90</sup> See [http://legal.un.org/ola/media/UN-ICC\\_Cooperation/UN-ICC%20Relationship%20Agreement.pdf](http://legal.un.org/ola/media/UN-ICC_Cooperation/UN-ICC%20Relationship%20Agreement.pdf)

<sup>91</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> , at art. 27

<sup>92</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <http://www.refworld.org/docid/3ae6b36c0.html> , at art. 15 reads: “The States Parties to the present Covenant recognize the right of everyone: (a) To take part in cultural life; (b) To enjoy the benefits of scientific progress and its applications; (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author”

Cultural heritage is the heritage of all mankind and its voluntary and deliberate destruction during warfare is already considered as a war crime.

But why is cultural heritage mainly targeted in conflict situations? First, there can be cases in which cultural properties are situated in strategic positions and so they are used as basis for operations. This happened in Iraq in 2003, where the Iraqi forces gathered in the Iraq Museum of Baghdad because it had a strategic military position: the museum was bombed by the US forces. Secondly, the destruction of cultural heritage can be functional to a certain policy of warfare. It means that one or two armies attack deliberately cultural symbols of the enemy to wipe out all its memories and presence. During the conflict involving the Serbian Army and the Kosovo Liberation Army in 1998-1999, the Serbs expelled many Albanians who lived in Kosovo, destroying any symbol or historic architecture associated to them.<sup>93</sup>

The first binding codification for the protection of cultural heritage during armed conflicts entered in the international humanitarian law with two international conferences, one in 1899 and the other in 1907. The outcome codified the Regulations annexed to the Convention (II) with Respect to the Laws and Customs of War on Land of 1899 and the Convention (IV) respecting the Laws and Customs of War on Land of 1907 that became customary laws of war and war crimes in international law and recognised by all civilised States. In the 1907 Hague IV Convention, article 27 reads:

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes. It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.<sup>94</sup>

The same Regulation at article 56 provides that

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

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<sup>93</sup> Marada, H., Rajvanshi, A., *Destruction Of Cultural Property By Non-State Actors: Cultural Barbarism At Its Worst?*, August 2016, Centre for IHL and Human Rights Law website, available at <http://ilnu-jihlhr.org/destruction-of-cultural-property-by-non-state-actors-cultural-barbarism-at-its-worst/>

<sup>94</sup> International Conferences (The Hague), *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land*, 18 October 1907, available at: <http://www.refworld.org/docid/4374cae64.html> , at art. 27

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and *should be made the subject of legal proceedings*.<sup>95</sup>

The International Military Tribunal of Nuremberg used these Regulations in 1945 to judge Nazi and Axis crimes perpetrated by individuals during World War Two. The jurisdiction of the Court to judge war crimes committed by Nazis during the war is expressed at article 6 of the Charter that constituted the International Military Tribunal, and it defined war crimes as

[...] violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, *plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity*.<sup>96</sup>

The Nuremberg Tribunal influenced the codification of another international binding instrument by the United Nations Educational, Scientific and Cultural Organisation (UNESCO), such as the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954 Hague Convention). As it was created by the ashes of the devastation of the Second World War, it is considered a fundamental step in the international regulation of cultural property. It is an innovative Convention introducing a great number of new instruments and definition in the field of cultural heritage protection and safeguard. In the Preamble, the High Contracting Parties acknowledged that cultural property belongs to any people and to damage it means to damage the cultural heritage of all mankind, since “each people makes its contribution to the culture of the world”. As the preservation of cultural heritage is important for the mankind as a whole, the High Contracting Parties to the Convention agreed that it should receive international protection<sup>97</sup>. For the first time in the history of the codification in this field, the term cultural heritage appears in an international convention.

The term “cultural property” is introduced at article 1 and it covers a great number of targets namely:

(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts,

<sup>95</sup> *Ibid.*, at art. 56, emphasis added

<sup>96</sup> United Nations, *Charter of the International Military Tribunal - Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis ("London Agreement")*, 8 August 1945, available at: <http://www.refworld.org/docid/3ae6b39614.html> , at art. 6(b), emphasis added

<sup>97</sup> UN Educational, Scientific and Cultural Organisation (UNESCO), *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, 14 May 1954, available at: <http://www.refworld.org/docid/40422c914.html>, at preamble

books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;

(b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in sub-paragraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in sub-paragraph (a);

(c) centers containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as 'centers containing monuments'.<sup>98</sup>

The Convention gives a wider definition of armed conflict and it is adopted even if States involved in the conflict have not ratified the Convention (art. 18 par. 3). Moreover, the effects of the Convention are extended to those conflicts without an international character (art. 19) that is to say that the Convention is valid, *at a minimum*, even in conflicts within the territory of High Contracting Parties.

The State Parties to the Convention benefit from the mutual commitment through the implementation of the following measures:

- Adoption of peacetime safeguarding measures such as the preparation of inventories, the planning of emergency measures, the preparation for the removal of movable cultural property or the provision for adequate protection of such property, and the designation of competent authorities responsible for the safeguarding of cultural property;
- Respect for cultural property situated within their own territory as well as within the territory of other States Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes likely to expose it to destruction or damage in the event of armed conflict and by refraining from any act of hostility directed against such property;
- Consideration of the possibility of registering a limited number of refuges, monumental centres and other immovable cultural property of very great importance in the International Register of Cultural Property under Special Protection in order to obtain special protection for such property;
- Consideration of the possibility of marking of certain important buildings and monuments with a distinctive emblem of the Convention;
- Establishment of special units within the military forces to be responsible for the protection of cultural property.

The Convention provides also a distinction between general protection to cultural heritage (Chapter I of the Convention) and special protection (Chapter II of the Convention) for the purpose of the

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<sup>98</sup> *Ibid.*, at art. 1

prosecution of war crimes against cultural heritage, that is to say, to violations of international humanitarian law. However, the Convention does not settle clear criteria to distinguish the two categories. Article 28 reads that:

the High Contracting Parties undertake to take, within the framework of their ordinary criminal jurisdiction, *all necessary steps to prosecute and impose penal or disciplinary sanctions upon those persons, of whatever nationality, who commit or order to be committed a breach of the present Convention.*<sup>99</sup>

The Hague Convention came into force with a *Protocol*, in order to prevent the exportation of cultural property from occupied territory and involves the return of such goods into the territory of the State from which it was removed.

In 1977 governments from around the world adopted new rules of international humanitarian law to improve the protection that civilians are entitled to in wartime. For this reason, Protocol I and Protocol II additional to the 1949 Geneva Conventions, respectively protecting civilians in international armed conflicts and in non-international armed conflicts, were adopted. Additional Protocol I provide rules on the how wars may be fought. Combatants must avoid incidental loss of life, injury to civilians and damage to civilian objects. Article 52 refers to the general protection of civilian objects, which should not be attacked or reprised. Only military objects can be attacked.<sup>100</sup> More specific to cultural heritage is article 53, which reads:

[...] it is prohibited:

- (a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
- (b) to use such objects in support of the military effort;
- (c) to make such objects the object of reprisals.<sup>101</sup>

Also, natural heritage is protected by the Additional Protocol I in article 55, as the damage of warfare to natural environment is considered also dangerous for the health of the civilian population. All these provisions are re-stated in the Additional Protocol in case of non-international armed conflicts (article 16).

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<sup>99</sup> *Ibid.*, at art. 28

<sup>100</sup> United Nations Educational Scientific and Cultural Organization (UNESCO), Protocol to the Convention for the Protection of Cultural Property in the Event of Armed conflict 1954, 1977, available at [http://portal.unesco.org/en/ev.php-URL\\_ID=15391&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=15391&URL_DO=DO_TOPIC&URL_SECTION=201.html) , art. 52

<sup>101</sup> *Ibid.*, at art. 53

However, the destruction of cultural property during conflicts that took place between the late eighties and early nineties of the last century has highlighted the need for a series of improvements to be made, for a better implementation of the 1954 Hague Convention. A review of the Convention was initiated in 1991, and led to the adoption of a *Second Protocol* to The Hague Convention in March 1999. The Second Protocol elaborates the provisions of the Convention relating to the safeguarding of and respect for cultural property and the conduct of hostilities; thereby providing greater protection than before. It creates a new regime of enhanced protection for cultural heritage that is particularly important for humankind, enjoys proper legal protection at the national level, and is not used for military purposes. It specifies the sanctions to be imposed for serious violations with respect to cultural property and defines the conditions in which individual criminal responsibility shall apply. The Second Protocol also extends to non-international armed conflicts the whole system of protection and guarantees provided. Moreover, the issue of "military necessity" is deemed as an exception to respect for cultural property. It specifies the sanctions to be imposed for serious violations with respect to cultural property and defines the conditions in which individual criminal responsibility shall apply.

In particular, the Second Protocol disciplines state and individual responsibility for violating the norms for the protection of cultural property, requiring States Parties to adopt penal norms and procedures to prosecute and punish offenses against cultural heritage. A distinction between 'serious violations' and 'other violations' is established: for the former, however, States Parties have to introduce into the domestic system of criminal law specific crimes allowing the prosecution of criminal offenses by national authorities against the offenders; for the latter, there is an obligation to prosecute the authors of the violations "as may be necessary". For a third category of even more serious violations (such as attacking cultural property as included in the enhanced protection list, or extensive destructing cultural property as protected by the Convention or the Second Protocol), universal criminal jurisdiction is recognized under the condition that the perpetrator is in the territory of the State of the forum.

It must be noticed that the Second Protocol does not replace 1954 Hague Convention: it complements it. In other words, the adoption of the 1999 Second Protocol has created **two levels of protection**: the basic level under 1954 Hague Convention for its States Parties and the higher level of protection under the 1999 Second Protocol for its States Parties.

