



SRMUN Charlotte 2024
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Esteemed Delegates,

Welcome to SRMUN Charlotte 2024 and the United Nations General Assembly Plenary (UNGA). My name is Beau Seate, and I have the pleasure of serving as your Director for the General Assembly Plenary. This will be my second time as a member of SRMUN Charlotte staff, having previously served as the Assistant Director of the Economic and Social Council for SRMUN 2023. I've also attended SRMUN Charlotte and SRMUN Atlanta twice as a delegate. I currently work as a software engineer in North Carolina's Research Triangle Park. Our committee's Assistant Directors are Jessica Case and Eden Chaffee. This will be Jessica's second time as a staff member, previously serving as Assistant Director for the General Assembly Plenary at SRMUN Atlanta 2023. Jessica has been attending SRMUN conferences since 2021. She is currently a junior seeking a Bachelor's degree in International Affairs with a concentration in Europe. Eden will be serving on SRMUN staff for the first time after attending several conferences as a delegate. She is currently pursuing Bachelor's degrees in International Relations and Psychology.

The United Nations General Assembly is composed of all 193 Member States of the United Nations (UN), which provides a unique forum for multilateral discussion of the full spectrum of international issues. UNGA occupies itself as the chief deliberative, policymaking, and representative organ of the UN. It also plays a significant role in the process of standard-setting and the codification of international law. The overarching mission of UNGA is to recommend diplomatic and multilateral solutions to issues involving peace and security, human rights, development, international law and justice, and social, economic, and political unrest.

Focusing on the mission of UNGA, we have developed the following topics for delegates to discuss come conference:

- I. Establishing the United Nations Cybercrime Treaty
- II. Combating the Illicit Trade of Cultural Artifacts and Property

This background guide will serve as the foundation for delegate's research, yet it should not be the extent of the research. Each topic is prepared to help guide delegates in their initial research, and to serve as a starting place for more in-depth studies. It is expected that delegates go beyond this background guide in drafting their position paper and preparing themselves to contribute to the committee in March. Each delegation is expected to submit a position paper for consideration. Position papers should be no longer than two pages in length (single spaced) and demonstrate the Member State's position, policies, and recommendations on each of the two topics. For more detailed information about formatting and how to write position papers, delegates can visit srmun.org. **All position papers MUST be submitted no later than Friday, March 1st, by 11:59pm EST via the SRMUN website to be eligible for Outstanding Position Paper Awards.**

Jessica, Eden, and I are excited for the opportunity to serve as your dais for the General Assembly Plenary. We wish you all the best of luck in your conference preparation and look forward to meeting and working with each of you. Should questions arise as you begin to prepare for this conference, contacting those on your dais is always encouraged.

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History of The General Assembly Plenary

The United Nations (UN) was founded on October 24, 1945, by representatives of 50 Member States Meeting at the United Nations Conference on International Organization or the San Francisco Conference in the United States of America. The primary purpose of the UN is “to maintain international peace and security, give humanitarian assistance to those in need, protect human rights, and uphold international law.”¹ Under the Charter, the UN is composed of six main bodies each with individual purposes, powers, and directives: the General Assembly Plenary (UNGA), the UN Security Council, the Economic and Social Council (ECOSOC), the Trusteeship Council, the International Court of Justice (ICJ), and the UN Secretariat.²

UNGA is the primary policy making organ of the UN and focuses on international policy areas and challenges concerning the Mission of the UN and those of its Member States. The policy areas include the maintenance of international peace and justice, human rights, economic policy, and development.³ These areas stem from the *Charter of the United Nations*, which gives the UNGA its powers.⁴ These powers include the UNGA’s right to discuss “any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter” as stated in Chapter IV of the charter.⁵ The UNGA is further divided and can be broken down into subsidiary bodies, including various councils, committees, boards, and commissions based on various diverse responsibilities and mandates.⁶ The six subcommittees are as follows: First Committee (disarmament and matters of international security), Second Committee (economic and financial matters), Third Committee (social, humanitarian, and cultural matters), Fourth Committee (special political and decolonization matters and issues), Fifth Committee (administrative and budgetary), and the Sixth Committee (the legal committee).⁷ These committees discuss their respective agendas and turn their committee recommendations into draft resolutions.⁸ Additionally, these six bodies are expected to submit reports to the UNGA to keep the main committee up to date on the current status of the agenda and its potential solutions.⁹

Today, there are 193 Member States in the UNGA. All decisions during regular UNGA sessions only require a simple majority. In the event of electing Member States to the Security Council or the expulsion of a Member State, then a two-thirds majority is required.¹⁰ Observers, including the permanent observers of Palestine and the Holy See, are not permitted to vote on substantive matters.¹¹ Other notable Observers for the UNGA include intergovernmental organizations (IGOs) and nongovernmental organizations (NGOs).¹² The UNGA is the only body of the UN to have universal membership. For non-Member States, membership can be acquired through the process of an application, which is to be approved by the Security Council prior to being approved by UNGA itself.¹³

One of the principal responsibilities of the UNGA is to approve the UN’s budget, which is funded by the contributions of Member States.¹⁴ The UNGA is advised by the Committee on Contributions on the timing of Member State contributions.¹⁵ The budget of the UN accounts for a wide array of services including monitoring of

¹ “History of the United Nations,” *United Nations*, accessed November 25, 2023, <https://www.un.org/en/about-us/history-of-the-un>.

² “About Us,” *United Nations*, accessed November 25, 2023, <https://www.un.org/en/about-us>.

³ United Nations. *Charter of the United Nations*. October 24, 1945, <https://www.un.org/en/about-us/un-charter/full-text>

⁴ United Nations. *Charter of the United Nations*. Chapter IV

⁵ United Nations. *Charter of the United Nations*. Chapter IV.

⁶ “Subsidiary Organs of the General Assembly,” *United Nations*, accessed November 25, 2023, <https://www.un.org/en/ga/about/subsidiary/index.shtml>.

⁷ “Subsidiary Organs of the General Assembly,” *United Nations*.

⁸ Permanent Mission of Switzerland to the United Nations. *The GA Handbook: A Practical Guide to the United Nations General Assembly*. New York, NY: United Nations, 2017. https://www.unitar.org/sites/default/files/media/publication/doc/un_pga_new_handbook_0.pdf.

⁹ “The GA Handbook: A Practical Guide to the United Nations General Assembly.” pg. 18.

¹⁰ “About Us,” *United Nations*.

¹¹ “Non-Member-States,” *United Nations*, accessed November 25, 2023. <https://www.un.org/en/about-us/non-member-states>

¹² “The GA Handbook: A Practical Guide to the United Nations General Assembly.” pg. 30.

¹³ “Rules of Procedure, Admission of New Members to the United Nations.” *United Nations*, accessed November 25, 2023. https://www.un.org/en/ga/about/ropga/ropga_adms.shtml#:~:text=Admission%20of%20New%20Members%20

¹⁴ “General Assembly of the United Nations,” *United Nations*, accessed November 25, 2023, <https://www.un.org/en/ga/>.

¹⁵ “Committee on Contributions,” *United Nations*, accessed November 25, 2023, <https://www.un.org/en/ga/contributions/>.

human rights, maintaining peacekeeping and monitoring operations within conflict areas, and funding organizations like the UN's Children Fund (UNICEF) and the UN's Development Programme (UNDP).¹⁶ Per Article 17 of the Charter of the United Nations, all Member States are expected to pay a respective share towards the UN's peacekeeping efforts.¹⁷ UNGA allocates funding for these peacekeeping missions based on a complex formula, which was created by Member States, with different factors, such as "relative economic wealth" being taken into consideration.¹⁸ For example, the five permanent members of the Security Council are required to pay a larger share than other Member States due to their elevated economic status and responsibility for international security.¹⁹ This complex formula creates a special scale assessment that is used to assess how much funding is needed for the peacekeeping mission.²⁰ Any resolution that has implications on the UN budget must be reviewed by the Fifth Committee before heading to UNGA for approval.²¹ In 2023, UNGA approved a \$3.4 billion budget, allocating nearly a quarter of the budget for special political military operations.²²

The UNGA meets in formal and informal sessions and meetings. Each year, high-level sessions featuring world leaders begin on the Tuesday of the third week in September and are numbered sequentially across the years.²³ A single session lasts the duration of a year, as was decided during a vote in the UNGA's 44th session held in 1989-90.²⁴ Special sessions may be requested by either a majority of Member States or by the Security Council.²⁵ These special sessions are referred to as UN General Assembly Special Sessions (UNGASS) and are held to discuss and resolve a singular issue, meaning the agenda for the session is typically brief compared to other agendas for the UNGA.²⁶ As of June 2023, there have only been 32 special sessions, with the two most recent dating from 2020 and 2021.²⁷ The 31st special session was held in 2020 to better address the COVID-19 pandemic.²⁸ The 32nd special session, held in 2021, was called in order to address issues of corruption and strengthen international cooperation.²⁹ UNGA also has the ability to call an emergency special session if the Security Council fails to reach a consensus within the permanent members.³⁰ This power is derived from resolution 377(V)-A, "Uniting for Peace," which was passed in 1950 by UNGA in the case that the Security Council fails to come to a conclusion due to a veto or potential veto from one of the permanent members on an issue of security and peace.³¹ As of June 2023, there has only been 11 emergency special sessions, with the most recent dealing with the Security Council's inability to reach a unanimous course of action when it came to Russia's invasion of Ukraine.³² As a result, on March 2, 2022, UNGA adopted A/RES/ES-11/1 where UNGA officially condemned Russia for the invasion and urged Member States to aid in the emerging humanitarian crisis.³³ In April 2023, UNGA held its first formal debate on the use of the veto within the Security Council.³⁴

¹⁶ "The UN Budget," *Better World Campaign*, accessed November 25, 2023, <https://betterworldcampaign.org/resources/briefing-book-2022/united-nations-budget>.

¹⁷ "How we are funded," *United Nations Peacekeeping*, accessed November 25, 2023, <https://peacekeeping.un.org/en/how-we-are-funded>.

¹⁸ "How we are funded," *United Nations Peacekeeping*.

