

Letter from the Executive Board

Greetings Delegates,

Welcome to the BBIMUN and to the United Nations Human Rights Council (UNHRC), the principal inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe.

We, the members of the Executive Board, would like to express our gratitude to the organizers for letting us be a part of this wonderful opportunity. We hope that by now your research is well on its way and you have formulated an idea about what, how, why, and when you want to discuss something. These questions form the very basis of the flow of debate and argumentation in the committee. This background guide will give you an overview of the topic at hand and the work of the Council. It contains some basic elements that will guide your research. However, these mentions do not limit the scope of discussion in the committee at all.

We expect active participation from all delegates in the proceedings of this committee to ensure a fruitful discussion on a pertinent global problem. For that purpose, extensive and thorough research beyond this study guide is expected of you. Think of this study guide as merely an initiation to your research, defining the broad aspects. A section with questions to ponder has been added at the end of this document and can be utilized in that regard. The UNA-USA Rules of Procedure shall be adhered to for the due course of this committee simulation.

An important point to note is that while criticism is encouraged, we expect it to be constructive. This will help you approach a problem differently and understand all perspectives. In a council that deals with the very essence of human dignity, it is vital to remember that opinions are often the product of diverse cultural, historical, and legal factors. They need to be understood and deconstructed, not simply discarded.

While forming your arguments, use logical premises, as an argument is only as strong as the premise it is based on. Try to communicate your premises, followed by your arguments and then a conclusion, keeping the time limit in mind. This will help you convey your message effectively. Be rational: why is a particular resolution important? What does a specific article from the Universal Declaration of Human Rights or an international covenant imply for the issue at hand? This will help structure your research better.

Your research should always answer “What”, “Why”, “How”, and “When”. A common mistake delegates make is simply quoting facts and figures without building a logical premise out of them. Try to link these facts and figures to direct your research and build a compelling case.

We wish you all the very best.

**Regards,
The Executive Board**



The Nature of Proof/Evidence in Council

Evidence or proof is acceptable from the following sources

→ News Sources:

State operated News Agencies – These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any Country as such but in that situation, they can be denied by any other country in the council. Some examples are –

1. IRNA (Iran) <http://www.irna.ir/ENIndex.htm>,
2. BBC (United Kingdom) <http://www.bbc.co.uk/>
3. Xinhua News Agency and CCTV (P.R. Of China) <http://cctvnews.cntv.cn/>

→ Government Reports:

These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country. However, a nuance is that a report that is being denied by a certain country can still be accepted by the Executive Board as credible information.

Examples are Government Websites like:

1. State Department of the United States of America: <http://www.state.gov/index.htm> ,
2. Ministry of Defense of the Russian Federation: <http://www.eng.mil.ru/en/index.htm> ,
3. Permanent Representatives to the United Nations Reports:
<http://www.un.org/en/members/> (Click on any country to get the website of the Office of its Permanent Representative.)
4. Multilateral Organizations like the NATO
(<http://www.nato.int/cps/en/natolive/index.htm>) ASEAN
(<http://www.aseansec.org/>), OPEC (http://www.opec.org/opec_web/en/), etc.

→ UN Reports:

All UN Reports are considered as credible information or evidence for the Executive Board of the General Assembly.

1. UN Bodies: Like the SC (<http://www.un.org/Docs/sc/>), GA (<http://www.un.org/en/ga/>), HRC (<http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>) etc.
2. UN Affiliated bodies like the International Atomic Energy Agency (<http://www.iaea.org/>), World Bank (<http://www.worldbank.org/>), International Monetary Fund (<http://www.imf.org/external/index.htm>), International Committee of the Red Cross (<http://www.icrc.org/eng/index.jsp>, etc.
3. Treaty Based Bodies like the Antarctic Treaty System (<http://www.ats.aq/e/ats.htm>), the International Criminal Court (<http://www.icc-cpi.int/Menus/ICC>) .