Meanwhile the negotiations for a Second Protocol to the 1954 Hague Convention were taking place, the Yugoslav wars started in the West Balkans area. Numerous cultural and religious properties were destroyed or attacked, including some UNESCO World Heritage sites. The ad hoc International Criminal Tribunal for the former Yugoslavia (ICTY), settled in 1993 with the UN Security Council Resolution n° 827, counts some prosecution and cases regarding the destruction of cultural heritage. One of the most infamous is the one regarding the bombing of the city of Dubrovnik (Croatia) in 1991, which was brought to the ICTY and where two officials of the Yugoslav People's' Army, Miodrag Jokic and Pavle Strugar were recognised as responsible for the voluntary and deliberate destruction and the bombardment of the fortified city (Prosecution c. Jokic

and Prosecution c. Strugar cases). In the ICTY Statute is noted at article 3 that the Court has jurisdiction on the:

- (a) employment of poisonous weapons or other weapons calculated to cause unnecessary suffering;
- (b) wanton destruction of cities, towns or villages, or devastation not justified by military necessity;
- (c) attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings;
- (d) seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science;
- (e) plunder of public or private property.<sup>102</sup>

Reading the *Jokic* sentence, the Trial Chamber declared that the destruction of cultural property is “a violation of values especially protected by the international community”<sup>103</sup> and also “it is a serious violation of international humanitarian law to attack civilian buildings, it is a crime of even greater seriousness to direct an attack on an especially protected site”<sup>104</sup>. In fact, the Old Town of Dubrovnik was listed in the UNESCO World Heritage Sites list since 1975, as the Trial Chamber recalled in the judgment. After having considered all the international legal instruments in the field of international humanitarian law and protection of cultural heritage, the Trial Chamber noted that a destroyed cultural site could not return to its original status and could be lost forever and that is a terrible loss for all the humankind.<sup>105</sup>

All these examples listed in the present study guide regard situations in which cultural heritage has been destroyed by individuals in armed conflicts involving mostly States. However, in the recent two decades, the destruction of cultural heritage is perpetrated by the some violent non-state armed actors (NSA), such as non-state armed groups (NSAGs), terrorist groups, rebel armies, drug cartels and so on, especially in areas like the Middle East or Africa. NSA are new subjects of international law, but they are not recognised at the same level of States, that means that they have not the same level of legal responsibility, even if they could have financial or institutional power. The 1954 Hague Convention and its Protocols should be applied also to violations committed by these international actors. The spread through social medias on the Internet and TV of videos showing terrorist groups such as ISIL or Al Qaeda destroying mausoleums, churches, mosques or ancient

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<sup>102</sup> UN Security Council, *Statute of the International Criminal Tribunal for the Former Yugoslavia (as amended on 17 May 2002)*, 25 May 1993, available at: <http://www.refworld.org/docid/3dda28414.html>, at art. 3

<sup>103</sup> International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991, Prosecutor c. Miodrag Jokic, case n° IT-01-42/1-S, 18th March 2004, available at [http://www.icty.org/x/cases/miodrag\\_jokic/tjug/en/jok-sj040318e.pdf](http://www.icty.org/x/cases/miodrag_jokic/tjug/en/jok-sj040318e.pdf), at par. 46

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*, paras. 51-52

Roman archaeological sites has a powerful meaning for all of us. It can be considered as a propaganda instrument to show to all the humankind that these groups can deprive it of its international common heritage and shared past and impose their ideals with the brute force. It is an act to discourage the whole humanity and a terrorist strategy to instill fear and alarm in it.

However, the international community did not remain silent to this quite new phenomenon. After the destruction of the Buddhas in Bamiyan in Afghanistan (2003) by the Talibans, UNESCO issued a Declaration prepared during an international conference held in Paris the same year. The Declaration strongly condemned the destruction of the Buddha statues and recognised that the fact “affected the international community as a whole”<sup>106</sup>. The international community recognised that the intentional destruction of cultural heritage should be avoided and fought because it has an intergenerational character that should be preserved<sup>107</sup>. Intentional destruction is defined as

an act intended to destroy in whole or in part cultural heritage, thus compromising its integrity, in a manner which constitutes a violation of international law or an unjustifiable offence to the principles of humanity and dictates of public conscience [...] <sup>108</sup>

States are recalled to fight, avoid, stop and prevent intentional cultural heritage destruction adopting appropriate measures of any kind and taking care of any evolution in national and international standards in the protection of cultural heritage. States should commit themselves in ensuring the respect of cultural heritage through educational programmes and campaigns, applying or subscribing all international law rules in place<sup>109</sup>. The Declaration provides the commitment to the protection of cultural heritage both during armed conflict and in the time of peace. International cooperation is crucial: it means cooperation between States and with UNESCO. Customary laws of armed conflicts and international treaties about international humanitarian law are highly recommended to be respected. Finally, the Declaration individuates both the State responsibility and the individual responsibility in the intentional destruction of cultural heritage. The first one is described as

A State that intentionally destroys or intentionally fails to take appropriate measures to prohibit, prevent, stop, and punish any intentional destruction of cultural heritage of great importance for humanity, whether or not it is inscribed on a list maintained by UNESCO or another international organization, bears the responsibility for such destruction, to the extent provided for by international law.<sup>110</sup>

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<sup>106</sup> United Nations Educational Scientific and Cultural Organization (UNESCO), Declaration concerning the Intentional Destruction of Cultural Heritage, 2003, available at [http://portal.unesco.org/en/ev.php-URL\\_ID=17718&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=17718&URL_DO=DO_TOPIC&URL_SECTION=201.html) , at preamble

<sup>107</sup> *Ibid.*, at par. I

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*, at par. II

<sup>110</sup> *Ibid.*, at par. VI

Individual criminal responsibility instead is recognised as well in the Declaration and it is the duty of States to

take all appropriate measures, in accordance with international law, to establish jurisdiction over, and provide effective criminal sanctions against, those persons who commit, or order to be committed, acts of intentional destruction of cultural heritage of great importance for humanity<sup>111</sup>

Recently, a strong message was given by the UN Security Council (UNSC), which adopted unanimously **Resolution 2347 on 24 March 2017**. The UNSC strongly recognised that the destruction, the looting or the smuggling of cultural heritage during an armed conflict, as a way to “deny historical roots and cultural diversity”<sup>112</sup>, can foment conflicts and difficult post-conflict situations in which peace should be fostered. It is a threat to peace, security, stability of the government, the economic situation and the social fabric, even more it is a threat to the cultural development of a given country. The Resolution takes into account the involvement of violent non-state actors perpetrating the crime, in particular terrorist groups such as the ISIL (Islamic State of Iraq and Levant) or Al Qaida. The UNSC affirmed that these groups use trafficking in cultural property to raise their incomes, destroying and digging illegally in archaeological sites, stealing from libraries or museums. The UNSC recalled also the threat posed by landmines and bombs for cultural properties of any kind. The Resolution called the importance of the cooperation among States and with the UNESCO, the INTERPOL and the UNODC<sup>113</sup>. The UNSC condemned all these unlawful acts against cultural property committed by terrorist groups or violent NSA, stressing the fact that States have the main role in protecting its cultural heritage during armed conflict through the collaboration with the United Nations and the establishment of precise measures to prevent, gather and protect cultural properties.

The same has been restated at the G7 held in Florence (Italy) in March 2017. The seven biggest economies of the world expressed their deep concern about the destruction and looting of cultural heritage perpetrated by terrorist groups in the context of armed conflicts. Moreover, they recognised that cultural heritage sites are an irreplaceable patrimony for all communities and the humanity as a whole because they are witnesses of a different past and of religious pluralism. Crimes against cultural heritage erase this diversity. They agreed that the international community should implement effectively the existing international legal instruments aimed at protecting the world’s cultural heritage especially in the event of armed conflicts, recalling also the UNSC Resolution

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<sup>111</sup> *Ibid.*, at par. VII

<sup>112</sup> UN Security Council, *Security Council resolution 2347 (2017) [on destruction and trafficking of cultural heritage by terrorist groups and in situations of armed conflict]*, 24 March 2017, S/RES/2347 (2017), available at: <http://www.refworld.org/docid/592ec5334.html>

<sup>113</sup> The United Nations Office on Drugs and Crime was established in 1997, from the United Nations Drug Control Programme and the Centre for International Crime Prevention. The UNODC’s role is to assist Member State in the fight against drug, crime, terrorism, with regard to transnational crime.

2347 mentioned above.<sup>114</sup> We will see in next section how the International Criminal Court (so, an instrument of international law) for the first time judged and prosecuted an individual found guilty of crimes against cultural heritage.

## **THE ICC AND CULTURAL HERITAGE DESTRUCTION AS A WAR CRIME: THE AL MAHDI CASE**

The destruction of cultural heritage as a war crime is provided also by the Rome Statute of the International Criminal Court, entered into force in 2002. In fact, article 8 considers among war crimes also:

Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;<sup>115</sup>

So, the Court considers the destruction of cultural heritage during armed conflicts part of its jurisdiction, providing the possibility to refer similar situation and prosecute individuals recognised as responsible for this kind of breach in the international law of armed conflicts. In the history of the ICC, there was only one case in which an individual has been prosecuted for such crimes, the case of *The Prosecutor v. Ahmad Al Faqi Al Mahdi*<sup>116</sup>.