¹⁹ "How we are funded," *United Nations Peacekeeping*.

²⁰ "How we are funded," *United Nations Peacekeeping*.

²¹ "The GA Handbook: A Practical Guide to the United Nations General Assembly." Permanent Mission of Switzerland to the United Nations, 2017. https://www.unitar.org/sites/default/files/media/publication/doc/un_pga_new_handbook_0.pdf, (accessed November 25, 2023).

²² "The UN Budget," *Better World Campaign*.

²³ "The GA Handbook: A Practical Guide to the United Nations General Assembly." pg. 14.

²⁴ "The GA Handbook: A Practical Guide to the United Nations General Assembly." pg.14.

²⁵ "The GA Handbook: A Practical Guide to the United Nations General Assembly." pg.14.

²⁶ "The GA Handbook: A Practical Guide to the United Nations General Assembly." pg.14.

²⁷ "Special Sessions," *United Nations*, accessed June 25, 2023, <https://www.un.org/en/ga/sessions/special.shtml>

²⁸ "Special Sessions," *United Nations*.

²⁹ "Special Sessions," *United Nations*.

³⁰ "The GA Handbook: A Practical Guide to the United Nations General Assembly." pg.15.

³¹ "The GA Handbook: A Practical Guide to the United Nations General Assembly." pg.15.

³² "Emergency Special Sessions," *United Nations*, accessed November 25, 2023, <https://www.un.org/en/ga/sessions/emergency.shtml>.

³³ United Nations General Assembly resolution ES-11/1, *Aggression against Ukraine*, A/RES/ES-11/1, (March 2, 2022), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/293/36/PDF/N2229336.pdf?OpenElement>

³⁴ United Nations, "General Assembly: 69th plenary meeting, 77th session," *United Nations*, April 26, 2023, <https://media.un.org/en/asset/k1g/k1gcrw1paq>.

Since the 2000s, the UNGA has been primarily focused on the objectives of development.³⁵ The Millennium Development Goals (MDGs) were established and focused on eight key areas in which the international community would try to achieve progress by 2015.³⁶ These areas included achieving universal primary education and improving maternal health.³⁷ In 2015, the MDGs were replaced by the Sustainable Development Goals (SDGs) which came from the 2030 Agenda for Sustainable Development.³⁸ These goals, while focused on the objective of development, place emphasis on the idea of sustainability.³⁹ There are 17 total SDGs which span from climate issues to gender equality to achieving zero hunger.⁴⁰ These goals were made to build off the progress made under the MDGs, but also implement new targets as a result of the changing international system.⁴¹ Due to the COVID-19 pandemic, many Member States faced backsliding on the progress made against the SDGs, but these goals still have a target of 2030 to be achieved.⁴² The continued improvement of development goals showcases the UNGA's commitment to seeing all Member States achieve their own development goals, as well as foster international cooperation.

As of June 2023, a total of 298 resolutions have been adopted by UNGA in the 77th session.⁴³ These resolutions ranged from the promotion of zero waste initiatives to discussing the effects of weapons made of depleted uranium.⁴⁴ These resolutions are pushing forth the theme that President Csaba Kőrösi of Hungary set during the opening of the 77th session, which was to find solutions through sustainability, science, and solidarity.⁴⁵ The 78th session commenced on Tuesday, September 5th, 2023 under the leadership and guidance of President Dennis Francis, an experienced diplomat from Trinidad and Tobago.⁴⁶ The theme for the next session will be "Peace, Prosperity, Progress, and Sustainability," which aims to fulfill the promise and objectives of the SDGs and rebuild the trust of the UN with its Member States and civil society.⁴⁷

³⁵ "2000-2015, Millennium Development Goals," *United Nations*, last modified July 6, 2023, accessed November 25, 2023, <https://research.un.org/en/docs/dev>.

³⁶ "2000-2015, Millennium Development Goals," *United Nations*

³⁷ "2000-2015, Millennium Development Goals," *United Nations*

³⁸ "The 17 Goals," *United Nations*, accessed November 25, 2023, <https://sdgs.un.org/goals>.

³⁹ "The 17 Goals," *United Nations*.

⁴⁰ "The 17 Goals," *United Nations*.

⁴¹ "The 17 Goals," *United Nations*.

⁴² "The 17 Goals," *United Nations*.

⁴³ "Resolutions of the 77th Session," *United Nations*, accessed November 25, 2023, <https://www.un.org/en/ga/77/resolutions.shtml>.

⁴⁴ "Resolutions of the 77th Session," *United Nations*.

⁴⁵ "Solidarity, Sustainability, Science to Drive Transformation During UNGA77," *International Institute for Sustainable Development*, September 21, 2022, accessed November 25, 2023. <https://sdg.iisd.org/news/solidarity-sustainability-science-to-drive-transformation-during-unga77/>.

⁴⁶ "Incoming General Assembly President to prioritize 'Peace, Prosperity, Progress and Sustainability'," *United Nations: UN News*, June 1, 2023, accessed November 25, 2023, <https://news.un.org/en/story/2023/06/1137247#:~:text=A%20veteran%20diplomat%20from%20Trinidad,making%20body%2C%20starting%20in%20September>.

⁴⁷ "Incoming General Assembly President to prioritize 'Peace, Prosperity, Progress...,'" *United Nations: UN News*.

I. Establishing the United Nations Cybercrime Treaty

Introduction

Cybercrime has become a growing threat as the world moves towards a more digital future. The number of cyber-attacks on individuals, businesses, and Member States has increased dramatically year after year, with the COVID-19 pandemic causing an especially high uptick in attacks.⁴⁸ Today, the financial harm from cybercrime is equal to the third largest economy in the world.⁴⁹ Cybercrime is estimated to continue to rise and cost the world up to ten trillion dollars annually by 2025.⁵⁰ While some cyber-attacks are designed to gather data, such as malware and phishing attacks, others are capable of destroying or encrypting data, such as ransomware and trojan horses. There are a number of current treaties and conventions of varying scope that address cybercrimes, however, the United Nations (UN) has yet to formally adopt a treaty. On December 27th, 2019, the UN General Assembly (UNGA) adopted Resolution 74/247 on “Countering the use of information and communications technologies (ICTs) for criminal purposes,” which launched the process towards a new international treaty on cybercrime, and establishing an Ad Hoc Committee to develop a “comprehensive international convention.”⁵¹

History

The Budapest Convention on Cybercrime, also known as the Council of Europe Convention on Cybercrime, is a landmark international treaty adopted in 2001 by the Council of Europe.⁵² The convention aimed to streamline criminal and substantive law elements related to cybercrime offenses.⁵³ As of 2023, it remains the only binding international treaty on cybercrimes and electronic evidence that provides a framework for criminalizing conduct by means of computers.⁵⁴ A few offenses defined by the convention include computer-related fraud, illegal access, copyright, and neighboring rights.⁵⁵ Furthermore, the convention includes a clause addressing a distinct form of cross-border access to stored computer data that circumvents the need for mutual assistance under conditions of consent or publicly accessible data, along with establishing a continuous 24/7 network aimed at facilitating swift assistance with signatories.⁵⁶

The Electronic Privacy and Information Center was established in 1994 in Washington DC to protect privacy and freedom of expression, and came out in opposition to the ratification of the Budapest Treaty in July of 2005, citing the sweeping expansion of law enforcement authority, the lack of legal safeguards, and the impact on constitutional rights.⁵⁷ They summarized the convention with the following:

“The Convention includes a list of crimes that each signatory state must transpose into their own law. It requires the criminalization of such activities as hacking (including the production, sale, or distribution of hacking tools) and offenses relating to child pornography, and expands criminal liability for intellectual property violations. It also requires each signatory state to implement certain procedural mechanisms within their laws. For example, law enforcement authorities must be granted the power to compel an Internet Service Provider to monitor a person's activities

⁴⁸ Tim Maurer and Artur Nelson, “Global Cyber Threat to Financial Systems,” *IMF Finance & Development*, March 2021, accessed August 20, 2023, <https://www.imf.org/external/pubs/ft/fandd/2021/03/global-cyber-threat-to-financial-systems-maurer.htm>.

⁴⁹ Tim Maurer and Artur Nelson., “Global Cyber Threat to Financial Systems,” *IMF Finance & Development*.

⁵⁰ Steve Morgan, “Cybercrime Damage Costs \$10 Trillion by 2025,” *Cybersecurity Ventures*, accessed August 20, 2023, <https://cybersecurityventures.com/cybercrime-damage-costs-10-trillion-by-2025/>.

⁵¹ UN General Assembly Resolution 247, *Countering the use of information and communications technologies for criminal purposes*, A/RES/74/247, (December 27, 2019), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/440/28/PDF/N1944028.pdf?OpenElement>.

⁵² “The Budapest Convention on Cybercrime,” opened for signature on November 23, 2001, *European Treaty Series*, no. 185, <https://rm.coe.int/1680081561>.

⁵³ “The Budapest Convention on Cybercrime.”

⁵⁴ “The Budapest Convention on Cybercrime.”

⁵⁵ “The Budapest Convention on Cybercrime.”

⁵⁶ “The Budapest Convention on Cybercrime.”

⁵⁷ “Council of Europe Convention on Cybercrime,” *Electronic Privacy Information Center*, accessed August 20, 2023, <https://archive.epic.org/privacy/intl/ccc.html>.

