



Dear Delegates,

It is with great excitement that we welcome you to Yeni Yol Model United Nations 2023! Our names are Rana Beril Gülcü and Yağmur Onarlı, and we are humbled by the opportunity to serve as your Secretaries-General for the 2nd Session of YYMUN.

The Secretariat team has been working diligently to ensure that all delegates will be given the opportunity to develop broader perspectives, voice their opinions on current global issues, and cooperate with others to produce effective resolutions. We expect that the topics covered in the committees will appeal to all the delegates' levels or more challenging in Intermediate and Advanced committees so that they may provide challenge, helpful guidance to your needs and assistance to improve your visions. After an eventful weekend full of diplomacy, debate, and delight, we wish you to leave our conference with the potential to become future leaders of our society.

This document will provide you with the Study Guide for your committee, which will enable you to comprehend the issue to be debated more easily. The entire Secretariat and Staff have committed countless hours to ensure that the substance and presentation of this document are of the highest quality, and that you are be supported with the most useful tools to succeed at the conference. Each Chair has worked over the past few months to provide you with the foundation necessary to continue your own exploration of the topic areas. We look forward to working with you to continue YYMUN's substantive excellence.

Apart from this document, you will also be able to access a number of additional documents that will aid in your preparations for the conference. We will provide you with the **Code of Conduct** that reviews some rules, principles and expectations, as well as our updated **Rules of Procedure**, which you can find on our website.

If you have any questions about this document, the other Guides, or your committee in general, please do not hesitate to contact us or your Under-Secretaries-General. We are truly excited to meet you all and are eager to address any concerns you may have before, during, or after the conference. I hope you enjoy reading the following Study Guide, and I cannot wait to see your solutions in YYMUN'23!

Yours in diplomacy,

Secretaries of General

Rana Beril Gülcü I Yağmur Onarlı

YYMUN'23 Study Guide of UNESCO Committee

Introduction to the Committee

UNESCO is the United Nations Educational, Scientific and Cultural Organization. It contributes to peace and security by promoting international cooperation in education, sciences, culture, communication, and information. UNESCO promotes knowledge sharing and the free flow of ideas to accelerate mutual understanding and more perfect knowledge of each other's lives. UNESCO's programs contribute to the achievement of the Sustainable Development Goals defined in the 2030 Agenda, adopted by the UN General Assembly in 2015.

Introduction to Topic

Art theft and illicit trafficking of cultural property is a crime. The International Convention Against Illicit Traffic of Cultural Property was adopted by the UNESCO General Conference in 1970 and provides a framework for theft prevention and the return and recovery of stolen cultural property. To date, 140 countries have confirmed the Convention, including those of great significance in the world's art markets, whether importers or countries of origin: Nepal, Russia, the US, France, Australia, Germany, Canada, Italy, Japan, and the UK.

The 1995 Convention on Stolen or Illegally Exported Cultural Objects complements the 1970 Convention in the fight against illicit trafficking and UNESCO encourages Nepal to become a signatory of this instrument as well.

UNESCO and its partners have developed many practical tools to prevent, raise awareness of and encourage the fight against illicit trafficking. UNESCO emphasizes greater awareness amongst police, customs officials, and other people who may be unwittingly and thereby innocently involved.

Jointly with the Ministry of Culture, UNESCO organized an international symposium in 2013, which focused on collaboration and restitution, bringing together 80 national experts and 20 international speakers from Asia, Europe, and the US, as well as partner organizations from the art world – Interpol, UNIDROIT, UNODC, Musee Guimet, and Christie's Auction House. This gathering made recommendations on the best use of international frameworks and strategies for the return of cultural property to its place of origin.

In 1978, the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation (ICPRCP) was created. Many cases have been resolved around the world since it was set up. Some examples include the Makonde Mask returned from the Swiss Barbier-Muller collection to the National Museum of Tanzania and the Bogazkoy Sphinx from Germany to Turkey. The Uma Maheshwor and Buddha stone statues stolen in the 1980s were returned to Nepal from the Metropolitan Museum of Art, New York, USA in 2018.