****Under no circumstances will sources like Wikipedia (<http://www.wikipedia.org/>), Amnesty International (<http://www.amnesty.org/>) or newspapers like the Guardian (<http://www.guardian.co.uk/>), Times of India (<http://timesofindia.indiatimes.com/>) etc. be accepted as credible.**

I. Introduction to the Topic

The right to one's own culture is a fundamental human right, essential for the dignity and free development of every individual and community. However, this right is under increasing threat from a toxic confluence of forces: the systematic erasure of cultural identities, coercive state policies of enforced assimilation, and a global surge in xenophobia. These phenomena are not isolated; they form a destructive continuum where intolerant ideologies fuel discriminatory policies, leading to the irreparable loss of human heritage. This guide will provide a comprehensive overview of this crisis, establishing the conceptual and legal foundations, analyzing the causal links between its components, and outlining the mandate of the Human Rights Council to address it.

A. Defining the Triad: A Conceptual and Legal Framework

To effectively address the topic, delegates must first establish a clear and nuanced understanding of its three core components: cultural erasure, enforced assimilation, and xenophobia.

Cultural Erasure, Cleansing, and Genocide

The term "cultural genocide" was first articulated by Polish lawyer Raphael Lemkin in 1944, who viewed the systematic destruction of a group's traditions, values, and language as an integral part of the crime of genocide. Lemkin's original, holistic conception included acts such as the "desecration and destruction of cultural symbols, destruction of cultural leadership, [and] destruction of cultural centers". This perspective recognizes that an attack on a group's culture is an attack on its very right to exist as a distinct entity.

The choice of terminology in this sphere is a highly politicized act with significant legal consequences. The drafters of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide deliberately excluded "cultural genocide" from the final text. This decision was largely driven by the concerns of states, including colonial powers and settler states, who feared that their own policies of assimilating minority and Indigenous populations could be criminalized. This historical exclusion has created a lasting accountability gap in international law. While Article II of the Convention focuses strictly on acts intended to bring about the

physical or biological destruction of a group, it leaves a void for addressing the systematic destruction of a group's identity and way of life when not accompanied by mass killing.

In response to this legal gap, related terms have gained prominence. "Cultural cleansing" and "cultural erasure" are now frequently used to describe the deliberate and systematic destruction of both tangible



cultural heritage (artifacts, monuments, religious sites) and intangible cultural heritage (language, literature, traditions, practices). These acts are often employed as a weapon of war or a tool of state policy to deny the existence of a distinct cultural identity and erase its historical roots. The UN Special Rapporteur in the field of cultural rights has affirmed that it is impossible to separate a people's cultural heritage from the people themselves and their fundamental human rights.

Enforced Assimilation

Enforced assimilation is the involuntary process through which a dominant group or state apparatus compels a minority group to abandon its distinct cultural identity—including its language, religion, customs, and social institutions—and adopt the culture of the dominant society. This process is distinct from voluntary integration or acculturation. It is characterized by coercion, where a society is deprived of its ability to preserve its cultural institutions and customs.

International law establishes a clear boundary between permissible policies of integration and prohibited acts of forced assimilation. While states are not prohibited from encouraging assimilation, they are forbidden from using coercive measures against the will of those concerned. Such measures can include the enforced use of a dominant language in education and public life, forced conversion, and the suppression of cultural activities that do not conform to the dominant group's norms. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) provides one of the most explicit prohibitions in international law, stating in Article 8 that "Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture". The declaration further obligates states to provide effective mechanisms for the prevention of, and redress for, any form of forced assimilation or integration.

Xenophobia

Xenophobia is defined as the attitudes, prejudices, and behaviors that reject, exclude, and often vilify persons based on the perception that they are outsiders or foreigners to the community, society, or national identity. It is derived from the Greek words

xénos (stranger) and *phóbos* (fear) and manifests as an unreasonable fear or hatred of those perceived as "other". This sense of "otherness" is socially constructed and can be based on real or mythical criteria, including ethnicity, religion, language, or national origin.

While international law does not define xenophobia itself as a crime—as it is a mental attitude—it robustly prohibits its manifestations. Acts of racial discrimination, public incitement to violence or hatred, and the dissemination of xenophobic propaganda are illegal under numerous human rights treaties. Xenophobia is recognized as a root cause of racism and discrimination, often leading to acts of violence and creating barriers between "us" and "them" within a society.

B. The Causal Chain: From Intolerance to Erasure

The relationship between xenophobia, enforced assimilation, and cultural erasure is not coincidental but causal. Xenophobia often serves as the ideological engine driving state policies that lead to cultural



destruction. Pervasive xenophobic narratives, often amplified by political rhetoric and disinformation, portray minority, Indigenous, or migrant groups as a threat to the dominant culture's values, economic prosperity, or national security. These narratives create a dehumanizing environment where discriminatory policies are seen as not only acceptable but necessary for the protection of the "in-group".