In 2012 a non-international armed conflict took stage in Mali (Africa). The different armed groups involved in the conflict took control of different parts in the north of the country. Among these there was the group Ansar Dine, affiliated to Al-Qaeda, which settled in Timbuktu after the retreat of the regular Malian army. They imposed strict religious and political rules on this territory and its people: they established a new local government, a new Islamic tribunal, the police, a media commission and a “morality brigade” called the Hesbah. Among their ranks there was Ahmad Al Faqi Al Mahdi, who was the expert of matters of religion and an important person for all Ansar Dine organisation, the head of the Hesbah being. In June 2012, the leaders of the terrorist group

<sup>114</sup> Available at [http://www.beniculturali.it/mibac/multimedia/MiBAC/documents/1490881204940\\_DECLARATION-Dichiarazione.pdf](http://www.beniculturali.it/mibac/multimedia/MiBAC/documents/1490881204940_DECLARATION-Dichiarazione.pdf)

<sup>115</sup> Rome Statute, at art. 8

<sup>116</sup> International Criminal Court (ICC), *Prosecutor v. Ahmad Al Faqi Al Mahdi*, 2016, Available at <https://www.icc-cpi.int/mali/al-mahdi>

decided to destroy the beautiful mausoleums of Timbuktu, which were included in the UNESCO World Heritage List<sup>117</sup>. My Al Mahdi was appointed to conduct the attack to the mausoleums, which were destroyed without hesitation between around the 30th of June 2012 and the 11st July 2012. The mausoleums were religious sites with no military purpose, they were destroyed just because they did not reflected the religious belief of the terrorist group. During the attack, many manuscripts from the XII and the XVI century AC were burnt.

Not only did the United Nations support the French army, which stopped the terrorist group, but also helped the official government to conquer the lost territories of Mali again. The government of Mali referred the situation of Timbuktu to the International Criminal Court in July 2012, pursuant to article 13 of the Rome Statute. The investigations were opened by the Prosecutor in 2013. After three years, in September 2015 Mr Al Mahdi was captured in Niger, after a warrant of arrest for war crimes of intentionally directing attacks against monuments and buildings dedicated to religion, nine mausoleums and one mosque in Timbuktu. Mr Al Mahdi was captured the 26th of September 2015 in Niger and transferred to The Hague for the trial before the ICC. The trial opened in August 2016. Al Mahdi is the first person prosecuted by the ICC to admit his guilt in being involved in war crimes. Mr al Mahdi was unanimously found co-perpetrator of war crimes of intentionally directing attacks against monuments and buildings dedicated to religion, nine mausoleums and one mosque in Timbuktu and sentenced to nine-year imprisonment. The sentence was mitigated because Al Mahdi showed remorse for what he did and admitted his guilt since the beginning. Last August, the Court issued the reparation order for Al Mahdi case providing for a reparation of 2.7 million euros by the part of Mr Al Mahdi in expenses for individual and collective reparations for the community of Timbuktu: this was for intentionally directing attacks against religious and historic buildings in that city. Noting that Mr Al Mahdi is indigent, the Chamber encourages the Trust Funds for Victims (see above) to complement the reparations award and directed the TFV to submit a draft implementation plan for 16 February 2018.<sup>118</sup>

Why is this ICC sentence important for the purpose of our analysis? It is the first sentence of an international permanent Court that recognises the destruction of cultural heritage as a war crime, prosecuting an individual affiliated to a violent non-state actor for this kind of crimes. As the Court stated in the Reparation Order, “The Statute provides for punishment of, inter alia, attacks on cultural property and for reparations for victims of such attacks”<sup>119</sup>. Moreover, differently to *Prosecutor v. Jokic* and *Prosecutor v. Strugar* cases, decided by the ICTY, the destruction of cultural heritage was the only charge brought against Al Mahdi. It is an important turning point as the ICC created a legal precedent. It is a great step for international law as this sentence gives a strong message to armed groups perpetrating this kind of crimes: the international community strongly condemns crimes against cultural heritage and have all the legal instruments to react. Also, the Al Mahdi case will serve as example for future referral to the ICC for the same kind of crimes,

<sup>117</sup> The inclusion of a cultural property among the UNESCO World Heritage List is not a necessary element for the enforcement of article 8.

<sup>118</sup> *The Prosecutor v Ahmad Al Faqi Al Mahdi*, ICC-01/12-01/15, 17th of August 2017, available at [https://www.icc-cpi.int/CourtRecords/CR2017\\_05117.PDF](https://www.icc-cpi.int/CourtRecords/CR2017_05117.PDF)

<sup>119</sup> *Ibid.*, at par. 14

making the existing instruments of international law of armed conflicts (the Geneva Convention and the Rome Statute itself) more concrete, reinforcing their position.

## **SUBTOPIC A: THE REFERRAL TO THE ICC FOR THE DESTRUCTION OF CULTURAL HERITAGE IN SYRIA FOLLOWING THE FOOTSTEPS OF AL MAHDI CASE**



The Syrian conflict has entered the sixth year of hostilities creating a high number of casualties among civilians, soldiers and armed groups, forcing many people to displace to other countries in search for asylum, and devastating every inch of its territory, including the great number of cultural heritage the country has. The war in Syria is considered as a non-international conflict, even though the

debate is ongoing because of the complexity of the structure of the war.

Syria hosts six World Heritage sites that during the war were damaged, used for military purposes or destroyed; others were looted; and cultural objects were trafficked. Mostly, Syrian cultural heritage has been targeted because of ideological reasons, especially from recognised terrorist groups such as ISIL or Daesh. Syria has historically been a crossroad of cultures, a cradle of artistic beauty and ancient civilization. In fact, Syria is on the ancient Mesopotamian territory, where flourish civilizations like Assyrians and Babylonians lived. So, Syrian territory hosts a stunning cultural diversity also in archaeological and religious sites: Roman sites, Christian and Muslim sites. Among these sites destroyed during shelling of every side involved in the war there are **Krak des Chevaliers, Bosra, Palmyra, the old city of Damascus and the Ancient City of Aleppo**. Also, the intangible cultural heritage is threatened by the disastrous situation, as a great number of people have escaped seeking safety, and numerous ethnic and religious minorities with their cultures are threatened, killed and persecuted in Syria by armed groups. The destruction or the damage of these sites is a terrible loss for the Syrian population, but even for the international community as a whole. As recalled by the **UNSC in Resolution 2139 (2014)**, all parties involved in the Syrian conflict should:

end all violence which has led to human suffering in Syria, save Syria's rich societal mosaic and cultural heritage, and take appropriate steps to ensure the protection of Syria's World Heritage Sites<sup>120</sup>

<sup>120</sup> UN Security Council, *Security Council resolution 2139 (2014) [on the Middle East]*, 22 February 2014, S/RES/2139 (2014), available at: <http://www.refworld.org/docid/530c948e4.html>

The destruction (both incidental or deliberate) of Syrian cultural heritage perpetrated by terrorist groups in Syria has been condemned by the Security Council in 2015 with **Resolution 2199**<sup>121</sup>. This year, cultural heritage destruction has been recognised by the Security Council a threat to security, peace and stability, as aforementioned. The UNESCO former Director General Irina Bokova called the Resolution “historic” and stated that the support of the Security Council is crucial because it “reflects a new recognition of the importance of heritage protection for peace and security”<sup>122</sup>. The Resolution also recalled the first International Criminal Court’s sentence for war crimes committed by an individual against cultural property, that is to say the Al Mahdi sentence cited above<sup>123</sup>.

It is clear that the violations of human rights in Syria and among them the destruction of its cultural heritage mostly by the part of non-state actors have become an international issue that demands an international response. The situation in Syria could suffer impunity if the international community rests silent.

A possible solution for this impunity could be the prosecution of such crimes by the International Criminal Court. However, is it possible for the ICC to prosecute war crimes in Syria? No. Syria is not part of the Rome Statute, so the Court has no jurisdiction, unless Syria accepts it through a declaration or ratifies the Statute. These two solutions are unlikely to happen in the near future, as the Syrian political situation is unstable. The only possible solution to give the ICC jurisdiction over the Syrian situation is the referral by the Security Council. The ICC referral would give the Court jurisdiction to investigate on all the crimes committed in Syria by all sides to the conflict (government forces, militias, terrorist groups). The ICC referral is a strong message: serious crimes are not tolerated by the international community and the responsible must be punished. This includes also war crimes against the Syrian cultural heritage, both tangible and intangible.



The Security Council already tried to approve a Resolution to refer the Syrian situation to the ICC in May 2014. The delegation of France to the Security Council presented a draft resolution

<sup>121</sup> UN Security Council, *Security Council resolution 2199 (2015) [on threats to international peace and security caused by terrorist acts by Al-Qaida]*, 12 February 2015, S/RES/2199 (2015), available at: <http://www.refworld.org/docid/54ef1f704.html>, at para. 15

<sup>122</sup> Irina Bokova statement available at <http://en.unesco.org/news/security-council-adopts-historic-resolution-protection-heritage>

<sup>123</sup> UNSC Resolution 2347 (2017), at preamble

supported by at least 65 States to refer to the ICC, in order to end impunity and human rights violations in a conflict that is lasting too long, making the responsible for these grave crimes accountable. Despite the great participation of States, the draft resolution failed because Russian Federation and China vetoed it. It was the fourth resolution about Syria blocked by Russia. The other delegations badly reacted to Russia and China decision, saying that Syrians deserve justice and that the veto by the two members of the Security Council is blocking a solution and the principle of impunity.

In 2015 there was another meeting convened by France of the UN Security Council on the matter, again calling upon a referral to the ICC. However, there was confusion over what should be referred to the ICC. While most States cared only for the situation in Syria, some others urged a referral for the Iraqi situation, others called for a referral of the situation in both States, and a few remained vague by calling for a referral of ‘the situation’, ‘the matter’, and even ‘the cases’ to the ICC. They agreed on one point: the reason to refer a situation to the ICC would be to make individuals accountable for the crimes they committed.

The question is: may situations be referred to the ICC? Should we remain vague or should we have to be precise relating to a specific group or crimes?<sup>124</sup> Moreover, the question of *territorial jurisdiction* is not an easy issue. As we already said, Syria is not part of the Rome Statute. However, the Court might exercise *personal jurisdiction* with respect to crimes committed by foreign members of ISIL, who are nationals of States Parties to the Statute (the so-called Foreign Fighters) – but if such individuals are found in the territory of a State Party to the Rome Statute, they are likely to be handed over to the States of which they are nationals, or tried in the State where they are arrested (principle of complementarity).