The best means to protect and recover stolen objects are proper inventories, which are lacking in many countries around the world. UNESCO advocates in favor of establishing complete documentation of all art objects in museums, temples, monasteries, palaces, and private houses, and stands ready to assist.

Definition of Key Terms

The Concept of Cultural and Historical Heritage

Cultural heritage is the physical artifacts and intangible attributes inherited from the past by a group or society. This heritage provides a bridge between the past and future and is maintained in the present for the benefit of future generations. Historic heritage refers to places of significance with historical, physical, and cultural values. Cultural heritage is constantly evolving, and the concept is based on changing value systems recognized by different groups of people, which create various categories of cultural and natural heritage. Cultural heritage objects are symbolic and represent cultural and natural identities, and their preservation sets the trajectory for cultural narratives and societal consensus about the past and present.

The History of the Concept

The emergence of the concept of cultural heritage is a result of a long historical development where different values were attached to monuments, buildings, works of art, artifacts, and landscapes. The destruction or loss of these objects led to the development of ideas like "outstanding universal value" and the declaration that these objects belong to "humanity." The concept of cultural heritage is directly related to the idea of protection or conservation.

The tradition of collecting cultural masterpieces belonged to "antiquarian interest," with the first collections consisting of highly selected assemblages or encyclopedic collections. The concept of national heritage emerged in the 19th century, leading to the creation of national museums and commissions for monument protection.

In the second half of the 20th century, international organizations, such as UNESCO, successfully gained support to preserve some particular aspects of the heritage of many nations, through concepts such as World Heritage and World Memory. However, the concept of cultural heritage has played a negative role in renewed nationalist movements, extremists, and the deliberate destruction of heritage values and objects.

In the 21st century, it is better understood that cultural heritage has meaning on multiple levels served best by multidisciplinary approaches and methodologies. Cultural heritage is in the scope of inquiry of a range of humanities, social sciences, and environmental studies. Solutions to cultural heritage and resource management issues are best achieved by acknowledging differences and legitimating conflicting interests, so as to seek common ground.

Tangible and Intangible Cultural Heritage

"Tangible heritage" includes buildings and historic places, monuments, artifacts, etc., which are considered worthy of preservation for the future. These include objects significant to the archaeology, architecture, science, or technology of a specific culture.

Objects are important to the study of human history because they provide a concrete basis for ideas, and can validate them. Their preservation shows the identification of the necessity of the past and of the things that tell its story. Preserved objects also confirm memories; and the actuality of the object, as opposed to a reproduction, draws people in and gives them a literal way of touching the past. This unfortunately poses a danger as places and things are damaged by the hands of tourists, the light required to display them, and other risks of making an object known and available.

"Intangible cultural heritage" consists of non-physical aspects of a particular culture, more often maintained by social customs during a specific period in history. The concept includes the ways and means of behavior in a society, and the often formal rules for operating in a particular cultural climate. These include social values and traditions, customs and practices, aesthetic and spiritual beliefs, artistic expression, language, and other aspects of human activity. The significance of physical artifacts can be interpreted as an act against the backdrop of the socioeconomic, political, ethnic, religious, and philosophical values of a particular group of people. Naturally, intangible cultural heritage is more difficult to preserve than physical objects.

Cultural Property

Cultural property comprises the physical items that are part of the cultural heritage of a group or society, as opposed to less tangible cultural expressions. They include such items as cultural landscapes, historic buildings, works of art, and archaeological sites, as well as collections of libraries, archives, and museums.

Cultural property is legally protected by a number of international agreements and national laws. There is intensive cooperation between the United Nations, UNESCO, and Blue Shield International on the protection of cultural goods.

"The term 'cultural property' shall cover, regardless of origin or ownership:

- 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
- 2. Buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property
- 3. Centers containing a large amount of cultural property as defined to be known as 'centers containing monuments'.