This process normalizes systemic racism and embeds it within laws and state structures. Once this foundation of intolerance is laid, states may implement policies of enforced assimilation. These can range from subtle pressures to overt coercion, such as banning minority languages in schools, restricting religious practices, redrawing administrative boundaries to dilute minority populations, or forcing the adoption of names from the dominant culture.

When these policies of enforced assimilation are pursued systematically and with the intent to eliminate a group's distinct culture, they culminate in cultural erasure. The destruction of tangible heritage, such as bulldozing a historic place of worship or burning a library, becomes the physical manifestation of this intent, aiming to remove any trace that the targeted community ever existed. Thus, a direct line can be drawn from the xenophobic fear of the "other" to the legislative and administrative tools of forced assimilation, and finally to the irreversible act of cultural erasure.

C. The Mandate of the Human Rights Council

The United Nations Human Rights Council is entrusted with the responsibility of promoting and protecting all human rights and fundamental freedoms for all people. The right to culture is unequivocally a human right, not a secondary or peripheral concern. This principle is enshrined in cornerstone international instruments. Article 27 of the Universal Declaration of Human Rights (UDHR) proclaims that "Everyone has the right freely to participate in the cultural life of the community". This right is given binding legal force in Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which obligates States Parties to take steps necessary for "the conservation, the development and the diffusion of science and culture".

Therefore, addressing cultural erasure, enforced assimilation, and xenophobia falls squarely within the Council's mandate. The UN Special Rapporteur in the field of cultural rights has repeatedly emphasized this connection, stating that "when cultural heritage is under attack, it is also the people and their fundamental human rights that are under attack". The destruction of culture is not merely a loss of property; it is a profound violation of human rights that affects a community's identity, dignity, and continuity. This Council is therefore obligated to examine the root causes of these violations and to develop stronger legal and political mechanisms to prevent them, protect victims, and ensure accountability for perpetrators.

II. Historical Context and the International Legal Framework

Cultural erasure is not a novel phenomenon of the 21st century; it is a recurring feature of human history, often accompanying conquest, colonization, and campaigns of ideological purification. Understanding these historical precedents is crucial for recognizing contemporary patterns of abuse. In parallel, the international



community has gradually developed a body of law aimed at protecting cultural identity and heritage. An examination of this legal framework reveals both significant progress and persistent, critical gaps that continue to challenge effective prevention and accountability.

A. A Legacy of Destruction: Historical Precedents

Throughout history, dominant powers have sought to solidify their control by erasing the cultural footprints of those they subjugate. These acts serve to demoralize a population, sever its connection to its past, and impose a new, homogenous identity.

- **Ancient and Medieval Eras:** The impulse to destroy the cultural symbols of a vanquished foe is as old as conflict itself, with notable examples including the Roman destruction of the Second Temple in Jerusalem (70 CE), the Christian destruction of the Serapeum of Alexandria (392 CE), and the Mongol sack of Baghdad's House of Wisdom (1258). These acts were motivated by political consolidation, religious zealotry, and military strategy, establishing a long-standing pattern of targeting culture to assert dominance.
- **Colonialism and Enforced Assimilation:** Across the Americas, Australia, and Africa, colonial policies were explicitly designed to destroy traditional Indigenous cultural identities. In the United States and Canada, this included government-run residential schools where Indigenous children were forcibly removed from their families and forbidden from speaking their native languages, a policy infamously described as "Kill the Indian in him and save the man". Policies like the U.S. Dawes Act (1887) sought to break up communal land ownership, a cornerstone of Indigenous culture. Similarly, in Australia, the forced removal of children, known as the "Stolen Generations," was a state policy of assimilation.
- **20th Century Totalitarianism and Nationalism:** The 20th century saw cultural erasure deployed on an industrial scale. Totalitarian and ultranationalist regimes systematically targeted culture, including the Nazi looting and destruction of art to erase Polish, Serbian, and Jewish heritage; the destruction of Sarajevo's National Library during the Bosnian War; the Soviet destruction of Chechen and Ingush literature; and Franco's suppression of minority languages in Spain.

