



American Model United Nations
General Assembly Plenary (Concurrent)

GA Plen/II/1

SUBJECT OF RESOLUTION: Return or restitution of cultural property to the countries of origin

SUBMITTED TO: The General Assembly Plenary (Concurrent)

The General Assembly Plenary (Concurrent),

1 *Recalling* its resolutions 3026 A (XXVII) of 18 December 1972, 3148 (XXVIII) of 14 December 1973, 3187
2 (XXVIII) of 18 December 1973, 3391 (XXX) of 19 November 1975, 31/40 of 30 November 1976, 32/18 of 11 November
3 1977, 33/50 of 14 December 1978, 34/64 of 29 November 1979, 35/127 and 35/128 of 11 December 1980, 36/64 of
4 27 November 1981, 38/34 of 25 November 1983, 40/19 of 21 November 1985, 42/7 of 22 October 1987, 44/18 of
5 6 November 1989, 46/10 of 22 October 1991, 48/15 of 2 November 1993, 50/56 of 11 December 1995, 52/24 of 25
6 November 1997, 54/190 of 17 December 1999, 56/97 of 14 December 2001, 58/17 of 3 December 2003, 61/52 of 4
7 December 2006, 64/78 of 7 December 2009, 67/80 of 12 December 2012, 70/76 of 9 December 2015, 73/130 of 13
8 December 2018 and 76/16 of 6 December 2021,,

9 *Recalling* the United Nations International Institute for the Unification of Private Law (UNIDROIT) Con-
10 vention on Stolen or Illegally Exported Cultural Objects of 1995 as well as the United Nations Educational, Scientific
11 and Cultural Organization (UNESCO) Convention for the Protection of Cultural Property in the Event of Armed
12 Conflict with Regulations for the Execution of the Convention of 14 May 1954 and the Convention on the Means of
13 Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 14 November
14 1970,

15 *Alarmed* by the illicit theft and sale of antiquities exacerbated by war, colonialism and civil unrest predom-
16 inantly experienced in Member States across Africa, Asia and Latin America,

17 *Concerned* by the continued illegal trafficking of cultural property,

18 *Understanding* that 85 to 90 percent of artifacts on the market do not have a documented provenance, making
19 it difficult to pinpoint the true origins of artifacts,

20 *Emphasizing* the educational significance of cultural artifacts in maintaining a recollection of our shared
21 heritage, history and culture,

22 *Deeply concerned* with the lack of direct cooperation between law enforcement of individual Member States
23 and United Nations endeavors to identify and return trafficked cultural heritage to their Member States of origin,

24 *Recognizing* the rights of Indigenous peoples as to their ownership of artifacts,

25 *Recognizing* the importance of education on and awareness about other cultures,

26 *Noting with satisfaction* the efforts from many Member States in taking the initiative to form multilateral
27 and bilateral agreements that facilitate the restitution of cultural property,

28 *Recognizing* that third-party arbitration groups have historically been unsuccessful in creating effective res-
29 olutions between States,

30 *Fully aware* that the restitution of cultural property does not only involve official government sectors but
31 also unregulated informal sectors that may hinder restitution efforts,

32 *Acknowledging* the limitations that may occur when sovereign legislation prevents the export of cultural
33 property and the time required for the internal reform of such regulation,

34 1. *Calls upon* Member States and UNESCO to recognize that the ownership of cultural property and objects
35 representing natural heritage belongs to the State of origin who also possesses diplomatic autonomy over the property;

36 2. *Encourages* Member States to engage in diplomatic efforts to negotiate bilateral and multilateral agree-
37 ments for the restitution of cultural property;

38 3. *Requests* UNESCO amend their definition of cultural property to include unlawfully excavated antiquities
39 and property stolen from private residences within the definition of stolen cultural property, especially as pertaining
40 to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of
41 Ownership of Cultural Property;

42 4. *Calls upon* Member States to strengthen international cooperation and coordination to combat the illicit
43 trade of cultural property, through organizations such as, but not limited to: the International Criminal Police
44 Organization (INTERPOL), UNIDROIT, the International Council of Museums (ICM) and the International Court
45 of Justice (ICJ);