*online in real time. Finally, the Convention requires signatory states to provide international cooperation to the 'widest extent possible for investigations and proceedings concerning criminal offenses related to computer systems and data, or for the collection of evidence in electronic form of a criminal offense. Law enforcement agencies will have to assist police from other participating [Member States] to cooperate with their 'mutual assistance requests.'"*⁵⁸

Having a common legal framework would eliminate jurisdictional challenges to facilitate law enforcement of international cybercrimes. However, a complete overhaul of that legal framework may not be possible for each Member State. Transposing convention provisions into domestic law can prove especially difficult if it requires the adoption of regulations that run counter to established legal principles. The United States of America (USA) experienced such a challenge.⁵⁹ The USA needed to update federal and state laws related to child pornography, which were protected under the first amendment in some circumstances to be able to ratify and comply with the treaty.⁶⁰ They accomplished this with the ratification by unanimous consent of the United States Senate in August 2006.⁶¹

The Budapest Treaty, despite being an initiative of the Council of Europe, stands as a beacon of international cooperation in the ongoing battle against cybercrime.⁶² While not officially under the UN umbrella, the Budapest Treaty's global reach is evident as an increasing number of Member States have ratified or acceded to it.⁶³ The treaty's approach, spanning a range of cyber-dependent and cyber-enabled crimes, showcases a model for effective collaboration.⁶⁴ Its provisions addressing digital evidence collection, jurisdictional issues, and the protection of human rights while combating cybercrime serves as a robust foundation for a potential UN treaty.⁶⁵

Current Situation

Since 2019, Member States have been discussing a formal United Nations treaty to address cybercrime.⁶⁶ However, the success of an eventual treaty is dependent on having a well-defined scope and safeguards to prevent potential risks and loopholes. If the treaty is not carefully structured, it could lead to the compromising of human rights online and offline. Some Member States are wary of the possibility of limiting freedom of expression.⁶⁷ A few examples of proposed provisions seen at the start of negotiations include the Russian Federation (Russia), Belarus, Nicaragua, and Cuba's proposal to criminalize coercion to suicide by digital means.⁶⁸ Additionally, China has proposed classifying the dissemination of false information that causes social disorder as a criminal act.⁶⁹

Other Member States, including the USA, the United Kingdom, Japan, and Australia and those within the European Union (EU), advocate for the inclusion of fundamental cyber-dependent crimes alongside a very limited set of cyber-enabled offenses that have been significantly impacted by digital technologies.⁷⁰ An exemplary case of the latter category involves offenses linked to child sexual abuse and exploitation.⁷¹ These Member States contend that a treaty encompassing an extensive list of cyber-enabled offenses carries the risk of potential misuse or misinterpretation.⁷² Furthermore, their approaches to criminalization exert an influence on the treaty's overall

⁵⁸ "Council of Europe Convention on Cybercrime.", *Electronic Privacy Information Center*

⁵⁹ "Attorney General Announces Global 'Cyber Sweep' Results." *U.S. Department of Justice*, accessed August 20, 2023, https://www.justice.gov/archive/opa/pr/2003/April/03_ag_266.htm.

⁶⁰ "Attorney General Announces Global 'Cyber Sweep' Results." *U.S. Department of Justice*.

⁶¹ "The Budapest Convention on Cybercrime."

⁶² "The Budapest Convention on Cybercrime."

⁶³ "The Budapest Convention on Cybercrime."

⁶⁴ "The Budapest Convention on Cybercrime."

⁶⁵ "The Budapest Convention on Cybercrime."

⁶⁶ UN General Assembly Resolution 247, *Countering the use of information*.

⁶⁷ "Key Takeaways from the Sixth UN Session on Cybercrime Treaty Negotiations." *Digital Watch*, accessed August 20, 2023, <https://dig.watch/updates/key-takeaways-from-the-sixth-un-session-on-cybercrime-treaty-negotiations>.

⁶⁸ "Key Takeaways from the Sixth UN Session on Cybercrime Treaty Negotiations." *Digital Watch*.

⁶⁹ "Key Takeaways from the Sixth UN Session on Cybercrime Treaty Negotiations." *Digital Watch*.

⁷⁰ "What Is the UN Cybercrime Treaty and Why Does It Matter?" *Chatham House*, accessed August 20, 2023, <https://www.chathamhouse.org/2023/08/what-un-cybercrime-treaty-and-why-does-it-matter>.

⁷¹ "What Is the UN Cybercrime Treaty and Why Does It Matter?" *Chatham House*.

⁷² "What Is the UN Cybercrime Treaty and Why Does It Matter?" *Chatham House*.

scope.⁷³ Member States favoring a more constrained approach have indicated their willingness to explore broader agreements on international cooperation and other treaty sections.⁷⁴ For instance, they are open to using the treaty as a foundation for the exchange of evidence between jurisdictions concerning any crime featuring a digital evidence component, not restricted solely to the offenses covered by the treaty.⁷⁵ Certain Member States have expressed concerns regarding the terminology employed in characterizing the treaty.⁷⁶ They contend that the phrase in the Ad Hoc Committee's title which included, "the Misuse of Information and Communication Technologies for Criminal Purposes," lends itself to a broad interpretation of criminalization, as it could encompass any criminal activity involving the use of an ICT device, which, in the modern era, extends to almost all criminal acts.⁷⁷ While the term 'cybercrime' remains somewhat ambiguous, it is generally perceived as having a narrower scope. The seventh and final session of the UN Ad Hoc Committee will conclude February 2024 in New York. Negotiations will continue into 2024, with the aim of adopting the treaty during the 79th UNGA session on September 10th, 2024.⁷⁸

Actions Taken by the United Nations

To orchestrate the new Treaty, Resolution 74/247 was endorsed by the UNGA in December 2019, leading to the establishment of the Ad Hoc Intergovernmental Committee tasked with crafting a "Comprehensive International Convention on Countering the Misuse of Information and Communication Technologies for Criminal Purposes."⁷⁹ It was decided that the Ad Hoc Committee would convene seven sessions from 2022 to 2024, accompanied by preliminary discussions with diverse stakeholders prior to each session to determine the agenda for the upcoming meeting.⁸⁰ The inaugural negotiating session of the Ad Hoc Committee convened from February 28th to March 11th, 2022, with the objective of finalizing the treaty text by early 2024. These discussions took place amidst contentious debates among Member States regarding the treaty's breadth and structural framework.⁸¹ During the first session, notable statements were delivered by representatives of Member States, human rights advocates, and the International Criminal Police Organization (INTERPOL). Most speakers underscored the necessity for an updated treaty in light of substantial developments since the signing of The Budapest Treaty.⁸²

The second session occurred on May 30th to June 10th, 2022. During its second session, the committee undertook several agenda items. These included the initial review of provisions related to criminalization, general regulations, procedural measures, and the role of law enforcement in countering cybercrime.⁸³ Norway's delegation emphasized the vital role played by the private sector in combating cybercrimes and emphasized the importance of protecting and assisting victims and witnesses.⁸⁴ During the same session, the Russian Federation, representing Belarus, Burundi, China, Nicaragua, and Tajikistan, presented a proposal.⁸⁵ Article 33 of their proposal, titled "Collection of Information Transmitted via Information and Communications Technology," outlined the responsibilities of each Member State in addressing cybercrimes covered by the convention.⁸⁶ The proposal called for the enactment of legal

⁷³ "What Is the UN Cybercrime Treaty and Why Does It Matter?" *Chatham House*.

⁷⁴ "What Is the UN Cybercrime Treaty and Why Does It Matter?" *Chatham House*.

⁷⁵ "What Is the UN Cybercrime Treaty and Why Does It Matter?" *Chatham House*.

⁷⁶ "What Is the UN Cybercrime Treaty and Why Does It Matter?" *Chatham House*.

⁷⁷ "What Is the UN Cybercrime Treaty and Why Does It Matter?" *Chatham House*.

⁷⁸ "What Is the UN Cybercrime Treaty and Why Does It Matter?" *Chatham House*.

⁷⁹ UN General Assembly Resolution 247, *Countering the use of information*.

⁸⁰ UN General Assembly Resolution 247, *Countering the use of information*.

⁸¹ "UN Cybercrime Treaty." *Electronic Frontier Foundation*, accessed August 20, 2023, <https://www.eff.org/issues/un-cybercrime-treaty>.

⁸² United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its first session*. New York, NY: UN Headquarters, 2022. https://www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/ahc-first-session.html.

⁸³ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its first session*.

⁸⁴ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its second session*. Vienna, AT, 2022. https://www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/ahc-second-session.html.

⁸⁵ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its second session*.

⁸⁶ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its second session*.

and other measures empowering competent authorities to gather and document information transmitted through ICTs within their respective territories.⁸⁷ Furthermore, the proposal suggested that service providers should be obligated to collaborate with and support authorities in real-time data collection or recording efforts.⁸⁸

In the third session held on August 29th to September 9th, 2022, the agenda included a preliminary review of provisions concerning international cooperation, technical assistance, preventive measures, the mechanism of implementation, and the final portions of the preamble.⁸⁹ There emerged significant disparities in viewpoints among Member States.⁹⁰ An ongoing debate revolved around whether the scope of international cooperation should be confined solely to severe crimes, with deliberations on how to precisely define such offenses, or if it should encompass a broader spectrum of criminal activities.⁹¹ A group of Member States, comprising Russia, Brazil, Egypt, India, and the Philippines, advocated for the broadest possible framework for international cooperation.⁹² Conversely, another group, which included Canada, Germany, Nigeria, and others, sought to limit international cooperation to crimes explicitly covered by the convention and those categorized as 'serious crimes,' which are often defined within existing legal instruments and carry significant imprisonment sentences.⁹³ Conversations surrounding preventive measures and technical assistance primarily revolved around questions about the convention's scope and breadth. While progress was made regarding an implementation mechanism, discussions concluded with an agreement that it was premature to finalize such a mechanism. Instead, several concrete proposals and more abstract ideas were introduced for future debate, awaiting greater clarity on the convention's scope. This decision essentially postponed resolving a contentious issue, with the consensus being that the chosen mechanism should either build upon or draw inspiration from existing models.

During the fourth and perhaps most contentious session held in Vienna on January 9th to January 20th, 2023, Member States engaged in their first round of negotiations on the draft text, focusing specifically on the first three chapters: general provisions, criminalization, and procedural measures.⁹⁴ The general provisions outlined the core principles upon which Member States had reached consensus, encompassing aspects such as the treaty's scope, terminology, jurisdiction, and its alignment with international human rights treaties.⁹⁵ The specific use of terms was deferred to an informal group by the Chair for further examination between the fourth and fifth sessions.⁹⁶ This was one of the four informal groups delegated by the chair during the session.⁹⁷ These informal group meetings are held outside of formal sessions and are unable to be accessed by non-governmental organizations (NGOs). While a lack of definitional clarity might typically pose a significant obstacle in treaty negotiations, this approach was deemed the

⁸⁷ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its second session.*

⁸⁸ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its second session.*

⁸⁹ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its first session.*

⁹⁰ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its third session.* New York, NY: UN Headquarters, 2022.

https://www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/ahc_third_session/main.html.