B. The Evolution of International Protections

In response to the horrors of the 20th century, the international community began to construct a legal architecture to protect human rights, including cultural rights. This framework has evolved significantly but remains fragmented, with stronger protections for certain types of heritage and in specific contexts.

- **Foundational Human Rights Law:** The post-World War II era saw the birth of modern human rights law, with the Universal Declaration of Human Rights (UDHR) (1948) as its cornerstone. The UDHR established universal principles of non-discrimination (Article 2), freedom of thought, conscience, and religion (Article 18), and the fundamental right of everyone to "freely to participate in the cultural



life of the community" (Article 27). These principles were later codified into binding international law through two key treaties: the

- International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both adopted in 1966. The ICESCR, in Article 15, obligates states to recognize the right to take part in cultural life and to take steps for the "conservation, the development and the diffusion of science and culture". The ICCPR's Article 27 provides a crucial, specific protection for minorities, stipulating that they "shall not be denied the right... to enjoy their own culture, to profess and practise their own religion, or to use their own language".
- The 1948 Genocide Convention: As previously noted, the Convention on the Prevention and Punishment of the Crime of Genocide represents a critical moment and a significant missed opportunity. Its definition of genocide in Article II is strictly limited to acts intended to destroy a group physically or biologically. The deliberate omission of cultural genocide from this foundational treaty has left a major gap in international criminal law, forcing prosecutors and policymakers to rely on other, often less direct, legal frameworks to address cultural destruction.
- Protecting Tangible Heritage (International Humanitarian Law): A separate branch of international law evolved to protect physical cultural property, primarily within the context of armed conflict. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols were the first international treaties dedicated solely to this purpose. This framework was significantly strengthened by the
- Rome Statute of the International Criminal Court (ICC) (1998), which explicitly defines "intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, [and] historic monuments" as a war crime under Article 8. This provides a powerful tool for accountability but is limited to situations of armed conflict and does not cover peacetime destruction or attacks on intangible heritage.
- Specific Protections for Minorities and Indigenous Peoples: Recognizing the particular vulnerability of certain groups, the UN has adopted specific, albeit non-binding, instruments. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) obligates states to protect the existence and identity of minorities and to encourage conditions for the promotion of that identity. More comprehensively, the
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007) contains the most explicit prohibition against the practices at the heart of this topic. Its Article 8 affirms the right of Indigenous peoples "not to be subjected to forced assimilation or destruction of their culture" and lists specific prohibited acts, including "[a]ny form of forced assimilation or integration" and "[a]ny



action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities".

Table 1: Key International Legal Instruments and Their Relevance to Cultural Erasure

The following table synthesizes the primary international instruments relevant to this topic, outlining their key protections and identifying their inherent limitations. This tool is designed to provide delegates with a quick and accessible reference to the complex legal landscape.

Instrument	Relevant Article(s)	Key Protections Provided	Limitations / Gaps
Universal Declaration of Human Rights (1948)	2, 18, 27	Establishes non-discrimination, freedom of religion, and the right to participate in cultural life.	Non-binding declaration; foundational but lacks enforcement.
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	II	Criminalizes acts intended to physically/biologically destroy a protected group.	Explicitly excludes "cultural genocide," creating a major accountability gap for cultural destruction absent physical killing.
1954 Hague Convention & Protocols	N/A	Obligates states to safeguard and respect tangible cultural property during armed conflict.	Primarily applies to armed conflict and tangible property; limited enforcement against non-state actors.
International Covenant on Civil and Political Rights (1966)	2, 26, 27	Legally binding non-discrimination; specific protection for minority rights to culture, religion, language.	Rights are framed individually, making it difficult to address collective cultural harm; enforcement relies on state reporting.
International Covenant on Economic, Social and Cultural Rights (1966)	2, 15	Legally binding right to participate in cultural life; state obligation to conserve and diffuse culture.	Rights are subject to "progressive realization"; enforcement mechanisms are weaker than for ICCPR.
Declaration on the Rights of Minorities (1992)	1, 2, 4	Obligates states to protect minority identity and create favorable conditions for cultural development.	Non-binding declaration; enforcement is weak and subject to state sovereignty concerns.

Rome Statute of the ICC (1998)	8	Criminalizes intentional destruction of cultural/religious sites as a war crime.	Jurisdiction limited to armed conflict; requires high threshold of proof for intent; does not cover peacetime cultural erasure.
UN Declaration on the Rights of Indigenous Peoples (2007)	8	Explicitly prohibits forced assimilation and cultural destruction for Indigenous peoples.	Non-binding declaration, though it reflects emerging customary international law.