In the case of crimes against the cultural heritage destroyed or damaged in Syria, we cannot just refer to those crimes committed by ISIL, because all sides were involved in some kind of desecration of Syrian cultural heritage. The Security Council should be inspired by Al Mahdi case and let the ICC Prosecutor investigate over terrible crimes against Syrian patrimony in order to put on trial every person accountable, giving a strong message worldwide: individuals who damaged the humanity are responsible and should be punished by the international community itself. The Security Council represents the only instrument authorising all necessary measures to end violations against international peace. Its capacity to refer issues whenever a threat to international peace and security manifests, dramatically widened the scope of the territorial jurisdiction of the ICC. The ICC referral by the Security Council is preferable to an ad hoc Tribunal (like that of Former Yugoslavia we cited above) because:

1. The ICC is funded by Member States and not voluntarily as an ad hoc Court;

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<sup>124</sup> For further information see <https://www.ejiltalk.org/the-situation-concerning-isis-carte-blanche-for-the-icc-if-the-security-council-refers/>

2. According to article 103 of the Rome Statute, the Security Council is able to empower ICC's Prosecutor and Judges;
3. According to the same article, is a situation is referred to the ICC, the Court would prevail over other obligations that UN Members have under any other international treaties.



Concluding, some States are still

reluctant to support the Rome Statute and to enforce the role of ICC. But, as part of the whole humankind, members of the Security cannot withdraw from discussions and cannot forget that the devastation in Syria is also affecting cultural heritage, natural resources, intangible cultural heritage especially of minorities (see subtopic B). With Al Mahdi case in Mali, the international community did demonstrate that cultural heritage is part of our common patrimony and no one should damage it for any purpose: if you do it, you will respond internationally. The international community has a duty over Syria and it is in the hands of the Security Council as representative, in order to maintain peace, security and stability which are pillars of the mandate of the Council itself.

## **SUBTOPIC B: THE YAZIDI MINORITY - A GENOCIDE?**

The Yazidis are a Kurdish religious minority primarily located in Northern Iraq, North-Eastern Syria, South-Eastern Turkey and in the Caucasus. With a total population worldwide of roughly 1.5 million, they are by and large impoverished cultivators and herdsmen who have a strictly graded religious-political hierarchy and are organized in closed tribal communities. For a more detailed description of Yazidi society and religion, please read UNWOMEN Study Guide.

Due to their beliefs and practices, often misinterpreted, they have historically been subject to sharp persecution. Indeed, their history has been marked by massacres, starting from the 17<sup>th</sup> century under the Ottoman rule to the current Islamic State's attacks, occurring since 2007. As opposed to less marginalized minorities such as the Kurdish, the Yazidis, unable to developed their own armed groups as a means of self-defence, have been particularly affected by the recent surge of terror attacks in the country.

What is happening in Syria and Iraq to Yazidi people is not just the mere attack on civilians in time of war, that is prohibited by the international humanitarian law and in all the treaties, regulations and resolutions we cited above. It is the systematic and deliberate elimination of a particular group, so the word "genocide" has begun to be heard.

The term genocide is defined at article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 and it:

means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.<sup>125</sup>

It was first introduced by the Polish jurist Raphael Lemkin in 1944 in his book *Axis Rule In Occupied Europe*, as he needed a neologism to describe the Holocaust. It is the combination between the Greek word *genos* which means race, or tribe and the Latin word *cide* which means killing. The author wanted to give a name to one of the worst crimes perpetrated by humans against other humans. Genocide is considered by international law as a separated crime, as also proved by the Rome Statute of the ICC.

The jurisprudence of ad hoc criminal tribunals such as the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) helped shaping the definition and the comprehension of the concept of genocide. Genocide does not mean only killing, but also acts as torture, inhumane treatments, rape, sexual violence of any kind, forced birth control and sterilizations, separation of males by females, abduction of children transferring them to another group, psychological violence, trauma, etc.<sup>126</sup> The identity of the victims is crucial: they are part of a given and protected group. The criteria to determine the belonging to a protected group have been debated. The jurisprudence of the ICTR, specifically the *Akayesu* sentence<sup>127</sup>, tried to give the following explanations. A national group is “a collection of people who are perceived to share legal bonds based on a common citizenship, coupled with reciprocity of rights and duties”<sup>128</sup>. An ethnic group is composed by “members [who] share a common language or culture”<sup>129</sup>. A racial group is “based on the hereditary physical traits often identified with a geographical region, irrespective of linguistic, cultural, national or religious factors”<sup>130</sup>. Finally, a religious group is defined as one “whose members share the same religion, denomination or mode of worship”<sup>131</sup>. An important element of the act of genocide is the *dolus specialis* (specific intent), which refers to the act of destroying in total or in part the protected population. The determination of this element of the act of genocide is very difficult, and almost impossible. Also, the expression “in all or in part” has been debated for a long time by experts of international humanitarian law, committing ad hoc Courts in taking positions in their jurisprudence. In *Akayesu*, the ICTR pointed out that “intent is a mental factor which is difficult, even impossible, to determine”, adding that, failing a confession of the accused, intent can only be “inferred from a certain number of presumptions of fact”<sup>132</sup>. The Court found out some circumstances that could be indicative for the intent:

<sup>125</sup> UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277, available at: <http://www.refworld.org/docid/3ae6b3ac0.html>, at art. 2

<sup>126</sup> The Prosecutor v. Georges Anderson Nderubumwe Rutaganda (Judgement and Sentence), ICTR-96-3-T, International Criminal Tribunal for Rwanda (ICTR), 6 December 1999, available at: <http://www.refworld.org/cases,ICTR,48abd5880.html>

<sup>127</sup> Prosecutor v Akayesu, Case No. ICTR-96-4-T (Trial Chamber), September 2, 1998, available on <http://www.un.org/ict/english/judgements/akayesu.html> (hereinafter *Akayesu*).

<sup>128</sup> *Ibid.*, note 12, par. 511

<sup>129</sup> *Ibid.*, note 12, par. 513

<sup>130</sup> *Ibid.*, note 12, par. 514

<sup>131</sup> *Ibid.*, note 12, par. 515

<sup>132</sup> *Ibid.*, note 12 par. 523

“(a) the scale and the general nature of the atrocities; (b) the fact of deliberately or systematically targeting victims of a group, while excluding the members of other groups; (c) the general political doctrine of the perpetrators of the crime; (d) the repetition of discriminatory and destructive acts; and (e) any speeches or projects preparing for the killings.”<sup>133</sup>

In *Radislav Krstic*, the ICTY found that “the part must be a substantial part of that group. The aim of the Genocide Convention is to prevent the intentional destruction of entire human groups, and the part targeted must be significant enough to have an impact on the group as a whole”<sup>134</sup>. There could be some useful considerations that can help in this regard, such as the numeric size of the targeted part of the group and its importance or prominence within the whole group. For example, in the case of Srebrenica (Bosnia), the Serbs decided to kill almost all the military aged men, combining it with the transfer of women, elderly and children, because it would lead to the physical disappearance of Bosniak Muslim population of the village.

## VIOLATIONS OF YAZIDI HUMAN RIGHTS BY THE ISLAMIC STATE

On August 3, 2014, the self-proclaimed Islamic State attacked the region around Mount Sinjar in North West Iraq, near the country’s border with Syria. The region was home to approximately 400,000 Yazidis. Over the course of the few days following the attack, an estimated 9,900 Yazidis were either killed or kidnapped, roughly 2.5 percent of Sinjar’s entire Yazidi population. An estimated 3,100 were killed, of whom nearly half were executed by gunshot, beheading, or being burned alive. According to those who escaped, Yazidis in captivity have suffered abuses such as forced religious conversion, torture, and sex slavery <sup>135</sup> . As reported by the Independent International Commission of Inquiry on Syria<sup>136</sup>, ISIS fighters summarily executed men and older boys who refused to convert to Islam, while women and children were usually forcibly displaced from site to site to be abused and sold. Indeed, women and girls were – and still are - considered as property of ISIS, sold in slave markets or as individual purchases to fighters.

The Islamic State didn’t come to kill the women and girls, but to use us as spoils of war, as objects to be sold with little or to be gifted for free. Their cruelty was not merely opportunistic. The IS soldiers came with a pre-established policy to commit such crimes. Islamic State had one intention, the destroy the Yazidi identity by force, rape, recruitment of children, and destruction of holy sites they captured, especially against the Yazidi woman where the used rape as a mean of destruction for Yazidi women and girls and ensuring these women will never return to a normal life.

<sup>133</sup> *Ibid.*

<sup>134</sup> *Prosecutor v. Radislav Krstic (Appeal Judgement)*, IT-98-33-A, International Criminal Tribunal for the former Yugoslavia (ICTY), 19 April 2004, available at: <http://www.refworld.org/cases,ICTY,414810384.html>

<sup>135</sup> United Nations Human Rights Council, “They came to destroy”: ISIS Crimes Against the Yazidis”, 2016.

<sup>136</sup> The Independent International Commission of Inquiry on the Syrian Arab Republic was established on 22 August 2011 by the Human Rights Council through resolution [S-17/1](#) adopted at its 17th special session with a mandate to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic.

This statement, made by Nadia Murad Basee Taha, recently named as UNODC Goodwill Ambassador for the Dignity of Survivors of Human Trafficking, dramatically describes the threat posed to the Yazidis. You can find all the Nadia Murad speech delivered to the Security Council in UNWOMEN Study Guide.

The destruction of a group derives from the destruction of its cultural heritage, both tangible and intangible. The Yazidi culture, mainly orally transmitted, risks to be completely lost. However, while men belonging to the minority have been killed and religious sites have been destroyed, many women, despite being abused, sold, raped, and abducted, have survived, and they can play a key role in the protection of the intangible cultural heritage of the entire community.