⁹¹ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its third session.*

⁹² United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its third session.*

⁹³ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its third session.*

⁹⁴ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its first session.*

⁹⁵ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its fourth session.* Vienna, AT, 2023. https://www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/ahc_fourth_session/main.html.

⁹⁶ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its fourth session.*

⁹⁷ "Notes from the Fourth Session on the UN's Proposed Cybercrime Convention." *Global Partnership for Digital Cooperation*, accessed October 8, 2023, <https://www.gp-digital.org/the-uns-proposed-cybercrime-convention-notes-from-the-fourth-session/>.

only viable way forward as agreed upon by Member States.⁹⁸ Within the criminalization chapter, significant attention centered on content-related offenses.⁹⁹ Given the earlier discussions in the preceding years' three sessions, there was widespread Member State support for incorporating offenses for child sexual abuse materials (Articles 18-21).¹⁰⁰ However, as the draft treaty took shape, debates over this issue became particularly intense.¹⁰¹ A subset of Member States raised questions regarding the applicability of globally accepted principles of proportionality and necessity in governing the use of procedural powers by Member States.¹⁰² Meanwhile, Member States, such as Singapore, Malaysia, and Russia, among others, advocated for the removal of Article 42 (safeguards), asserting redundancy with Article 5 (respect for human rights).¹⁰³ The fourth session was overshadowed by a lack of cooperation between Member States of the ad-hoc committee and NGOs, which played a significant part in the ratification of the Budapest Treaty.¹⁰⁴ Several NGOs and Civil Society members expressed their dissatisfaction with the committee splitting into informal groups closed to outside opinions.¹⁰⁵ While progress was made during the fourth session, questions lingered on if opposing Member States would come to agreements with the deadline for a UN treaty merely one year away.¹⁰⁶

The fifth session, occurring in Vienna from April 11th to April 21st, 2023, saw Member States engaging in discussions covering several chapters, including international cooperation, technical assistance, preventive measures, mechanisms of implementation, final provisions, and the preamble.¹⁰⁷ Notable points of contention revolved around the extent of the international cooperation chapter's reach and the integration of safeguards across chapters to safeguard human rights.¹⁰⁸ The EU and its Member States expressed a willingness to broaden the sharing of electronic evidence to encompass a broader spectrum of offenses, even those not explicitly covered by the convention.¹⁰⁹ However, they stipulated two conditions: first, that such evidence sharing should be contingent on the alleged conduct being a crime in both Member States (dual criminality), and second, that it should pertain solely to serious crimes, as defined in the UN Convention Against Transnational Organized Crime.¹¹⁰ In contrast, other Member States, including Mexico, Kenya, Malaysia, and Switzerland, favored a more limited approach, restricting evidence sharing to offenses specifically defined within the convention.¹¹¹ Meanwhile, some Member States argued that references to human rights safeguards throughout the chapters were redundant and unnecessary.¹¹² Between the fifth and the sixth sessions, a much anticipated "zero draft" of the potential UN treaty was set to be released to the

⁹⁸ McDonald, Ellie, "Notes from the Fourth Session on the UN's Proposed Cybercrime Convention." *Global Partnership for Digital Cooperation*.

⁹⁹ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its fourth session*.

¹⁰⁰ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its fourth session*.

¹⁰¹ McDonald, Ellie, "Notes from the Fourth Session on the UN's Proposed Cybercrime Convention." *Global Partnership for Digital Cooperation*.

¹⁰² United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its fourth session*.

¹⁰³ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its fourth session*.

¹⁰⁴ "UN Cybercrime Convention: Could the Cure Be Worse Than the Disease?" *CIVICUS Monitor*, accessed October 8, 2023, <https://lens.civicus.org/un-cybercrime-convention-could-the-cure-be-worse-than-the-disease/>

¹⁰⁵ "UN Cybercrime Convention: Could the Cure Be Worse Than the Disease?" *CIVICUS Monitor*

¹⁰⁶ McDonald, Ellie, "Notes from the Fourth Session on the UN's Proposed Cybercrime Convention." *Global Partnership for Digital Cooperation*.

¹⁰⁷ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its first session*.

¹⁰⁸ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its first session*.

¹⁰⁹ Kumar, Sheetal. "Human Rights Safeguards Urgently Needed: Notes from the Fifth AHC Session." *Global Partnership for Digital Cooperation*, accessed October 8, 2023. <https://www.gp-digital.org/human-rights-safeguards-urgently-needed-notes-from-the-fifth-ahc-session/>

¹¹⁰ Kumar, Sheetal. "Human Rights Safeguards Urgently Needed: Notes from the Fifth AHC Session." *Global Partnership for Digital Cooperation*.

¹¹¹ Kumar, Sheetal. "Human Rights Safeguards Urgently Needed: Notes from the Fifth AHC Session." *Global Partnership for Digital Cooperation*.

¹¹² United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its fifth session*. Vienna, AT, 2023. https://www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/ahc_fifth_session/main.

public after months of deliberations.¹¹³ This would give an opportunity for feedback from the general public, additional NGOs, and governments on language used in the draft text.¹¹⁴ As the 2024 deadline draws nearer, and with unresolved issues such as the use of terminology and the scope of the criminalization, it was anticipated that the final sessions would be substantive with the release of the zero draft.¹¹⁵ Certain Member States had publicly expressed their preference for achieving consensus on the treaty rather than resorting to a vote.¹¹⁶

The sixth session of the Ad Hoc Committee occurred in New York from August 21st to September 1st, 2023, with its primary focus being the negotiation of the treaty's draft text after the release of the “zero draft” to the public.¹¹⁷ During this session, various Western advocacy groups, including Microsoft, openly expressed their dissatisfaction with the existing “zero draft,” which, they argued, had the potential to severely impact human rights negatively.¹¹⁸ At the same time, several Member States voiced concerns that the “zero draft” did not align with the scope outlined in the committee's mandate.¹¹⁹ Specifically, these delegations, along with like-minded counterparts, believed that the chair's current approach did not adequately address the continually evolving landscape of ICTs.¹²⁰ Ambiguities in the choice of specific terminology remained a persistent issue. Despite the chair's assurances that a dedicated terminology group was actively working to resolve these terminology-related concerns and offer proposals, many delegations found themselves divided into opposing camps.¹²¹ Disputes arose over whether to employ terms like 'cybercrime' or 'the use of ICTs for malicious purposes,' whether to retain the verb 'combat' or replace it with more precise alternatives like 'suppress,' and whether to use terms like 'child pornography' or 'online child sexual abuse,' 'digital' or 'electronic' information, and so forth.¹²² Further contention emerged during discussions regarding whether the provisions should allow real-time collection of traffic data and interception of content data (Articles 29 and 30, respectively).¹²³ While Singapore, Switzerland, Malaysia, and Vietnam advocated for the removal of such powers from the text, other delegations, including Brazil, South Africa, the USA, Russia, Argentina, and others, preferred retaining them.¹²⁴ The EU emphasized that such measures represented a significant intrusion and interference with the human rights and freedoms of individuals.¹²⁵ Nevertheless, the EU expressed its willingness to consider retaining these provisions, provided that the conditions and safeguards outlined in Articles 24, 36, and 40(21) remained in the text.¹²⁶ The sixth session proved to be a step in the right direction as the release of the zero draft gave the international community a basis for critique. With the language available to the public, the treaty became less of a hypothetical and moved closer to becoming a reality. The committee is scheduled to continue negotiations during its seventh session in February 2024.¹²⁷ If the text is adopted, Member States will subsequently need to ratify it. In case

¹¹³ United Nations Office on Drugs and Crime, “Draft text of the convention,”

https://www.unodc.org/documents/Cybercrime/AdHocCommittee/6th_Session/DTC/DTC_rolling_text_02.09.2023.pdf

¹¹⁴ Katitza Rodriguez, “First Draft UN Cybercrime Treaty Drops Troubling Provisions, but Remains Dangerous and Open,” *Electronic Frontier Foundation*, accessed October 8, 2023. <https://www.eff.org/deeplinks/2023/07/first-draft-un-cybercrime-treaty-drops-troubling-provisions-dangerous-and-open>.

¹¹⁵ Tim Starks, “The Perilous Path of the New Cybercrime Treaty.” *The Washington Post*, April 28, 2023, accessed October 8, 2023. <https://www.washingtonpost.com/politics/2023/04/28/perilous-path-new-cybercrime-treaty/>.

¹¹⁶ Tim Starks, “The Perilous Path of the New Cybercrime Treaty.” *The Washington Post*.

¹¹⁷ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its first session*.

¹¹⁸ Jonathan Greig, “Global Cybercrime Treaty Could Be Disastrous for Rights Orgs.” *The Record*, August 27, 2023. accessed October 8, 2023. <https://therecord.media/global-cybercrime-treaty-disastrous-rights-orgs>.

¹¹⁹ “Key Takeaways from the Sixth UN Session on Cybercrime Treaty Negotiations.” *Digital Watch*.

¹²⁰ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its sixth session*. New York, NY: UN Headquarters, 2023.

https://www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/ahc_sixth_session/main.

¹²¹ United Nations, General Assembly. *Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its sixth session*.

¹²² “Key Takeaways from the Sixth UN Session on Cybercrime Treaty Negotiations.” *Digital Watch*.

¹²³ UNODC, “Draft text of the convention.”

¹²⁴ UNODC, “Draft text of the convention.”

¹²⁵ UNODC, “Draft text of the convention.”

¹²⁶ UNODC, “Draft text of the convention.”