Cultural heritage has been described as the 'most distinguishing form of a culture's expression' and includes both tangible and intangible elements such as 'traditional dances, customs and ceremonies'. Cultural property is the essential element of a culture that allows it to be determined and identified.

Artifacts

An artifact is an object made by a human being. Artifacts include art, tools, and clothing made by people of any time and place. The term can also be used to refer to the remains of an object, such as a shard of broken pottery or glassware.

Artifacts are immensely useful to scholars who want to learn about a culture. Archaeologists dig areas in which ancient cultures lived and use the artifacts found there to learn about the past. Many ancient cultures did not have a written language or did not actively record their history, so artifacts sometimes provide the only clues about how the people lived.

Cultural Artifacts

A cultural artifact is a term used in the social sciences for anything created by humans which gives information about the culture of its creator and users. It is an item that contains important information about the people and the culture of a society. A cultural artifact may be tangible, like an ancient tomb or it may be intangible, like a modern non-fungible token. A cultural artifact is also known as a social artifact. Culture refers to the enduring attitudes, behaviors, ideas, and traditions shared by a large group of people that are transmitted from one generation to the next.

Cultural artifact is a more generic term and should be considered with two words of similar, but narrower, nuance: it can include objects recovered from archaeological sites. For example, in an anthropological context: a 17th-century lathe, a piece of faience, or a television each provides a wealth of information about the time in which they were manufactured and used.

Cultural artifacts, whether ancient or current, have a significance because they offer insight into technological processes, economic development, and social structure, among other attributes.

Illicit Trafficking

Theft, looting, and illicit trafficking of cultural property is a crime. It deprives people of their history and culture, it weakens social cohesion in the long term. It fuels organized crime and contributes to the financing of terrorism. UNESCO works to provide a clear and strong response to stem this scourge.

World Heritage

Heritage is something that comes or belongs to one by reason of birth and can refer to practices that are passed down through the years.

World Heritage Sites are cultural and natural sites considered to be of 'Outstanding Universal Value', which have been inscribed on the World Heritage List by the World Heritage Committee.

Outstanding Universal Value is considered to transcend national boundaries and to be of importance for future generations.

World Heritage status is a high honor that brings with it responsibilities and international scrutiny.

UNESCO seeks to protect and preserve such sites through the Convention Concerning the Protection of the World Cultural and Natural Heritage. This international treaty was drawn up in 1972.

States Parties identify and nominate suitable sites to the World Heritage Committee for inscription on the list maintained by UNESCO.

There are three types of sites. These are cultural, natural, and mixed sites. Cultural heritage sites include hundreds of historic buildings and town sites, important archaeological sites, and works of monumental sculpture or painting. Natural heritage sites are restricted to those natural areas that serve outstanding examples of Earth's record of life or its geologic processes, provide excellent examples of ongoing ecological and biological evolutionary processes, contain natural phenomena that are rare, unique, superlative, or of outstanding beauty, or furnish habitats for rare or endangered animals or plants or are sites of exceptional biodiversity. Mixed heritage sites contain elements of both natural and cultural significance.

There are 1157 properties on the World Heritage list including mixed heritages of which 54 are in danger and 43 are transboundary.

The vulnerability of sites to threats like raiding, erosion, and construction, coupled with international campaigns for their preservation, led to a convention to protect the 'common cultural heritage of humanity.'

Each UNESCO World Heritage Site is thus held in collective trust, legally protected by international treaty, and 'belonging to all the peoples of the world, irrespective of the territory on which they are located'.

However, World Heritage designation does not ensure a site's safety; for example, all six UNESCO monuments in Syria were destroyed or damaged during the civil war, including the 3rd century Palmyra Arch of Triumph and the Great Mosque of Aleppo.

The Benefits of Being a UNESCO World Heritage Site

There are a few benefits to being declared a UNESCO World Heritage Site:

<u>Press and Popularity</u>: Once a site has been recognized, it becomes more attractive to travelers, and therefore travel writers and other news organizations will help spread the word. The site suddenly has a certain status that it didn't have before, and for many countries, this could help bring new economic benefits.