The Independent International Commission of Inquiry on the Syrian Arab Republic concluded in its report that ISIL is accountable of crimes of genocide, against humanity and war crimes. The Commission is adamant in affirming that Yazidi people are suffering genocide. It concluded that it does not occur through many killings, even though they have been registered, but in many other ways, like sexual slavery, enslavement, torture and inhuman and degrading treatment, and forcible transfer causing serious bodily and mental harm; the infliction of conditions of life that bring about a slow death; the imposition of measures to prevent Yazidi children from being born, including forced conversion of adults, the separation of Yazidi men and women, and mental trauma; and the transfer of Yazidi children from their own families and placing them with ISIS fighters, thereby cutting them off from beliefs and practices of their own religious community, and erasing their identity as Yazidi. The purpose of ISIL in destroying the Yazidi people is mostly religious<sup>137</sup>.

Therefore, the Commission has no doubts. As it affirmed in the aforementioned report, the Commission strongly claims that “ISIS has committed, and is committing, the prohibited acts with the intent to destroy, in whole or in part, the Yazidis of Sinjar, and has, therefore, committed the crime of genocide”<sup>138</sup>.

## HOW TO DELIVER JUSTICE

The crime of genocide falls under ICC jurisdiction according to article 5 of the Rome Statute. More specifically, article 6 is totally dedicated to genocide, which is defined as:

[...] any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.<sup>139</sup>

The ICC has also jurisdiction for crimes against humanity under article 7, which includes torture, sexual slavery, enslavement, murder, deportation of a population, severe deprivation of physical liberties, rape, enforced prostitution, forced marriage, trafficking in human beings, forced pregnancy, forced sterilisation, apartheid<sup>140</sup>. The Yazidi minority suffered a great part of this crime

<sup>137</sup> Human Rights Council, *They came to destroy – ISIS Crimes against Yazidis*, A/HRC/32/CRP.2, Thirty-second session, 15<sup>th</sup> June 2016, available at [https://reliefweb.int/sites/reliefweb.int/files/resources/A\\_HRC\\_32\\_CRP.2\\_en.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_32_CRP.2_en.pdf)

<sup>138</sup> *Ibid.*, para.165

<sup>139</sup> Rome Statute, art.6.

<sup>140</sup> *Ibid.*, at art.7.

because they are Yazidi. The persecution they suffer undermine their culture and survival, and also their intangible cultural heritage. In fact, as noted by De Vido, if this massacre goes any further, the world should lose the Yazidi orally transmitted tradition, so a part of its common heritage<sup>141</sup>.

The Commission of Inquiry recommended the Security Council in 2016 to refer the situation to the ICC or to an ad hoc tribunal, because it has the competence to do it, bearing in mind that ISIL is threatening international peace and security. Moreover, it suggested the Security Council to include regular briefings to the Commission itself in order to be updated on the situation in Syria<sup>142</sup>.

On March 9th, 2017, human rights lawyer Amal Clooney, joined by her client Nadia Murad, a Yazidi woman captured by the extremists in Iraq in 2014, in a speech in the New York UN headquarter, urged the UN Security Council to set up an investigation for war crimes.

Inside Iraq, ISIS has attacked victims from every community including Shia Muslims, Sunni Muslims and Christians. And ISIS has made clear that it intends to destroy Yazidis, like Nadia, completely: through killings, forced conversions, and rape. The UN has concluded that ISIS is committing genocide against this group, and there can be no more serious crime. The UN was created as the world's way of saying 'never again' to the genocide perpetrated by the Nazis. And yet here we are, 70 years later, discussing the UN's inaction in the face of a genocide that we all know about, and that is ongoing. [...] Yazidi women like Nadia want the chance to face their abusers in court; they want legal judgments to be published, to prevent their genocide later being denied. And they deserve nothing less. But justice will forever be out of reach if we allow the evidence to disappear: if mass graves are not protected, if medical evidence is lost, if witnesses can no longer be traced. [...] Don't let this be another Rwanda, where you regret doing too little, too late. Don't let ISIS get away with genocide<sup>143</sup>.

And she added:

I call on you to send the letter to the Security Council requesting an investigation into ISIS crimes. Getting the UN involved was initially Iraq's idea, and finally taking action to make it a reality would silence those who doubt your commitment to bring Daesh to justice. And finally, to all UN member states: if this road to accountability through the Security Council is blocked, you must take the initiative to secure accountability in other ways available to you under the UN Charter.<sup>144</sup>

So, the possible solution is the UN Security Council referral to the International Criminal Court. However, as already stated in subtopic A about cultural heritage of Syria, the country did not ratify the Rome Statute. The ICC is one of the three possibilities envisaged by the Independent International Commission of Inquiry on Syria, if we begin to consider the persecution to Yazidi

<sup>141</sup> De Vido, "Protecting Yazidi Cultural Heritage Through Women: An International Law Analysis", *Journal of Cultural Heritage*, 2017.

<sup>142</sup> Human Rights Council, *They came to destroy – ISIS Crimes against Yazidis*, A/HRC/32/CRP.2, Thirty-second session, 15<sup>th</sup> June 2016, available at [https://reliefweb.int/sites/reliefweb.int/files/resources/A\\_HRC\\_32\\_CRP.2\\_en.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_32_CRP.2_en.pdf)

<sup>143</sup> Amal Clooney, Speech at UN Head Quarters, 2017, available at <http://www.independent.co.uk/news/world/americas/amal-clooney-speech-in-full-transcript-human-rights-lawyer-isis-iraq-speech-un-united-nations-a7622176.html>

<sup>144</sup> *Ibid.*

people genocide, which is an international crime strongly condemned and that falls under the jurisdiction of the Court, as we aforementioned.

Unfortunately, States are not yet ready to talk about Yazidi genocide. In fact, genocide is a strong word with a strong meaning. It reminds us the Nazi crimes, or the Bosniak slaughter in Srebrenica, the Rwanda case: all shameful moments for humanity. Nonetheless, an international investigation ought to be set up as soon as possible. Indeed, while witnesses are fleeing, there is still not one ISIS militant who has faced trial for international crimes anywhere in the world. Not only the does international community have to take active action to defeat on the battlefield what the Security Council has called an “unprecedented threat” to international peace and security, but it must also kill the idea behind ISIS by exposing its brutality and bringing individual criminals to justice. In fact, there can be no lasting peace without justice. A lack of accountability simply leads to continuing cycles of vengeful violence.

## USEFUL LINKS IN ORDER TO SUCCEED IN YOUR RESEARCH

UNITED NATIONS WEBSITE: <http://www.un.org/en/index.html>

UNITED NATIONS SECURITY COUNCIL WEBSITE <http://www.un.org/en/sc/>

UNITED NATIONS SECURITY COUNCIL RESOLUTION ARCHIVE  
<http://www.un.org/en/sc/documents/resolutions/>

UNITED NATIONS TREATIES COLLECTION <https://treaties.un.org/>

INTERNATIONAL CRIMINAL COURT WEBSITE <https://www.icc-cpi.int/>

ICC COURT RECORDS AND TRANSCRIPTS <https://www.icc-cpi.int/court-records>

THE CIA WORLD FACTBOOK <https://www.cia.gov/library/publications/the-world-factbook/>

UNESCO OBSERVATORY FOR SYRIAN CULTURAL HERITAGE <http://en.unesco.org/syrian-observatory/>

HUMAN RIGHTS IN SYRIA <https://www.hrw.org/middle-east/n-africa/syria>

## HOW TO WRITE A POSITION PAPER FOR THE UNITED NATIONS SECURITY COUNCIL

Dear Delegates,

Once a country and a committee have been assigned to you and before the UN simulation itself, you have to write your position paper. A position paper is a document written on behalf of your delegation, in which you state your country position about the topic.

It has to be divided into **three** paragraphs:

1. General statements about the topic: your position paper has to recall every international Convention, or Declaration concerning the topic that your country signed or ratified (e.g. Universal Declaration of Human Rights or International Covenant on Economic, Social and Cultural Rights). Moreover, references about your national Constitution or legislation should be underlined.
2. What your country has already done both nationally and internationally: in this paragraph, you should write about your national policies and solutions found to face the issue proposed in the title of the topic. You can also list what your country did at the international level, such as proposals of resolutions or draft resolutions submitted to the UN Security Council in the past years.
3. The solutions my country would like to propose: this is a very important part! Your delegation should propose realistic and practical solutions to the Committee, and try to include them in the final Resolution.

About the **format** of your position paper, please respect these rules:

- Please, write in **Times New Roman, 12, single line spacing, do not modify the margins of the page, justify the text and do not use contracted forms in English.** Be diplomatic;
- Your position paper **should not exceed one page in length.** A few excess lines will be tolerated, but not a full page;
- **YOU HAVE TO ENTER AT LEAST TWO NOTES** as references to the reliability of the information you write on your position paper. The format for the notes and quotes is **Times New Roman, 10, single line spacing.**
- As you will see in the example in Annex I, the heading should be written this way:

**Delegation of \*insert your full country name\***

**Position paper for the United Nations Security Council Committee**

**Topic: THE POSSIBILITY FOR A REFERRAL TO THE INTERNATIONAL  
CRIMINAL COURT FOR WAR CRIMES COMMITTED TO SYRIAN TANGIBLE  
AND INTANGIBLE HERITAGE**

NB: NO REFERENCES ABOUT YOURSELF, NO NAMES, NO SYMBOLS. YOU REPRESENT A COUNTRY AND ITS GOVERNMENT, NOT YOUR OPINION. ONLY THE COUNTRY POSITION.

- Mark the division between one paragraph and another, like in the example below;
- You should submit your position paper in PDF format and the file should be renamed this way: e.g. UNSC\_USA
- The deadline for the submission of your position paper is the **November, 6<sup>th</sup> 2017**. You must send it to **veumun2017unsc@gmail.com** no later than the date established. If you have any questions, please write a post on the **UNSC Facebook group**.