¹²⁷ “Key Takeaways from the Sixth UN Session on Cybercrime Treaty Negotiations.” *Digital Watch*.

consensus proves unattainable, the Bureau of the UN Office on Drugs and Crime will determine that decisions will be made by a two-thirds majority of the present voting representatives.¹²⁸

Conclusion

The global endeavor to create a comprehensive international treaty to combat cybercrime is marked by intricate negotiations, divergent perspectives, and complex challenges. Through numerous sessions of the Ad Hoc Committee, Member States have grappled with defining the parameters of this critical treaty. The central issues revolve around the treaty's scope, terminology, and the balance between effectively countering cybercrime and safeguarding fundamental human rights. Contentious debates have arisen regarding the extent of international cooperation, with some advocating for a broader sharing of electronic evidence and others favoring a narrower focus. As negotiations advance into the seventh session and beyond in February 2024, the path forward remains uncertain. The outcome of this treaty will have profound implications for international efforts to combat cybercrime in a digitally interconnected world and is a testament to the complex nature of security, human rights, and global cooperation in our digital age.

Committee Directive

In the process of conducting their research for the conference, delegates should keep in mind the following questions: How should cybercrime be defined by the UN? What processes are currently in place to address cybercrime and how can they be improved? How should jurisdiction and extradition processes be handled for international cybercrimes? How can the treaty ensure the protection of human rights and privacy? What mechanisms should be in place to monitor and evaluate its effectiveness?

Delegates are advised to consider historical limitations as well as encouraged to explore innovative approaches that address the shortcomings of previous attempts to establish the treaty. This may involve reconsidering the scope, revising terminology, or proposing alternative mechanisms to safeguard both security and human rights.

¹²⁸ UN General Assembly Resolution 282, *Countering the use of information and communications technologies for criminal purposes*, A/RES/75/282, (May 26, 2021), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/133/51/PDF/N2113351.pdf?OpenElement>.

II. Combating the Illicit Trade of Cultural Artifacts and Property

Introduction

Cultural artifacts and property hold vast importance to the communities from which they come. However, the illicit trade of these artifacts and property threatens this connection. Cultural property is universally recognized as a nonrenewable resource that is heavily ingrained and connected to a respective culture.¹²⁹ These objects are often tied to cultural heritage practices.¹³⁰ An artifact is a form of cultural property, and it is most commonly defined as items such as, but not limited to: clothing, tools, decorations, manuscripts, and art.¹³¹ Artifacts from all cultures vulnerable to the illicit trade but artifacts that originate from Africa, the Middle East, and Asia are primary targets. The illicit or illegal trade of cultural property and artifacts is formally described as the “illicit import, export and transfer of ownership of cultural property.”¹³² This trade is facilitated in a variety of ways, such as the taking of cultural property from heritage and archaeological sites, stealing cultural items from cultural institutions, and the looting of cultural items during times of conflict.¹³³ Almost 70 percent of artifacts found in museums have come as a result of the looting of archaeological sites by black market dealers and organized crime groups.¹³⁴ In recent years, the push to return these artifacts has increased, but it poses serious political implications. It is imperative that Member States of the United Nations General Assembly Plenary work together in order to combat the illicit trade of cultural artifacts and property, as it is a very complex and multifaceted matter.

History

The illicit trade of cultural artifacts and property is a long-established practice with roots dating back to at least 212 B.C.¹³⁵ During the time of the Roman Empire, the Romans seized different artifacts from Ancient Greece, including statues and paintings and then transported them back to Rome.¹³⁶ This practice continued throughout history with famous examples, such as Napoleon Bonaparte’s seizing of over 600 sculptures and paintings during his 1815 Italian conquests.¹³⁷ The scale of this illicit trade grew dramatically and became more complex during the age of exploration and colonization. For example, when the British and French colonial powers began to establish colonies in Africa, the respective empires seized cultural artifacts of the ethnic communities.¹³⁸ This ‘transfer’ of possession was often done through violent means and without the approval of these communities.¹³⁹ These artifacts showed proof of the colonizer’s occupation on the continent and aided in the dispersal of educational opportunities for the citizens of colonizing countries. This practice was justified based on the idea of cultural internationalism, defined as people having a shared understanding that they have a responsibility in the continued preservation and appreciation of cultural property.¹⁴⁰ Supporters of cultural internationalism thought of this trade as a means to give individuals

¹²⁹ “Cultural Property,” *United States Bureau of Educational and Cultural Affairs*, accessed August 13, 2023.

<https://eca.state.gov/cultural-heritage-center/cultural-property#:~:text=Cultural%20property%20is%20a%20unique.and%20objects%20used%20in%20ceremonies>.

¹³⁰ “Cultural Property,” *United States Bureau of Educational and Cultural Affairs*.

¹³¹ “Artifacts,” *National Geographic*, accessed August 13, 2023. <https://education.nationalgeographic.org/resource/artifacts/>.

¹³² “Illicit Trade in Cultural Property,” *Transnational Alliance to Combat Illicit Trade*, accessed August 13, 2023.

<https://www.tracit.org/cultural-property.html#:~:text=Illicit%20trade%20in%20cultural%20property%20%E2%80%93%20meaning%20the%20illicit%20import%2C%20export.or%20smuggled%20across%20a%20border>.

¹³³ “Illicit Trade in Cultural Property,” *Transnational Alliance to Combat Illicit Trade*.

¹³⁴ Simon, “Up to 70 Percent of Artifacts in Some Museums May Be Stolen New Report Finds,” *Arna Bontemps African American Museum*, October 19, 2022, accessed August 13, 2023. <https://www.arnabontempsmuseum.com/up-to-70-percent-of-artifacts-in-some-museums-may-be-stolen-new-report-finds/>.

¹³⁵ The American Institute for Roman Culture, “The Illicit Trafficking of Cultural Goods: A Long and Ignoble History,” *Ancient Rome Live/Amineeddoleh & Associates LLC*, July 12, 2021, accessed August 13, 2023. <https://ancientromelive.org/the-illicit-trafficking-of-cultural-goods-a-long-and-ignoble-history/>.

¹³⁶ The American Institute for Roman Culture, “The Illicit Trafficking of Cultural Goods: A Long and Ignoble History.”

¹³⁷ The American Institute for Roman Culture, “The Illicit Trafficking of Cultural Goods: A Long and Ignoble History.”

¹³⁸ Nosmot Gbadamosi, “Stealing Africa: How Britain looted the continent’s art,” *Al Jazeera Media Network*, October 12, 2021, accessed August 13, 2023. <https://www.aljazeera.com/features/2021/10/12/stealing-africa-how-britain-looted-the-continents-art>.

¹³⁹ Nosmot Gbadamosi, “Stealing Africa: How Britain looted the continent’s art.”

¹⁴⁰ John Henry Merryman, “Cultural Property Internationalism,” *International Journal of Cultural Property* 12, no. 1 (February 2005): 11-39, <https://doi.org/10.1017/S0940739105050046>.

who were unable to experience different parts of the world firsthand access to new cultures.¹⁴¹ Many of these stolen cultural artifacts were placed in national museums along with private collections where they were put on display for educational purposes.¹⁴² Museum exhibits and collections were curated in order to provide knowledge and insight into different artifacts and property that were foreign to visitors.¹⁴³ This ability of museums to create an educational environment catered to all based around artifacts has led to museums becoming a staple in cultural education.¹⁴⁴

As colonized Member States started to gain independence after the conclusion of the World Wars, they sought the return of cultural artifacts that were taken during their occupation.¹⁴⁵ However, during this time there was a lack of any major national treaty or convention on the matter of the illicit trade of cultural property and artifacts.¹⁴⁶ Member States came together to establish the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which was approved in November of that year.¹⁴⁷ The adoption of the 1970 convention showed a shift in popularity of the previously supported concept of cultural internationalism toward the concept of cultural nationalism.¹⁴⁸ The concept of cultural nationalism is in direct opposition to cultural internationalism where people believe that cultural property should stay within its original community in order to safeguard its cultural connection.¹⁴⁹

Current Situation

The United Nations Educational, Scientific and Cultural Organization (UNESCO) officially recognized November 14th as the International Day against Trafficking in Cultural Property in 2019.¹⁵⁰ The intent of this day is to draw more attention to the illegal trafficking of cultural property, as it continues to be prevalent within international trade and new solutions towards combating the issue are needed.¹⁵¹ This was also done one year short of the 50th anniversary of the 1970 Convention, which was the first major international framework on how to combat the illicit trade of cultural property.¹⁵² While the 1970 Convention accomplished great feats in laying forth an international framework, the illicit trade of cultural property still remains a thriving business today.¹⁵³

A joint set of operations by the name of Pandora are conducted by The International Criminal Police Organization (INTERPOL), European Union Agency for Law Enforcement Cooperation (EUROPOL), and the World Customs Organization as means to combat those participating in the illicit trade of cultural property.¹⁵⁴ The Pandora operation

¹⁴¹ Maya Lucyshyn, “Western Art Museums and the Legacy of Imperialism: The Successes, Shortcomings, and Future of the Art Repatriation Movement,” *Temple International & Comparative Law Journal* 36, no. 1 (Fall 2021): 119-149, <https://search.ebscohost.com/login.aspx?direct=true&AuthType=ip,shib&db=lgs&AN=162152491&site=eds-live&scope=site&custid=ns235470>.

¹⁴² Stevenson University, “Role of Museums in Education – Why Museums are Still Relevant to Education,” *Stevenson University*, accessed August 13, 2023, <https://www.stevenson.edu/online/about-us/news/role-of-museums-education/>.

¹⁴³ Stevenson University, “Role of Museums in Education – Why Museums are Still Relevant to Education.”

¹⁴⁴ Stevenson University, “Role of Museums in Education – Why Museums are Still Relevant to Education.”

¹⁴⁵ “About 1970 Convention,” *United Nations Educational, Scientific and Cultural Organization (UNESCO)*, accessed August 13, 2023, <https://en.unesco.org/fightrafficking/1970>.

¹⁴⁶ “About 1970 Convention,” *UNESCO*.

¹⁴⁷ “About 1970 Convention,” *UNESCO*.

¹⁴⁸ Maya Lucyshyn, “Western Art Museums and the Legacy of Imperialism: The Successes, Shortcomings, and Future of the Art Repatriation Movement.”

¹⁴⁹ Maya Lucyshyn, “Western Art Museums and the Legacy of Imperialism: The Successes, Shortcomings, and Future of the Art Repatriation Movement.”