<u>Funding</u>: The site is proper to receive funds for its protection and conservation. Since it is declared something of historical significance, it is understood worldwide that it needs to be preserved. The site will also have access to global project management resources if a repair is needed or if more options for tourism are needed to ensure the site's protection.

<u>Protection during a war:</u> Once declared, the site becomes protected under the Geneva Convention against destruction during a war.

The UNESCO Convention

The 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property urges States Parties to take measures to forbid and prevent the illicit trafficking of cultural property. It provides a common framework for the State Parties on the measures to be taken to prohibit and prevent the import, export, and transfer of cultural property.

The return and restitution of cultural property is central to the Convention and its duty is not only to remember but to fundamentally safeguard the identity of peoples and promote peaceful societies whereby the spirit of solidarity will be strengthened.

Thus, the 1970 Convention is fully in line with the Sustainable Development Goals defined in the United Nations 2030 Agenda.

Principles:

Prevention

The 1970 Convention gives a central role in prevention. Essential to the fight against illicit trafficking of cultural property, prevention can in particular consist of :

- the regular establishment of inventories;
- the establishment of export certificates;
- the application of controls and approval of traders;
- the application of criminal or administrative sanctions;
- the organization of information and education campaigns.

Restitution

For objects inventoried and stolen from a museum, public or religious monument, or a similar institution, provides that States Parties should undertake appropriate measures to capture and return any cultural property stolen and imported. Parties are responsible at the national level in terms of restitution and cooperation.

International cooperation

One of the guidelines of the 1970 Convention is the strengthening of international cooperation between States Parties. The convention commits States Parties to participate in any concerted international operation.

In order to be more effective in the fight against the illicit trafficking of cultural property, UNESCO asked the International Institute for the Unification of Private Law (UNIDROIT) to study private law questions that are not directly dealt with by the 1970 Convention.

For cases of return or restitution that do not fall under the preceding provisions bilateral negotiations between States are encouraged.

The UNESCO Intergovernmental Committee (ICPRCP) can also be solicited to facilitate bilateral negotiations between States concerning requests for the return and restitution of cultural property. The return or restitution of cultural property will therefore be carried out in the spirit of the 1970 Convention.

States Parties

To date, the 1970 Convention has been ratified by 143 states.

The Convention entered into force on 24 April 1972. The Convention enters into force three months after a State deposits its instrument of ratification, acceptance, or accession.

States Parties should:

- Adopt protection measures in their territories;
- Control movement of cultural property;
- Return stolen cultural property.

The Illicit Trafficking of Cultural Property

Cultural property trafficking is organized criminal activity that threatens cultural heritage. Trafficking of cultural goods is the illicit import, export, and transfer of ownership of cultural property. It may include illegal excavation, theft, smuggling, and illicit trade. To obtain objects, criminals destroy archaeological sites, disturb graves, and steal from religious and cultural institutions. This has a devastating impact on cultural heritage globally in particular in crisis and conflict areas as cultural objects are of major cultural, artistic, historical, and scientific importance.

Illicit traffic in works of art is by no means a new phenomenon, nor is it confined to any particular part of the world. As a form of crime, it is, however, expanding rapidly worldwide, and the emergence of new factors such as the growing demand in the newly affluent States, intentional destruction of monuments and historical sites, greater ease of communication, and indeed, the remarkable increase in the value of works of art as a consequence of the influx of capital into the market bodes ill for any attempt to stem the tide, still less turn it. While the urgency of the situation is universally acknowledged, the response in terms of human and financial input and legal protection has fallen far short of what is needed. National laws in the matter differ widely and this diversity is put to good use by traffickers, as is the limited territorial scope of the export bans set in place by individual States.

To efficiently protect cultural heritage against illicit trafficking, a sound legislative framework, international cooperation, and a solid base of evidence and well-targeted projects are needed.

Trafficking in cultural property is a low-risk, high-profit business for criminals with links to organized crime.