Thank you for your attention, I wish to extend my best wishes for your work.

Sincerely,

*Laura Gaspari, Chair UNSC*

## **ANNEX I – Sample Position Paper**

### **The Delegation of United Kingdom of Great Britain and Northern Ireland Position paper for the United Nations Security Council Committee (UNSC) Topic: Protection of Civilians in Armed Conflict**

The United Kingdom of Great Britain and Northern Ireland (UK) has been an active member of the United Nation's Security Council from the first session held in Westminster, London in 1946 until the present day and has provided unwavering support for its mission of maintaining international peace and security. The UK stresses that the protection of civilians against violence and human rights violations should remain one of the issues of paramount importance in the forefront of all Security Council resolutions and measures, especially in conflict areas. UK Government policy is based on the idea that the protection of civilians in armed conflict is central to improving the effectiveness of the humanitarian system both nationally and internationally and this message is reflected in a series of Public Service Agreements (PSAs) created by the UK government in 2008-11. The UK is a strong supporter of the standards set out in international humanitarian law and international criminal law tribunals, including the International criminal court. The UK plays a strong role in promoting the protection of civilians in armed conflict through acting as a party to International Humanitarian Law (IHL) treaties, monetary support of organizations operating in situations of armed conflict, and as a provider and trainer of peacekeepers. In January 2009, the UK co-created an initiative to improve the way the SC mandates and reviews UN peacekeeping operations. The UK stresses the importance of discourse between member nations of the SC and governments of conflict regions in order to better provide humanitarian aid and protect the rights of citizens. The UK supports the SC authority to authorize short-term preventative actions or impose measures such as sanctions as necessary as well as working towards enhancing preventative measures such as the Mediation Support Unit. The UK recognizes the precarious situation of children in Syria and other conflict nations around the globe and is working to create a safe environment for these children through its active membership role in the Security Council Working Group on Children and Armed Conflict. The UK remains committed to the protection of civilians in conflict regions and stresses the need for continued support of the SC's creation and implementation of solutions involving cooperation and diplomatic discourse before military force.

The United Kingdom is dedicated to the United Nations Charter and Resolutions brought about by the extraordinary efforts of all Member Nations in the effort to preserve and maintain peace. As a permanent member of the United Nations Security Council, the United Kingdom recognizes the great responsibility it has in addressing the issues before the Security Council. Developing a solution for the protection of civilians in armed conflict and the situation in the Middle East, including Syria, is a major priority for the United Kingdom. As permanent representative of the United Kingdom, Mr. John Sawers, stated, "We reaffirm our support for the concept of the responsibility to protect, as agreed by Member States at the World Summit in 2005. It is an important commitment, which should result in earlier and more decisive action to prevent genocide, war crimes, ethnic cleansing and crimes against humanity." The United Kingdom is dedicated to cooperating with Member Nations in solving these issues. Recently, civilian protection has taken on new significance given the number of reports of human rights abuses in a number of countries. As it states under the United Nations (UN) Charter, it is the responsibility of member nations to maintain peace and security. The U.K. acknowledges this responsibility to encompass the protection of civilians in conflict regions. One area of human rights violation the U.K. is concerned about is rape and sexual violence. We remind member states that this protection was established in the 1999 Security Council (SC) resolution S/RES/1265. This resolution

included language directly related to the protection of civilians in armed conflict. To further strengthen the position, we hold in our duty to protect these civilians, the U.K. would like to remind member nations that S/RES/1674 provided both a legal basis expressly authorizing the use of force to protect civilians and provided a legal means to try the accused through the International Criminal Court (ICC). The U.K. reiterates that historically the SC has used resolutions such as S/RES/1721 and S/RES/1731 to establish commissions of inquiry into human rights abuses. Under these resolutions it is clear that the parties involved in armed conflict are obligated under law to protect civilians.

The following steps can be taken in ensuring the protection of civilians: a standardized approach to ensure that protection issues are properly understood and clear UN guidance about what steps member nations will take to protect civilians in conflict regions. Another component of this action plan the UK fervently supports is the creation of an expert group whose sole purpose is to develop an aid report that will help in determining the best action for the SC to take. This expert group, whose obligation it will be to analyse and determine the best method of approach, will provide an opportunity for creative thinking in dealing with these difficult situations. Also called for is increased training for peace keepers in the field focused on how to analyse and make decisions on a daily basis to preserve human rights and also an expansion of the role they play in protecting humanitarian aid. The UK calls for the authorization of quick and decisive action if prevention fails to include: increased mediation, sanctions, and if necessary, military force. Also, needed in order to maintain peace and security is the increase of cooperation between member nations in bringing those charged with crimes against humanity to trial under the jurisdiction of the ICC. The U.K. firmly endorses a multipurpose plan of action and charges it should be adopted by the UN. If the SC provides clear guidance about protection issues, conflicting parties will be more likely to ensure the protection of citizens. The creation of an expert group will result in an unbiased aid report which will assist the SC in determining the best course of action. Training for advisors and peace keepers and will ensure both the protection of the citizens and the aid being delivered while allowing for smart decisions to be made. Under this action plan, if the need is determined by the expert group and advisors on the ground, the SC can authorize increased sanction, diplomatic mediation, or military force as required. Cooperation between member nations in holding those accountable for crimes against humanity will not only ensure justice but also provide transparency so that all nations may be aware of what actions were taken. The UK asserts that the time to act is now. Rising conflict and civilian casualties must be stopped in order for peace to reign throughout the world.

# The Press Team of VeUMUN 2017

## Editor in Chief



Honorable delegates,

My name is Nicla Folla and I am pleased to welcome you to this second edition of the VeUMUN. I will be in charge of the press team and I am really honored to be given this opportunity.

I am 23 years old and I am a second year student in the Master's Degree in International Relations. I participated in the first edition of the VeUMEU in May 2017 as part of the press team and thanks to this experience I realized how important the power of words could be. I hope I could give every participant the same experience I got to live thanks to the work of the Venice Diplomatic Society and the previous staff. We are the foundation of our society, take your future in your hands and shape it for the best, together.

## Journalists



As a seasoned writer, Fiza Lee enjoys investigative journalism and understands that asking the right questions is key to getting the right answers. Professionally, Fiza has had 8 years of experience in copywriting, public relations and corporate communications within events, marketing, and the banking (regulations) industry, most notably in her role as APAC Capital Markets Senior Producer at an MNC and her role as a staff writer with her alma mater. She has lived and worked across the globe, spanning from the US (Colorado, NYC, San Francisco), Europe (London, Germany) to Asia Pacific (Singapore, HK). Fiza has a BA in Criminology with dual minors in Journalism and Philosophy from the University of Northern Colorado. She is currently pursuing her MA in Human Rights & Democratization with a special interest in criminology, women's rights and capacity development for human rights action at EIUC Venice.



My name is Lise Salavert and I come from France. I am 34 years old. I have studied political sciences and international humanitarian law in France and one year in Canada. After nearly ten years of work as a humanitarian worker, covering the main humanitarian crisis (Haiti, CAR, South Sudan, Jordan, Syria), I have decided to take a break and study human rights and democratisation to step back from the field. I have left Syria in July to settle in Venice for a semester and I am very happy about that!



Honorable Delegates,

My name is Irene Melinu and I am currently enrolled in the Graduate Program Languages, Economics and Institutions of Asia and North Africa, Japanese curriculum in Ca' Foscari University. From this September I have been given the amazing opportunity of being part of the International College of Venice, a wonderful place for its different perspectives and interdisciplinary approach to learning through its wealth of seminars and lectures.

For my undergraduate program I have studied in Ca' Foscari as well, understanding the indescribable influence this city, with its unique and multicoloured perspective, has had on my life. A deep interest in International Relations and Foreign Affairs has brought me to apply in March 2016 to the event Rome MUN and thanks to a scholarship given by the association "Giovani nel Mondo", promoter of this project, I experienced the stimulating environment that helped me to nurture my inquisitiveness and to put to test my ability of speaking in public, debating nowadays global issues, but also my entire person.

I am honoured to be part of VeUMUN this year, an event that I consider a valuable experience for our futures, complementing and helping to give a well-rounded balance to our educational formation. See you all in November!

Irene Melinu

A handwritten signature in black ink that reads "Irene Melinu". The signature is written in a cursive, flowing style.

## Editor in Chief's introduction to the topic

According to the American Press Institute, “*Journalism is the activity of gathering, assessing, creating, and presenting news and information*”. Its main purpose is to provide people with the necessary information to make decisions and have a clearer understanding of their societies and governments.<sup>1145</sup>

In case of this simulation, our Press Team will strive for providing all the people involved with every fact happening during the different discussions in the most professional and objective way possible. We will issue each day our “Daily MUN”, a daily newspaper entirely created by us: I expect a fast and efficient job from all of you. We have the role of making all the information available to every participant through our work: we are the means of communication between the different institutions present.

How can we actually achieve this goal? By having interviews with the different participants and by describing the different facts with the utmost respect of all the people involved, using the correct language without exceptions.

To keep the whole simulation as coherent as possible, participants should comply with the same formal rules of speech. As a guideline, you can follow these basic tips regarding interviews:

- Try not to have an interview on the spot;
- Define what you want to communicate with the interview;
- Keep your answers short;
- Use plain English without questionable humor or profanities;
- Do not ramble;
- Do not argue or interrupt;
- Do not lie or bluff;
- In case of “off the record” speeches, make sure the reporter agrees;
- Always remember to be in-role during interviews, even if it is during a break.