¹⁵⁰ “International Day against Illicit Trafficking in Cultural Property,” *UNESCO*, 2020, accessed August 13, 2023, <https://www.unesco.org/en/days/against-illicit-trafficking#:~:text=Held%20every%20on%20a%2014,work%20together%20to%20combat%20this>.

¹⁵¹ “International Day against Illicit Trafficking in Cultural Property,” *UNESCO*.

¹⁵² “International Day against Illicit Trafficking in Cultural Property,” *UNESCO*.

¹⁵³ Neil Brodie, Morag M. Kersel, Simon Mackenzie, Isber Sabrine, Emiline Smith & Donna Yates, “Why There is Still an Illicit Trade in Cultural Objects and What We Can Do About It,” *Journal of Field Archaeology* 27, no. 2 (Fall 2021): 117-130, <https://doi.org/10.1080/00934690.2021.1996979>.

¹⁵⁴ Neil Brodie, Morag M. Kersel, Simon Mackenzie, Isber Sabrine, Emiline Smith & Donna Yates, “Why There is Still an Illicit Trade in Cultural Objects and What We Can Do About It.”

is held annually, with its first operation taking place in 2016.¹⁵⁵ As a result of the second Pandora operation and joint Athena Operation, EUROPOL reported that they had seized over 41,000 cultural objects and opened a total of over 200 investigations spanning 81 Member States.¹⁵⁶ In 2020, INTERPOL reported that they seized 19,000 cultural artifacts and opened over 300 investigations in 103 Member States due to the fourth Pandora and second Athena operations.¹⁵⁷ By 2022, Operation Pandora boasted a total of 147,050 recovered cultural objects and has led to the arrests of 407 individuals involved in this illicit trade.¹⁵⁸ While these are impressive statistics for a six-year period, there is still much work left to do as according to the Archaeological Institute of America, 85-90 percent of artifacts on the market lack the proper ownership documentation.¹⁵⁹

The illicit trade of cultural artifacts is a lucrative business that has led to the involvement of organized crime groups.¹⁶⁰ It is widely accepted that trafficking in any form is a complex process requiring a level of order and organization.¹⁶¹ The level of complexity associated with trafficking gives organized crime groups an advantage over individuals or unorganized groups.¹⁶² Organized crime groups often have predetermined trafficking routes which they can use to their benefit in the trafficking of cultural property.¹⁶³ The United Nations Office on Drugs and Crime (UNODC) has recognized that these groups are participating in this trade through both legitimate markets and in underground, black markets.¹⁶⁴ By engaging in both formal and informal markets, these groups are able to maximize profits made from the sale of stolen cultural objects and put them towards different illegal activities.¹⁶⁵ UNODC adopted the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offenses in 2015 as means to combat this illicit trade from an organized crime perspective.¹⁶⁶

In 2017, the Council of Europe adopted the Convention on Offences relating to Cultural Property, also commonly known as the Nicosia Convention, as it was signed in the capital city of Cyprus.¹⁶⁷ This is the first international treaty of its kind that explicitly deals with criminalization in the illicit trading of cultural property.¹⁶⁸ The convention established criminal offenses for illegal excavations, the importation and exportation of cultural property, and the fabrication of documents.¹⁶⁹ Another groundbreaking development in the combating of this illicit trade comes in the

¹⁵⁵ “International art trafficking operation leads to 60 arrests and over 11,000 objects recovered,” *Interpol*, May 4, 2023, accessed August 13, 2023, <https://www.interpol.int/en/News-and-Events/News/2023/International-art-trafficking-operation-leads-to-60-arrests-and-over-11-000-objects-recovered>.

¹⁵⁶ Neil Brodie, et al., “Why There is Still an Illicit Trade in Cultural Objects and What We Can Do About It.”

¹⁵⁷ Neil Brodie, et al., “Why There is Still an Illicit Trade in Cultural Objects and What We Can Do About It.”

¹⁵⁸ “52 arrests in operation across 28 countries targeting trafficking in cultural goods,” *Interpol*, March 9, 2022, accessed August 13, 2023, <https://www.interpol.int/en/News-and-Events/News/2022/52-arrests-in-operation-across-28-countries-targeting-trafficking-in-cultural-goods>.

¹⁵⁹ Carl Franzen, “Ill-gotten gains: how many museums have stolen objects in their collections,” *The Verge*, May 13, 2013, accessed November 21, 2023, <https://www.theverge.com/2013/5/13/4326306/museum-artifacts-looted-repatriation>.

¹⁶⁰ “Trafficking Cultural Property: Stealing from the Past is Destroying the Future,” *United Nations Office on Drugs and Crime (UNODC)*, accessed August 13, 2023, <https://www.unodc.org/unodc/en/organized-crime/intro/emerging-crimes/trafficking-in-cultural-property.html>.

¹⁶¹ Alessandro Chechi, “Fighting and preventing offences relating to cultural property: existing rules and proposals for functioning regulatory systems,” *Council of Europe*. October 24-26, 2019, accessed August 13, 2023, <https://rm.coe.int/fighting-and-preventing-offences-relating-to-cultural-property-existin/1680980d4e>.

¹⁶² Alessandro Chechi, “Fighting and preventing offences relating to cultural property: existing rules and proposals for functioning regulatory systems.”

¹⁶³ Alessandro Chechi, “Fighting and preventing offences relating to cultural property: existing rules and proposals for functioning regulatory systems.”

¹⁶⁴ “Trafficking Cultural Property: Stealing from the Past is Destroying the Future,” *UNODC*.

¹⁶⁵ “Trafficking Cultural Property: Stealing from the Past is Destroying the Future,” *UNODC*.

¹⁶⁶ “Trafficking Cultural Property: Stealing from the Past is Destroying the Future,” *UNODC*.

¹⁶⁷ “Combating illicit trafficking and destruction of cultural property: Council of Europe adopts new convention,” *Council of Europe News*, May 3, 2017, accessed August 13, 2023. https://www.coe.int/en/web/tbilisi/council-of-europe-news/-/asset_publisher/zsGQOJsjjHjv/content/combating-illicit-trafficking-and-destruction-of-cultural-property-council-of-europe-adopts-new-convention?_101_INSTANCE_zsGQOJsjjHjv_viewMode=view/.

¹⁶⁸ “Combating illicit trafficking and destruction of cultural property: Council of Europe adopts new convention,” *Council of Europe News*.

¹⁶⁹ “Combating illicit trafficking and destruction of cultural property: Council of Europe adopts new convention,” *Council of Europe News*.

form of returning stolen cultural property.¹⁷⁰ Based on the guidance of leading museum experts in the Netherlands, the Dutch government adopted a set of guidelines that will facilitate the return of colonial-era cultural properties.¹⁷¹ The government, as a result of these guidelines, will set up an independent committee tasked with handling requests for restitution and investigating whether artifacts in museums were obtained in ill faith.¹⁷² These actions by the Dutch government open the door for many other Member States to begin the return process of stolen cultural properties. However, the Dutch are not alone in their efforts. In 2021, France returned 26 cultural artifacts that were obtained during their occupation of the Kingdom of Dahomey, now modern-day Benin, in 1892.¹⁷³ During a meeting held by French President Emmanuel Macron, Patrice Talon, the President of Benin, likened the returning of the 26 artifacts to the returning of the Member State's "soul."¹⁷⁴

Actions Taken By the UN

The United Nations (UN) has taken resolute actions to counter the perilous trend of illicit trade in cultural artifacts, and has remained determined in its endeavor to safeguard the bonds between communities and their heritage. The international community has long recognized the importance of protecting cultural property. During World War II, there was a concentrated effort from Nazi Germany to eliminate various paintings, sculptures, books, and religious objects during the duration of the war.¹⁷⁵ It is estimated that around twenty percent of all the art in Europe fell victim to this campaign, and artifacts are still being recovered from that time period.¹⁷⁶ In direct response to this egregious act of cultural violence, the Convention for the Protection of Cultural Property in the Event of Armed Conflict was established in 1954 under UNESCO.¹⁷⁷ The Convention, commonly referred to as the Hague Convention, was the first multilateral treaty to be solely dedicated to the protection of cultural artifacts both during times of peace and conflict. It outlined the various ways in which participating Member States would act to preserve cultural heritage, such as adopting preventative measures, establishing special units within the military designed to protect property, and the creation of a registry for important artifacts to be cataloged.¹⁷⁸ Another important cornerstone of the global endeavor to prevent illicit trade is UNESCO's Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property. This agreement orchestrated international cooperation, furnishing the foundation for nations to stem the unlawful movement of stolen cultural treasures, while also advocating for the repatriation of pilfered artifacts to their rightful origins.¹⁷⁹ Echoing this commitment, The International Institute for the Unification of Private Law (UNIDROIT) established the Convention on Stolen or Illegally Exported Cultural Objects (1995), which supplements these efforts by creating principled guidance for parties to confront and restitute unlawfully procured artifacts.¹⁸⁰ Moreover, INTERPOL's indispensable Stolen Works of Art Database epitomizes collaborative potency, furnishing law enforcement agencies and cultural

¹⁷⁰ Sarah Cascone, "The Dutch Government Just Promised to Return Any Stolen Colonial-Era Objects in Its Collections Back to Their Countries of Origin," *Artnet Worldwide Corporation*. Last modified February 2, 2021, accessed August 13, 2023, <https://news.artnet.com/art-world/netherlands-restitution-guidelines-1941734>.

¹⁷¹ Sarah Cascone, "The Dutch Government Just Promised to Return Any Stolen Colonial-Era Objects in Its Collections Back to Their Countries of Origin."

¹⁷² Sarah Cascone, "The Dutch Government Just Promised to Return Any Stolen Colonial-Era Objects in Its Collections Back to Their Countries of Origin."

¹⁷³ Padraig Moran, "Western museums need to return stolen artifacts to 'get on the right side of history,' says art historian," *Department of African American Studies at Princeton University*. November 11, 2021, accessed August 13, 2023, <https://aas.princeton.edu/news/western-museums-need-return-stolen-artifacts-get-right-side-history-says-art-historian>.