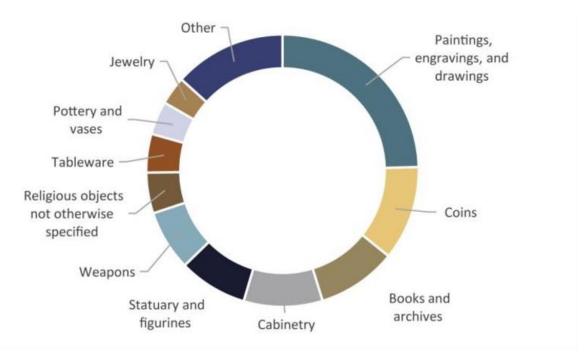
From stolen artwork to historical artifacts, this crime can affect all countries, either as origin, transit, or destinations.

During the last decade, our world has witnessed a considerable increase in the destruction of cultural heritage due to armed conflict. This has been accompanied by the organized looting, illicit trafficking, and sale of cultural objects that were an integral part of a country's heritage, history, and identity.

Crimes against cultural heritage do not just strike at objects. The destruction of heritage is linked to the persecution of individuals and communities on cultural grounds. This can also represent a security and stability issue and a war crime.

Given the diverse objects involved in this illicit trade, research on cultural property crime has considered several different categories of criminal activities related to these various items, including art theft, illicit looting and trafficking of cultural property, vandalism, and forgery and fraud involving cultural property.

The illicit trade in antiquities may involve financial crimes for example tax fraud through the donation of stolen objects to cultural institutions. Some forms of cultural property crime have a long history of research and law enforcement attention. Museums and law enforcement often work closely on cases of art theft from public institutions, and the documented nature of high-value artworks can in principle help investigations.



The Illicit Trafficking of Cultural Property on The Internet

With the advent of the Internet, the traffic of cultural goods has become more and more complex. Indeed, the Internet allows traffickers to sell stolen cultural artifacts more easily and rapidly. However, at the same time, the Internet also provides tools that help fight against illicit trafficking.

Recognizing the difficulties for law enforcement agencies to respond to the increasing sale of cultural objects through the Internet, it has been recommended that "INTERPOL, UNESCO, and ICOM develop and spread to their respective member countries a common list of basic recommended actions to counter the increasing illicit sale of cultural objects through the Internet". This led to the elaboration of the list of "Basic Actions concerning Cultural Objects being offered for Sale over the Internet".

This document lists a number of reasons why monitoring the traffic of cultural property on the Internet is so difficult:

- a. the volume and diversity of items offered for sale;
- b. the variety of places or platforms for the sale of cultural objects on the Internet;
- c. missing information that restricts proper identification of objects;
- d. the limited reaction time available owing to short bidding periods during a sale;
- e. the legal position of the companies, entities, or individuals serving as platforms for the trade in cultural objects over the Internet;
- f. the complex issues related to jurisdiction concerning these sales; and
- g. the fact that the objects sold are often located in a country different from that of the Internet platform.



Protecting and Preserving Historical Artifacts Through Generations

Thanks to their meticulous preservation, museums and their millions of historical artifacts usually stand the test of time. Sometimes, however, it's not time that historians and archaeologists should worry about, but human action, or occasionally even natural disasters. Throughout history, there have been many monuments, historical sites, and museums that have been destroyed, for varied reasons. The destruction of the Library of Alexandria by Julius Caesar in 48 BCE, or even the Lighthouse of Alexandria, one of the seven wonders of the ancient world, was destroyed by an earthquake in 330 BCE. But even in the modern day, the world's museums and artifacts still face destruction and devastation through various disasters.

Restoration vs preservation

Sometimes the words restoration and preservation are used interchangeably, which is incorrect. There is a big difference between preservation and restoration, each with its own purpose and appropriate times for application.

Restoration involves taking a look back in time to determine how an object would appear in its original time period. Treatment measures are completed to return that object to how it would have originally been created. Depending on the artifact, this could involve a variety of processes like removing layers of paint, adding materials to the object, or replacing eraspecific parts.