As for the actual writing, here you have an actual article that you can use as a guideline for the pre-assignment that you have to submit. Also, follow the basic rules when writing an objective article:

- Remember the “5W’s”;
- Compile a list of all the facts involved in order to select the vital info;
- Write in the first sentence the main point of the article;
- Keep in mind your audience;
- Try to keep an objective view;
- Do not incur into a conflict of interest.

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<sup>145</sup> <https://www.americanpressinstitute.org/journalism-essentials/what-is-journalism/>

## Islamic State militants 'destroy Palmyra statues'

**The Islamic State group has published photographs of militants destroying what it says are artefacts looted from the ancient ruins of Palmyra in Syria.**

Six statues are shown being hit with sledgehammers while a crowd looks on.

The jihadist group said the statues had been seized from a smuggler, who was pictured being whipped as a punishment.

Meanwhile, the UN's cultural agency has said antiquities plundered by IS in Iraq and Syria are moving towards traditional markets.

Irina Bokova, who heads Unesco, said the markets included possibly those in London, Belgium, Switzerland and others.

Syria's antiquities director Maamoun Abdelkarim said on Thursday the IS group had destroyed a 2,000-year-old statue of a lion from the Palmyra ruins.

Mr Abdelkarim called the destruction of the three-metre (10ft) statue, known as the Lion of al-Lat, "the most serious crime [IS has] committed against Palmyra's heritage."

### 'Brutal destruction'

Unesco's Director-General Irena Bokova told the BBC that looting was being carried out on an industrial scale and that IS militants were "using the illicit trafficking, the selling of these objects in order to finance extremism and terrorism".

Ms Bokova also recently warned against "the brutal and deliberate destruction of heritage on an unprecedented scale" taking place across the Middle East and North Africa.

Some 60% of the Old City of the northern Syrian city of Aleppo has been destroyed in fighting between government forces, rebels and IS fighters, while 20% of Iraq's 10,000 archaeological sites now under the control of the IS group.

The group overran Palmyra at the end of May, sparking fears that it might demolish the **Unesco World Heritage site** as it has done with ancient sites in Iraq.

Last month, Syrian activists reported that IS fighters had planted landmines and explosives around the ruins, but it was not clear whether they intended to destroy or secure them. Palmyra's museum was also reported to have been closed by the group and guards placed outside.

But a week later, IS militants published photographs of what they said was the destruction of two Islamic shrines near Palmyra, which they described as "manifestations of polytheism".

On Thursday, the group's leadership in Aleppo province posted online photos showing the destruction by militants in the town of Manbij of what it said were statues, which had been confiscated from a smuggler, from Palmyra.

Images were accompanied by a statement citing the Prophet Muhammad, as saying: "Do not leave any statue without obliterating it or any high grave without levelling it."

In February, IS militants released a video showing the destruction of artefacts that were thousands of years old at the central museum in the Iraqi city of Mosul.<sup>146</sup>

<sup>146</sup> <http://www.bbc.com/news/world-middle-east-33369701>



## Security Council

Distr.: General  
22 May 2014

Original: English

**Albania, Andorra, Australia, Austria, Belgium, Botswana, Bulgaria, Canada, Central African Republic, Chile, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution**

*The Security Council,*

*Recalling* its resolutions [2042 \(2012\)](#), [2043 \(2012\)](#), [2118 \(2013\)](#) and [2139 \(2014\)](#), and its Presidential Statements of 3 August 2011, 21 March 2012, 5 April 2012 and 2 October 2013,

*Reaffirming* its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic, and to the purposes and principles of the Charter of the United Nations,

*Recalling* its full endorsement of the Geneva Communiqué of 30 June 2012 which states that accountability for acts committed during the present conflict in the Syrian Arab Republic must be addressed,

*Taking note* of the reports of the independent international commission of inquiry on the Syrian Arab Republic, mandated by the Human Rights Council to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable,

*Recalling* the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,



*Noting* the repeated encouragement by the United Nations High Commissioner for Human Rights for the Security Council to refer the situation to the International Criminal Court,

*Determining* that the situation in the Syrian Arab Republic constitutes a threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Reaffirms* its strong condemnation of the widespread violations of human rights and international humanitarian law by the Syrian authorities and pro-government militias, as well as the human rights abuses and violations of international humanitarian law by non-State armed groups, all committed in the course of the ongoing conflict in the Syrian Arab Republic since March 2011;

2. *Decides* to refer the situation in the Syrian Arab Republic described in paragraph 1 above since March 2011 to the Prosecutor of the International Criminal Court;

3. *Decides also* that the Government of the Syrian Arab Republic shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor, including by implementing fully the Agreement on the Privileges and Immunities of the International Criminal Court, pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, strongly urges all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor;

4. *Demands* that non-State armed groups in the Syrian Arab Republic also cooperate fully with and provide any necessary assistance to the Court and the Prosecutor in connection with investigations and prosecutions undertaken pursuant to this resolution;

5. *Expresses* its commitment to an effective follow-up of the present resolution;

6. *Recalls* the guidance issued by the Secretary-General on contacts with persons who are the subject of arrest warrants or summonses issued by the International Criminal Court;

7. *Decides* that nationals, current or former officials or personnel from a State outside the Syrian Arab Republic which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that State for all alleged acts or omissions arising out of or related to operations in the Syrian Arab Republic established or authorized by the Council, unless such exclusive jurisdiction has been expressly waived by the State;

8. *Recognizes* that none of the expenses incurred in connection with the referral, including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily and *encourages* States to make such contributions, noting the need for funding of expenses related to investigations or prosecutions of the International Criminal Court, including in connection with situations referred to the Court by the Security Council, as stated in General Assembly resolution [67/295](#);

9. *Invites* the Prosecutor to address the Council within two months of the date of adoption of this resolution and every six months thereafter on actions taken pursuant to this resolution and requests the Secretary -General to circulate the report of the Prosecutor as a document of the Council, in advance of such briefings ;

10. *Decides* to remain seized of the matter.

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## Security Council

Distr.: General  
24 March 2017

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### Resolution 2347 (2017)

#### Adopted by the Security Council at its 7907th meeting, on 24 March 2017

*The Security Council,*

*Recalling* its resolutions [1267 \(1999\)](#), [1373 \(2001\)](#), [1483 \(2003\)](#), [1546 \(2004\)](#), [2056 \(2012\)](#), [2071 \(2012\)](#), [2085 \(2012\)](#), [2100 \(2013\)](#), [2139 \(2014\)](#), [2170 \(2014\)](#), [2195 \(2014\)](#), [2199 \(2015\)](#), [2249 \(2015\)](#), [2253 \(2015\)](#) and [2322 \(2016\)](#), as well as its Presidential Statement [S/PRST/2012/26](#),

*Taking note* of United Nations Educational, Scientific and Cultural Organization (UNESCO) General Conference's resolution 38 C/ 48, by which Member States have adopted the Strategy for the Reinforcement of UNESCO's Actions for the Protection of Culture and the Promotion of Cultural Pluralism in the Event of Armed Conflict, and have invited the Director General to elaborate an action plan in order to implement the strategy,

*Reaffirming* its primary responsibility for maintenance of international peace and security, in accordance with the Charter of the United Nations, and *reaffirming further* the purposes and principles of the Charter of the United Nations,

*Reaffirming* that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed,

*Emphasizing* that the unlawful destruction of cultural heritage, and the looting and smuggling of cultural property in the event of armed conflicts, notably by terrorist groups, and the attempt to deny historical roots and cultural diversity in this context can fuel and exacerbate conflict and hamper post -conflict national reconciliation, thereby undermining the security, stability, governance, social, economic and cultural development of affected States,

*Noting with grave concern* the involvement of non-state actors, notably terrorist groups, in the destruction of cultural heritage and the trafficking in cultural property and related offences, in particular at the continued threat posed to international peace and security by the Islamic state in Iraq and the Levant (ISIL,



also known as Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, and *reaffirming* its resolve to address all aspects of that threat,

*Also noting with concern* that the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities are generating income from engaging directly or indirectly in the illegal excavation and in the looting and smuggling of cultural property from archaeological sites, museums, libraries, archives, and other sites, which is being used to support their recruitment efforts and to strengthen their operational capability to organize and carry out terrorist attacks,

*Noting with grave concern* the serious threat posed to cultural heritage by landmines and unexploded ordnance,

*Strongly concerned* about the links between the activities of terrorists and organized criminal groups that, in some cases, facilitate criminal activities, including trafficking in cultural property, illegal revenues and financial flows as well as money-laundering, bribery and corruption,

*Recalling* Security Council resolution [1373 \(2001\)](#) which requires that all States shall prevent and suppress the financing of terrorist acts and refrain from providing any form of support, active or passive, to individuals, groups, undertakings or entities involved in such acts, and other resolutions that emphasize the need for Member States to continue exercising vigilance over relevant financial transactions and improve information-sharing capabilities and practices, in line with applicable international law, within and between governments through relevant authorities,

*Recognizing* the indispensable role of international cooperation in crime prevention and criminal justice responses to counter trafficking in cultural property and related offences in a comprehensive and effective manner, *stressing* that the development and maintenance of fair and effective criminal justice systems should be a part of any strategy to counter terrorism and transnational organized crime and *recalling* in this respect the provisions of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

*Recalling* the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 and its Protocols of 14 May 1954 and 26 March 1999, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November 1970, the Convention concerning the protection of the World Cultural and Natural Heritage of 16 November 1972, the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions,

*Noting* the ongoing efforts of the Council of Europe Committee on Offences relating to Cultural Property concerning a legal framework to address illicit trafficking in cultural property,

*Commending* the efforts undertaken by Member States in order to protect and safeguard cultural heritage in the context of armed conflicts and *taking note* of the Declaration issued by Ministers of Culture participating in the International Conference "Culture as an Instrument of Dialogue among Peoples", held in Milan

on 31 July-1 August 2015 as well as the International Conference on the victims of ethnic and religious violence in the Middle East, held in Paris on 8 September 2015, and the Conference on Safeguarding Endangered Cultural Heritage held in Abu Dhabi on 3 December 2016 and its declaration,