46 5. *Encourages* the UNDP to establish an interconnected database between global actors and localized law
47 enforcement agencies in tracking both cultural objects at risk of illegal theft and lost artifacts on the black market
48 that will:

49 (a) Coordinate with the ICM to establish emergency Red Lists on a State-by-State basis and dis-
50 tribute said Red Lists to law enforcement agencies for consultation and dissemination among Member States;

51 (b) Ensure that specific police forces within INTERPOL dedicated to preventing the theft and
52 looting of cultural property will contribute regional updates to periodically track the movement of artifacts and
53 substantially improve expertise in fighting black market trafficking;

54 (c) Promote the scientific collaboration of national and international experts to share knowledge
55 with local antiquity task forces to protect and preserve archeological sites;

56 (d) Encourage Member States to form national databases to track both public and private collections
57 to better allow for information to be available to the public and relevant authorities;;

58 6. *Promotes* the establishment and maintenance of Memorandums of Understanding between Member States
59 to facilitate direct cooperation with intergovernmental law enforcement agencies;

60 7. *Requests* the expansion of bodies that facilitate neutral mediation and conciliation mechanisms for disputes
61 regarding the restitution of cultural property that respect the claims of current owners while acknowledging the
62 property rights and cultural and historical connections of countries of origin through:

63 (a) Promoting negotiation, cooperation and shared understanding;

64 (b) Providing a forum for discussions where both sides can present their cases and work towards
65 mutually acceptable solutions;

66 (c) Expanding the responsibilities that fall under UNESCO with a focused focus on weighing in on
67 issues that pertain to disputes regarding the restitution of cultural property by;

68 (i) Inviting UNESCO to mediate disputes between Member States regarding timelines for return;

69 (ii) Encouraging UNESCO to emphasize the mediation of formal agreements and to ensure that
70 returned and currently held artifacts are properly stored, displayed, and cared for to prevent the
71 future destruction, damage, or improper possession of artifacts;

72 (d) Adding the restitution of cultural property as a permanent agenda item for the General Assembly;

73 8. *Encourages* Member States to begin negotiations of restitution of property within 6 months of receiving
74 these requests, and the swift return of cultural property by an agreed-upon return date between involved Member
75 States, with the following stipulations:

76 (a) Should an item require special shipping conditions the necessary action and costs for these will
77 be negotiated by the involved Member States;

78 (b) Should an item be unable to be returned, the involved Member States must reach an agreement
79 for fair compensation and note the reason as to why the item is not returned;

80 (c) The postponing of the agreed-upon timeline of return is allowed by an extension of an additional
81 three months under the provision that the host State is allowed to make a replacement replica of the artifact to ensure
82 educational value is not sacrificed in the global community, where the replication will be observed by a coalition of
83 the involved States to ensure transparency and proper care;

84 9. *Urges* private organizations, such as universities or privately owned museums, to return cultural artifacts
85 to the possession of their Member States of origin;

86 10. *Further urges* Member States to discourage the collection and holding of illegally obtained cultural
87 property in private collections;

88 11. *Calls upon* the host Member State to provide reparations to the State of origin to be used for the
89 education and appreciation of the cultural heritage represented through the artifacts as decided by negotiation
90 between the Member States involved with the neutral moderation of a third party body;

91 12. *Calls for* the return of cultural property, with the following stipulations:

92 (a) Cultural property, upon a formal agreement between both Member States, may remain in the
93 possession of the host State;

94 (b) Cultural property remaining in the possession of the host State will become the property of
95 its State of origin, with States of origin retaining the right to maintain or distribute their cultural property to any
96 nation;

97 (c) Host States of cultural property will be under a lease of the property and will be required to pay
98 a yearly amount to the State of Origin agreed upon by involved member states;

99 (d) Host States will emphasize and promote the education of the history of the items in their
100 possession, including how the cultural artifacts came into their possession, in consultation with the States of origin
101 in order to educate on the accurate history of said items;

102 13. Understands that Member States may want to lend artifacts of cultural significance to other Member
103 States to be placed in public or private collections with:

104 (a) The strict intent of increasing education on and awareness of the cultures of other States;

105 (b) The possibility of economic compensation, such as an agreed-upon stipend paid by the host State
106 to the artifact's State of origin for the duration of the lending period.

Passed, Yes: 50 / No: 10 / Abstain: 13