Preservation involves looking forward and taking measures to keep the object as it is in its current state. This may include treatment to reduce deterioration and protect its present condition, even if there may be small amounts of damage to the object.

There are many scenarios where preservation is the more appropriate means of treatment. When artifacts or objects are salvaged from unforgettable moments in history, the condition of those items is what helps to tell the story. One notable modern example of this is the artifacts within the National September 11 Memorial and Museum. The permanent collection at the museum contains more than 11,000 artifacts from the day's events.

A watch owned by a passenger on Flight 93 is on display at the September 11 Memorial and Museum, its face forever frozen, capturing the date and time of the event. This small, average, everyday object takes on new meaning when the context and condition of the object are preserved. It can tell the story of the entire event without any words.

Regional Evaluation

Historic preservation is an endeavor that seeks to preserve, conserve and protect buildings, objects, landscapes, or other artifacts of historical significance.

Iraq and the United States of America

The looting of ancient artifacts in Iraq has a long history dating back to 1884 when laws were passed to prevent moving and destroying antiquities. However, by the mid-1920s, the black market for antiquities began to grow, and looting became a significant problem in all sites where antiquities could be found. Iraq's independence from Britain lifted the absolute ban on antiquity exports, making it attractive to looters and black market collectors globally. The Gulf War resulted in at least 4000 artifacts being looted from Iraq sites, and uprisings after the war resulted in 9 of 13 regional museums being looted and burned. American troops and commanders did not prioritize security for cultural sites, and President Bush's suspension of President Clinton's policies for peacekeeping made the US's duties to restore public order unclear. The US military took matters of security and policing into their own hands instead of using and training Iraqi police, which proved disastrous for archaeological sites. Civil Affairs forces were important to the protection of culture, but they were left out of pre-war planning until it was too late to be of significant help. The COVID-19 pandemic has further exacerbated the problem, with historical sites being left unguarded due to few tourists or foreign archaeologists visiting these areas.

Romania

Archaeological looting in Romania refers to the illegal digging and removal of ancient artifacts from archaeological sites in Romania in order to be sold on the black market of antiquities in Western Europe and the United States.

Notable among the treasure looted are two dozen Dacian bracelets which were dug up and stolen around 1999-2001 from the archeological site at Sarmizegetusa Regia. Twelve of them were recovered by the Romanian state and at least another twelve are still missing.

In Romania, unauthorized digs are illegal around the areas designated archeological sites. Some looters use flocks of sheep in order to justify their presence in the area: they camp near the archeological sites and use donkeys to carry their equipment.

Egypt

Ancient Egyptian tombs are one of the most common examples of tomb or grave robbery. Most of the tombs in Egypt's Valley of the Kings were robbed within one hundred years of their sealing. As most of the artifacts in these ancient burial sites have been discovered, it is through the conditions of the tombs and presumed articles that are missing in which historians and archaeologists are able to determine whether the tomb has been robbed. Egyptian pharaohs often kept records of the precious items in their tombs, so an inventory check is presumed for archaeologists. Oftentimes, warnings would be left by the Pharaohs in the tombs of calamities and curses that would be laid upon any who touched the treasure, or the bodies, which did little to deter grave robbers. There are many examples of grave robbing in the Ancient World outside of Egypt.

Questions to be Addressed

- What can be done to prevent the illicit trafficking of historical artifacts?
- What can be applied to countries that still and at a high rate take this action?
- How artifacts can be identified and easily protected worldwide?
- How to prevent the theft of artifacts from countries affected by war or natural disasters?
- What can be done about forced smuggling from underdeveloped countries?
- How can artifacts be protected in conflicts between two countries?
- How can the UNESCO World Heritage List be made more functional, what are its deficiencies and how can it be eliminated?
- What kind of organization can work to minimize the illicit trafficking of historical artifacts and protect them in a more proper way?
- What kind of penalties can be applied to those who are caught, or are the current penalties sufficient?
- How to prevent smuggling and selling online?

Further Readings

(Delegates are expected to look at how well their country has preserved historical artifacts or crime rates.)

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