*Welcoming* the central role played by UNESCO in protecting cultural heritage and promoting culture as an instrument to bring people closer together and foster dialogue, including through the #Unite4Heritage campaign, and the central role of the United Nations Office on Drugs and Crime (UNODC) and INTERPOL in preventing and countering all forms and aspects of trafficking in cultural property and related offences, including through fostering broad law enforcement and judicial cooperation, and in raising awareness on such trafficking,

*Also recognizing* the role of the Analytical Support and Sanctions Monitoring Team of 1267/1989/2253 ISIL (Da'esh) and Al -Qaida Sanctions Committee, in identifying and raising awareness on the challenges related to the illicit trade of cultural property as it relates to the financing of terrorism pursuant to resolutions [2199 \(2015\)](#) and [2253 \(2015\)](#), and *welcoming* the Financial Action Task Force (FATF) guidance on recommendation 5 on the criminalization of terrorist financing for any purpose, in line with these resolutions,

*Expressing in this regard concern* at the continuing use in a globalized society, by terrorists and their supporters, of new information and communications technologies, in particular the Internet, to facilitate terrorist acts, and condemning their use to fund terrorist acts through the illicit trade in cultural property,

*Underlining* the importance that all relevant United Nations entities coordinate their efforts while implementing their respective mandates,

*Noting* the recent decision by the International Criminal Court, which for the first time convicted a defendant for the war crimes of intentionally directing attacks against religious buildings and historic monuments and buildings,

1. *Deplores and condemns* the unlawful destruction of cultural heritage, inter alia destruction of religious sites and artefacts, as well as the looting and smuggling of cultural property from archaeological sites, museums, libraries, archives, and other sites, in the context of armed conflicts, notably by terrorist groups;

2. *Recalls* its condemnation of any engagement in direct or indirect trade involving ISIL, Al-Nusra Front (ANF) and all other individuals, groups, undertakings and entities associated with Al -Qaida, and *reiterates* that such engagement could constitute financial support for entities designated by the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee and may lead to further listings by the Committee;

3. *Also condemns* systematic campaigns of illegal excavation, and looting and pillage of cultural heritage, in particular those committed by ISIL, Al -Qaida and associated individuals, groups, undertakings and entities;

4. *Affirms* that directing unlawful attacks against sites and buildings dedicated to religion, education, art, science or charitable purposes, or historic monuments may constitute, under certain circumstances and pursuant to

international law a war crime and that perpetrators of such attacks must be brought to justice;

5. *Stresses* that Member States have the primary responsibility in protecting their cultural heritage and that efforts to protect cultural heritage in the context of armed conflicts should be in conformity with the Charter, including its purposes and principles, and international law, and should respect the sovereignty of all States;

6. *Invites*, in this regard, the United Nations and all other relevant organizations to continue providing Member States, upon their request and based on their identified needs, with all necessary assistance;

7. *Encourages* all Member States that have not yet done so to consider ratifying the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954 and its Protocols, as well as other relevant international conventions;

8. *Requests* Member States to take appropriate steps to prevent and counter the illicit trade and trafficking in cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance originating from a context of armed conflict, notably from terrorist groups, including by prohibiting cross-border trade in such illicit items where States have a reasonable suspicion that the items originate from a context of armed conflict, notably from terrorist groups, and which lack clear ly documented and certified provenance, thereby allowing for their eventual safe return, in particular items illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011, and *recalls* in this regard that States shall ensure that no funds, other financial assets or other economic resources are made available, directly or indirectly, by their nationals or persons within their territory for the benefit of ISIL and individuals, groups, entities or undertakings associated with ISIL or Al -Qaida in accordance with relevant resolutions;

9. *Urges* Member States to introduce effective national measures at the legislative and operational levels where appropriate, and in accordance with obligations and commitments under international law and nation al instruments, to prevent and counter trafficking in cultural property and related offences, including by considering to designate such activities that may benefit organized criminal groups, terrorists or terrorist groups, as a serious crime in accordance with article 2(b) of the UN Convention against Transnational Organized Crime;

10. *Encourages* Member States to propose listings of ISIL, Al -Qaida and associated individuals, groups, undertakings and entities involved in the illicit trade in cultural property to be considered by the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee, that meet the designation criteria set forth in resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#);

11. *Urges* Member States to develop, including, upon request, with the assistance of UNODC, in cooperation with UNESCO and INTERPOL as appropriate, broad law enforcement and judicial cooperation in preventing and countering all forms and aspects of trafficking in cultural property and related offences that benefit or may benefit organized criminal groups, terrorists or terrorist groups;

12. *Calls upon* Member States to request and provide cooperation in investigations, prosecutions, seizure and confiscation as well as the return, restitution or repatriation of trafficked, illicitly exported or imported, stolen, looted, illicitly excavated or illicitly traded cultural property, and judicial proceedings, through appropriate channels and in accordance with domestic legal frameworks as well as with the United Nations Convention against Transnational Organized Crime and the Protocols thereto and relevant regional, subregional and bilateral agreements;

13. *Welcomes* the actions undertaken by UNESCO within its mandate to safeguard and preserve cultural heritage in peril and actions for the protection of culture and the promotion of cultural pluralism in the event of armed conflict, and *encourages* Member States to support such actions;

14. *Encourages* Member States to enhance, as appropriate, bilateral, subregional and regional cooperation through joint initiatives within the scope of relevant UNESCO programmes;

15. *Takes note of* the UNESCO Heritage emergency fund as well as of the international fund for the protection of endangered cultural heritage in armed conflict as announced in Abu Dhabi on 3 December 2016, and of other initiatives in this regard, and *encourages* Member States to provide financial contributions to support preventive and emergency operations, fight against the illicit trafficking of cultural property, as well as undertake all appropriate efforts for the recovery of cultural heritage, in the spirit of the principles of the UNESCO Conventions;

16. *Also encourages* Member States to take preventive measures to safeguard their nationally owned cultural property and their other cultural property of national importance in the context of armed conflicts, including as appropriate through documentation and consolidation of their cultural property in a network of “safe havens” in their own territories to protect their property, while taking into account the cultural, geographic, and historic specificities of the cultural heritage in need of protection, and notes the draft UNESCO Action Plan, which contains several suggestions to facilitate these activities;

17. *Calls upon* Member States, in order to prevent and counter trafficking of cultural property illegally appropriated and exported in the context of armed conflicts, notably by terrorist groups, to consider adopting the following measures, in relation to such cultural property:

(a) Introducing or improving cultural heritage’s and properties’ local and national inventory lists, including through digitalized information when possible, and making them easily accessible to relevant authorities and agencies, as appropriate;

(b) Adopting adequate and effective regulations on export and import, including certification of provenance where appropriate, of cultural property, consistent with international standards;

(c) Supporting and contributing to update the World Customs Organization (WCO) Harmonized System Nomenclature and Classification of Goods;

(d) Establishing, where appropriate, in accordance with national legislation and procedures, specialized units in central and local administrations as well as

appointing customs and law enforcement dedicated personnel, and providing them, as well as public prosecutors, with effective tools and adequate training;

(e) Establishing procedures and where appropriate databases devoted to collect information on criminal activities related to cultural property and on illicitly excavated, exported, imported or traded, stolen, trafficked or missing cultural property;

(f) Using and contributing to the INTERPOL Database of Stolen Works of Art, UNESCO Database of National Cultural Heritage Laws, and WCO ARCHEO Platform, and relevant current national databases, as well as providing relevant data and information, as appropriate, on investigations and prosecutions of relevant crimes and related outcome to UNODC portal SHERLOC and on seizures of cultural property to the Analytical Support and Sanctions Monitoring Team;

(g) Engaging museums, relevant business associations and antiquities market participants on standards of provenance documentation, differentiated due diligence and all measures to prevent the trade of stolen or illegally traded cultural property;

(h) Providing, where available, to relevant industry stakeholders and associations operating within their jurisdiction lists of archaeological sites, museums and excavation storage houses that are located in territory under the control of ISIL or any other group listed by the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee;

(i) Creating educational programmes at all levels on the protection of cultural heritage as well as raising public awareness about illicit trafficking of cultural property and its prevention;

(j) Taking appropriate steps to inventory cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance which have been illegally removed, displaced or transferred from armed conflict areas, and coordinate with relevant UN entities and international actors, in order to ensure the safe return of all listed items;

18. *Encourages* Members States, relevant United Nations entities, in accordance with their existing mandate, and international actors in a position to do so to provide assistance in demining of cultural sites and objects upon request of affected States;

19. *Affirms* that the mandate of United Nations peacekeeping operations, when specifically mandated by the Security Council and in accordance with their rules of engagement, may encompass, as appropriate, assisting relevant authorities, upon their request, in the protection of cultural heritage from destruction, illicit excavation, looting and smuggling in the context of armed conflicts, in collaboration with UNESCO, and that such operations should operate carefully when in the vicinity of cultural and historical sites;

20. *Calls upon* UNESCO, UNODC, INTERPOL, WCO and other relevant international organizations, as appropriate and within their existing mandates, to assist Member States in their efforts to prevent and counter destruction and looting of and trafficking in cultural property in all forms;

21. *Requests* the Analytical Support and Sanctions Monitoring Team of the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee to continue, within its existing mandate, to provide the Committee with relevant information regarding the illicit trade of cultural property;

22. *Also requests* the Secretary-General, with the support of UNODC, UNESCO and the Analytical Support and Sanctions Monitoring Team of the 1267/1989/2253 ISIL (Da'esh) and Al-Qaida Sanctions Committee, as well as other relevant United Nations bodies, to submit to the Council a report on the implementation of the present resolution before the end of the year;

23. *Decides* to remain actively seized of the matter.

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# 2017