¹⁷⁴ Padraig Moran, "Western museums need to return stolen artifacts to 'get on the right side of history,' says art historian."

¹⁷⁵ Tess Davis, Amr al Zam, and Gabrielle Sierra. "Why It Matters- Treasures Looted in War." Episode. *Council on Foreign Relations*, n.d. <https://podcasts.apple.com/us/podcast/treasures-looted-in-war/id1482132871?i=1000489187562>.

¹⁷⁶ Tess Davis, et al., "Why It Matters- Treasures Looted in War." *Council on Foreign Relations*.

¹⁷⁷ "1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict," opened for signature May 14, 1954. *UNESCO*. <https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>

¹⁷⁸ "1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict."

¹⁷⁹ "Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property." *UNESCO*. Accessed August 1, 2023. <https://en.unesco.org/about-us/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and>

¹⁸⁰ "1995 Convention on Stolen or Illegally Exported Cultural Objects," opened for signature June 24, 1995. *UNIDROIT*. <https://www.unidroit.org/instruments/cultural-property/1995-convention/>.

custodians with a tool to trace and reclaim looted artifacts by utilizing the most comprehensive database that compiles descriptions and pictures of over 52,000 stolen pieces of artwork.¹⁸¹

Combined with these legal tools, the UN promotes strong efforts to build capacity and raise awareness around the theft and illicit trade of artifacts. A testament to this is the Global Programme Against Trafficking in Persons, administered by UNODC, which targets the intricate relationship between organized crime and cultural artifact trafficking.¹⁸² UNESCO heralds the protection of traditions through its Intangible Cultural Heritage List, thereby indirectly reinforcing the guardianship of associated cultural artifacts. The UN's proactivity extends to dire circumstances, which is exemplified by UNESCO's emergency safeguarding initiative for the cultural heritage of Syria and Iraq, aimed at thwarting the looting and destruction of artifacts in conflict-ravaged regions.¹⁸³ These collective efforts are fortified by resolutions and declarations such as S/RES/2347, which "Condemns the unlawful destruction of cultural heritage, including the destruction of religious sites and artifacts, and the looting and smuggling of cultural property from archaeological sites, museums, libraries, archives, and other sites..." and General Assembly Resolution 76/16, which was adopted unanimously in December of 2021, and discusses the importance of the return or restitution of cultural artifacts to their country of origin.¹⁸⁴

Case Study - Afghanistan

Afghanistan, a nation with a rich and diverse cultural legacy, faces a grave threat from the illicit trade of its cultural artifacts.¹⁸⁵ Afghanistan's history is marked by the multitude of diverse civilizations that have called it home. The region served as a crossroads of modern day eastern and western culture, as showcased by notable settlements including the Greco-Bactrian Kingdom, a successor state established after Alexander the Great's conquests in the region, which existed from the time of the late 3rd century BCE to the early 2nd century BCE and left a legacy of their culture through coins, priceless ceramics, and other artwork that has been preserved.¹⁸⁶ The Kushan Empire, as well as various Islamic dynasties, also left their own artifacts and unique aspects of culture to be passed down through generations.¹⁸⁷

Decades of conflict and political instability have left these artifacts vulnerable to theft, smuggling, and illegal trade.¹⁸⁸ Ongoing conflict in the region has exacerbated the issues, with looting of archaeological sites and cultural institutions becoming a major source of funding for armed groups.¹⁸⁹ Afghanistan's Kabul Museum shone as a beacon of culture in Asia, with an estimated 100,000 artifacts on display, until the Afghan civil war ushered in an era of mass destruction.¹⁹⁰ Within several years, tens of thousands of artifacts were unaccounted for, launching

¹⁸¹ "Stolen Works of Art Database," Interpol, accessed August 3, 2023. <https://www.interpol.int/en/Crimes/Cultural-heritage-crime/Stolen-Works-of-Art-Database#:~:text=The%20Stolen%20Works%20of%20Art.and%20missing%20objects%20of%20art.>

¹⁸² "False Trades: Uncovering the Scale and Scope of Trafficking in Cultural Property," UNODC, accessed September 2, 2023. https://www.unodc.org/documents/data-and-analysis/briefs/Trafficking_in_cultural_properties_brief.pdf.

¹⁸³ "Emergency Safeguarding of the Syrian Cultural Heritage." UNESCO, January 14, 2020. <https://en.unesco.org/emergencysafeguardingofthesyrianculturalheritage>.

¹⁸⁴ "False Trades: Uncovering the Scale and Scope of Trafficking in Cultural Property," UNODC.

¹⁸⁵ Janet Blake and Sayed Ali Naqi Masoumi, "From the past to the future: Protecting Afghanistan's cultural heritage," *International Journal of Cultural Property* 29, no. 3, (December 2022), <https://www.cambridge.org/core/journals/international-journal-of-cultural-property/article/abs/from-the-past-to-the-future-protecting-afghanistans-cultural-heritage-progress-fears-and-hopes/2CD9DAFD262B3347DD9C076EB30E91>.

¹⁸⁶ Richard E. Payne and Rhyne King, "The Limits of Empire in ancient Afghanistan: Rule and resistance in the Hindu kush," circa 600 BCE-600 CE. Wiesbaden: Harrassowitz Verlag, 2020. <https://doi.org/10.2307/j.ctv15vwk2q>.

¹⁸⁷ Richard E. Payne et al., "The Limits of Empire in ancient Afghanistan: Rule and resistance in the Hindu kush."

¹⁸⁸ "The Impact of War upon Afghanistan's Cultural Heritage." *AIA Publications and New Media - Archaeological Institute of America*, January 2, 2004, accessed September 2, 2023. https://www.archaeological.org/pdfs/papers/AIA_Afghanistan_address_lowres.pdf.

¹⁸⁹ "The Impact of War upon Afghanistan's Cultural Heritage." *AIA Publications and New Media - Archaeological Institute of America*.

¹⁹⁰ Katherine J. Wu, "After 30 Years, Looted Kushan Bull Sculpture Will Return to Afghanistan's Kabul Museum," *Smithsonian Magazine*, January 30, 2020, accessed September 2, 2023. <https://www.smithsonianmag.com/smart-news/after-30-years-looted-kushan-bull-sculpture-return-afghanistans-kabul-museum-180974034/>.

several investigations aimed at bringing suspected illegally traded objects back to their rightful place.¹⁹¹ A notable example of important cultural heritage being destroyed is the destruction of the Bamiyan Buddhas, two statues dating back to the sixth century that were carved into the side of a cliff in the Bamiyan Valley.¹⁹² In 2001, the Taliban, citing religious reasons, blew up the statues after they proclaimed them to be idols. This move drew a rapid response from the international community on the importance of preserving cultural artifacts amidst ongoing tensions in the Middle East.¹⁹³ UNESCO called for the immediate protection of world heritage sites in Afghanistan such as the Bamiyan Valley, as well as the minaret and archaeological ruins in Jam.¹⁹⁴ UNESCO warned the international community that ensuring the protection of cultural artifacts was paramount to ensuring that any peace in the country could last.¹⁹⁵ Following this ideal, Member States, such as the United States, have banned the import of Afghan art and antiquities in the hopes that it decreases the demand of looted artifacts.¹⁹⁶ On top of conflict driven looting, Afghanistan is also impacted by a phenomenon coined subsistence looting, where local civilians are driven to loot cultural heritage sites, to supplement their income to make ends meet.¹⁹⁷ Much of the Middle East is so saturated with culturally significant history and artifacts, that when faced with the levels of poverty and famine that currently plague Afghanistan, the choice to plunder artifacts to provide for a family on the brink of starvation is an easy choice to make.

Conclusion

The preservation of cultural relics, artifacts, and property is vital to the creation and maintenance of a cohesive global community. The illicit trade of these invaluable pieces not only severs the deep-rooted connections between cultures and their heritage but also perpetuates a cycle of exploitation and loss. Cultural artifact loss is not an issue that has developed in modern times. As long as there has been conflict, cultural destruction has been used as a weapon of war. While there has been notable progress throughout the years, there is substantial work to be done. As the complex landscape of cultural preservation is navigated, it is imperative that the international community unite in a concerted effort to overcome the illegal trade.

Committee Directive

As delegates conduct their research, they should keep the following questions in mind: Do Member States have the legal right to keep artifacts that have come as a result of this illicit trade? What does a possible solution look like for Member States who wish to keep these artifacts? What prevention strategies can be implemented to avoid the trafficking of cultural property? In what ways can Member States deter traffickers from participating in this trade? Delegates should take into account places where policy has failed in the past and look to improve on these shortcomings. In addition, delegates should consider the frameworks needed to sustainably combat illegal trade and smuggling of cultural artifacts.

¹⁹¹ Katherine J. Wu, "After 30 Years, Looted Kushan Bull Sculpture Will Return to Afghanistan's Kabul Museum."

¹⁹² Maya Margit, "World Must Hold Taliban Accountable for Afghanistan's Cultural Heritage," *The Media Line*, August 24, 2021, accessed September 2, 2023. <https://themedialine.org/life-lines/world-must-hold-taliban-accountable-for-afghanistans-cultural-heritage-experts-say/>.

¹⁹³ Maya Margit, "World Must Hold Taliban Accountable for Afghanistan's Cultural Heritage."

¹⁹⁴ Maya Margit, "World Must Hold Taliban Accountable for Afghanistan's Cultural Heritage."

¹⁹⁵ Maya Margit, "World Must Hold Taliban Accountable for Afghanistan's Cultural Heritage."

¹⁹⁶ David Klein, "US Bans Import of Afghan Art and Antiquities over Looting Fears." *OCCRP*, February 24, 2022, accessed October 27, 2023. <https://www.occrp.org/en/daily/16017-us-bans-import-of-afghan-art-and-antiquities-over-looting-fears>.

¹⁹⁷ Tess Davos, et al., "Why It Matters- Treasures Looted in War." *Council on Foreign Relations*

Annotated Bibliography

Topic I. Establishing the United Nations Cybercrime Treaty

“Global Programme on Cybercrime,” *United Nations Office on Drugs and Crime*, accessed August 16, 2023. <https://www.unodc.org/unodc/en/cybercrime/global-programme-cybercrime.html>

On April 1, 2011, the United Nations General Assembly adopted A/RES/65/230. This resolution established an intergovernmental “Expert Group to Conduct a Comprehensive Study on Cybercrime,” tasked with studying cybercrime and Member State responses to cybercrime. A/RES/65/230, along with the Commission on Crime Prevention and Criminal Justice’s 22/7 and 22/8 resolutions, formed the Global Programme on Cybercrime, tasked to help individual Member States suffering from cybercrime with infrastructure and technical support. This source can be useful to a delegate as this source outlines some procedures taken by the UN to mitigate cybercrime.

“Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes,” *United Nations Office on Drugs and Crime*, accessed August 15, 2023. https://www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/home

On December 27, 2019, the United Nations General Assembly passed A/RES/74/247. This resolution establishes an Ad-Hoc Committee (AHC) for the purposes of creating an in-depth international guideline on countering the usage of communication and information sharing technology for unlawful purposes. This AHC was built from the efforts of the Expert Group to Conduct a Comprehensive Study on Cybercrime, and to acknowledge the efforts of similar cybercrime countering efforts on the national and international levels. The AHC is composed of experts from around the world, and its secretariat is managed by the Organized Crime and Illicit Trafficking Branch of the United Nations Office on Drugs and Crime (UNODC). This source can be useful to a delegate as this source establishes efforts done by the UN to directly identify solutions to cybercrime.

United Nations, General Assembly Plenary. *General Assembly Adopts Resolution Outlining Terms for Negotiating Cybercrime Treaty amid Concerns over ‘Rushed’ Vote at Expense of Further Consultations*. New York, NY: UN Headquarters, 2021. <https://press.un.org/en/2021/ga12328.doc.htm>

In the United Nations General Assembly’s 71st Meeting of its 75th session, the Member States of the General Assembly unanimously passed a resolution detailing the next steps for the Ad-Hoc Committee’s future draft resolutions to combat cybercrime. The draft resolution, created by the AHC, labeled A/75/L.87/Rev.1, and titled “Countering the Use of Information and Communications Technologies for Criminal Purposes,” sets the stage for operations of the AHC. A/75/L.87/Rev.1 established the AHC’s meeting locations of New York and Vienna, addressed funding for intergovernmental cooperation with the AHC, established deadlines, and established the AHC’s meeting time and frequency. This resolution was passed along with three amendments to the resolution, amendments A/75/L.92, A/75/L.90, and A/75/L.91, all introduced to increase clarity between the AHC and the General Assembly. This source can be useful to a delegate as this source outlines concrete efforts made by the UN to categorize and mitigate cybercrime.

Ian Tennant and Summer Walker, “As negotiations on the UN treaty advance, there are looming questions for the upcoming zero draft. Lack of consensus on key points continues to define the formative stages,” *Global Initiative Against Transnational Organized Crime*, May 8, 2023, accessed August 28, 2023. <https://globalinitiative.net/analysis/international-convention-ict-crime-ahc-un-2/>

Since the creation of the Ad-Hoc Committee under the UN Office on Drugs and Crime, the AHC formally designated to “Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes,” the AHC has met multiple times. In April 2023, the AHC completed debate on a preliminary draft on combating criminal use of communication and information technology. While debate within the AHC finished in April, Member States of the United Nations are still debating the viability of the AHC’s draft, from many factors including terminology, human

rights, information protection, the extent of intergovernmental cooperation, and the extent of criminalization. Member States view this draft treaty in different ways, with some Member States vying for a broader scope of intergovernmental cooperation with less provisions on human rights, and with other Member States vying for a more limited scope of intergovernmental cooperation and stronger safeguards. The current timeline of debate on this draft should result in this draft being fully debated in August, 2023. This source can be useful to a delegate as this source shows a public response to the efforts made by the UN to categorize and mitigate cybercrime.

“The Budapest Convention on Cybercrime,” opened for signature on November 23, 2001, *European Treaty Series*, no. 185, <https://rm.coe.int/1680081561>

The Budapest Convention on Cybercrime, signed in 2001, exists as a framework to allow cooperation between European and world powers in the event of criminal acts being committed over cyberspace. While acknowledging the right to personal data as outlined in the 1981 Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and the balance between law enforcement and human rights and liberties as outlined in the 1966 United Nations International Covenant on Civil and Political Rights, this convention defines terms like “computer system” and “computer data,” and creates clauses which address crimes like the illegal accessing of data by people exhibiting criminal intent. This convention also outlines many cases of cybercrime such as criminal interference in cyber data transference and usage, the misuse of electronic data and devices, fraud, illegal possession of child pornography, the aiding and abetting of cybercrime, and corporate liability. In addition, it also addresses the need for processes to pursue criminal charges upon criminal individuals, leaving policing power open to its sovereign states in a manner they see fit. This source can be useful to a delegate as this source shows efforts made by the EU, an alliance body different from the UN, and their efforts to mitigate cybercrime.

Topic II. Combating the Illicit Trade of Cultural Artifacts and Property

Jane Arraf, "Hobby Lobby's Illegal Antiquities Shed Light On A Lost, Looted Ancient City In Iraq," *National Public Radio*, June 28, 2018, accessed August 24, 2023.

<https://www.npr.org/2018/06/28/623537440/hobby-lobbys-illegal-antiquities-shed-light-on-a-lost-looted-ancient-city-in-ira>

Beginning in 2010, a series of around 5500 artifacts from ancient Sumeria, now modern day Iraq, were smuggled from the borders of the State of Israel and the United Arab Emirates into the United States of America through a 1.6 Million USD purchase from Hobby Lobby, a corporation which sells arts and crafts and related supplies in the United States of America. Some of the artifacts in question are ancient bullae or cuneiform tablets, and marked as ceramic or clay tiles. Many of these artifacts were found in poor condition or deteriorating due to salt deposits found on the artifacts. In cooperation with the United States Department of Homeland Security, Hobby Lobby has since agreed to give its artifacts back to the Iraqi government and pay a three million USD fine. This source can be useful to a delegate as this source outlines a real world case of cultural artifact theft and its legal consequences.

"Return & Restitution" Intergovernmental Committee," *United Nations Educational, Scientific and Cultural Organization*, accessed August 28, 2023. <https://en.unesco.org/fightrafficking/icprcp>

In 1976, experts affiliated with the United Nations Educational, Scientific and Cultural Organization (UNESCO) met in Venice to discuss the return of ancient cultural artifacts to their area of origin, in opposition to colonial imperialist actions and the illicit trade of said ancient artifacts. This meeting paved way for the adoption of UNESCO's 20C/Resolution 4/7.6/5 in 1978, establishing a UNESCO sub-committee called the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (ICPRCP). This sub-committee, composed of 22 Member States, has the duties of facilitating mediums of multilateral and intergovernmental cooperation to return cultural artifacts to their Member States of origin, and to increase the amount and security of museums to preserve cultural heritage. This source can be useful to a delegate as this source outlines UN efforts to stop the trade of cultural artifacts and property.

"UN General Assembly unanimously adopts resolution on "Return or restitution of cultural property to the countries of origin,"" *International Institute for the Unification of Private Law*, December 10, 2021, accessed August 28, 2023. <https://www.unidroit.org/un-general-assembly-unanimously-adopts-resolution-on-return-or-restitution-of-cultural-property-to-the-countries-of-origin/>

On December 6, 2021, the United Nations General Assembly unanimously passed A/RES/76/16, titled "Return or Restitution of Cultural Property to the Countries of Origin," a resolution which acknowledges that the problem of illicit cultural artifact trafficking affects the entire world, as well as acknowledging that cultural artifact trafficking efforts are occurring in an unprecedented manner. This resolution acknowledges multiple previous conventions addressing the illicit trade of cultural artifacts, and addresses this illicit trade and associated vandalism and desecration of said artifacts in warzones and illegal excavations. This source can be useful to a delegate as this source shows a successfully passed resolution on the illicit trafficking of cultural artifacts.

Ella Feldman, "The Met Returns Two Stolen Artifacts to Nepal," *Smithsonian Magazine*, August 19, 2022, accessed August 28, 2023. <https://www.smithsonianmag.com/smart-news/met-returns-two-stolen-artifacts-to-nepal-180980609/>

This article written by the Smithsonian Magazine recounts the return of two ancient cultural artifacts returned to their areas of origin. These artifacts, previously held by the Metropolitan Museum of Art, included a stone statue of the Hindu deity Shiva, and a wooden strut which once belonged to a Buddhist Monastery. Since the Metropolitan Museum of Art returned the artifacts to Nepal, these artifacts have been held in the National Museum of Nepal in Kathmandu. This article showcases efforts used to fight the illicit trade of misappropriated cultural artifacts by highlighting one museum taking such efforts. This source can

be useful to a delegate as this source outlines the response of well-established museums to the issue of illicit trade of cultural artifacts.

United Nations, Security Council. *Security Council Condemns Destruction, Smuggling of Cultural Heritage by Terrorist Groups, Unanimously Adopting Resolution 2347 (2017)*. New York, NY: UN Headquarters, 2017. <https://press.un.org/en/2017/sc12764.doc.htm>

This article, published by the United Nations, outlines a response by the United Nations Security Council (UNSC) on the topic of the destruction of cultural artifacts by terrorist groups. In 2017 it was discovered that terrorist groups such as the Islamic State in Iraq and the Levant, the Al-Nusra Front, and Al-Qaida were destroying cultural artifacts in the middle east, which the UNSC decries. The UNSC has since unanimously adopted Resolution 2347, which says that the act of terrorist groups illegally smuggling and destroying cultural artifacts during armed conflict can be construed as a war crime and the act of which can be prosecuted under international law. Upon the adoption of this resolution, the UNSC also welcomed the United Nations Educational, Scientific and Cultural Organization to lend a hand and promote their policy to preserve cultural objects and artifacts. This source can be useful to a delegate as this source identifies a UNSC response to the illicit trade of cultural artifacts, as well as the destruction of said cultural artifacts.