Export to Sheets

III. Contemporary Challenges and Case Studies

The historical patterns of cultural erasure continue to manifest in the modern world, adapted to new political contexts and enabled by new technologies. Understanding the contemporary drivers of this phenomenon and examining its application in specific crises is essential for developing effective legal and policy responses. The following case studies demonstrate the multifaceted nature of cultural erasure as a tool of state policy, ethnic conflict, and warfare.

A. The Modern Landscape: Drivers of Cultural Erasure

Two interconnected forces are particularly potent drivers of cultural erasure today: the global resurgence of xenophobia and nationalism, and the persistence of systemic and structural discrimination.

- **Resurgence of Xenophobia and Nationalism:** In recent years, nationalist and populist movements have gained influence in many parts of the world. These ideologies often thrive on creating a sharp distinction between a homogenous "in-group" (the nation) and various "out-groups" (minorities, migrants, refugees), who are portrayed as threats to cultural purity, economic stability, and national security. This rhetoric is frequently fueled by sophisticated disinformation campaigns that spread hatred and normalize anti-immigrant sentiment. The COVID-19 pandemic starkly illustrated this trend, triggering a global surge in xenophobia, discrimination, and violence, particularly against people of Asian descent and migrant workers, who were falsely scapegoated for the virus's spread.
- **Systemic Racism and Structural Discrimination:** Acts of cultural erasure do not occur in a vacuum. They are often the culmination of long-standing systemic racism and structural discrimination embedded in a state's laws, institutions, and societal norms. These structures perpetuate inequality and create a climate where more overt acts of cultural suppression and assimilation are tolerated or even encouraged. The UN High Commissioner for Refugees (UNHCR) has noted that racial discrimination is a common cause of forced displacement, as it fuels conflict and persecution, and also undermines the legal protections afforded to refugees and other displaced persons.

B. Case Study: The Uyghurs in Xinjiang, China



The situation in the Xinjiang Uyghur Autonomous Region of China represents one of the most systematic and comprehensive campaigns of cultural erasure in the 21st century. Under the official justification of "counter-terrorism" and "de-extremification," the Chinese government has engaged in what the U.S. State Department and several national parliaments have determined to be genocide and crimes against humanity.

- Mechanisms of Erasure:

- Mass Internment and Forced Assimilation: Over one million Uyghurs and other Turkic Muslims have been arbitrarily detained in a vast network of "re-education" camps. Inside these camps, detainees are subjected to torture, forced labor, and intense political indoctrination, where they must renounce their religion, pledge loyalty to the Chinese Communist Party (CCP), and learn Mandarin. This is complemented by the forced separation of an estimated 900,000 children from their families into state-run boarding schools, a policy explicitly designed to sever intergenerational cultural and linguistic transmission.
- Suppression of Language and Religion: The Uyghur language has been systematically removed from schools and official publications, with no new Uyghur-language books reportedly published since 2017. Religious life has been effectively criminalized; praying, fasting, and owning a Quran are grounds for detention. This is enforced through an all-encompassing surveillance system and a policy of "becoming family," where CCP officials are sent to live in Uyghur homes to monitor and report on any signs of religious or cultural expression.
- Destruction of Tangible Heritage: Satellite imagery analysis has revealed the widespread destruction of cultural landmarks. An estimated 16,000 mosques—approximately 65% of the total in Xinjiang—have been destroyed or damaged since 2017. Numerous sacred shrines (*mazars*) and traditional cemeteries have also been demolished, erasing physical anchors of Uyghur history and spiritual life.
- Targeting of Cultural Elites: Hundreds, possibly thousands, of Uyghur intellectuals, artists, writers, and academics have been imprisoned or have disappeared, a tactic aimed at decapitating the community's cultural leadership and preventing the creation and dissemination of cultural knowledge.

C. Case Study: The Rohingya of Myanmar

The plight of the Rohingya, a Muslim minority in Myanmar, illustrates a process of cultural erasure driven by decades of state-sponsored persecution, culminating in genocidal violence and forced expulsion. The campaign against the Rohingya is not only physical but is also an assault on their very identity and historical presence in the country.

- Mechanisms of Erasure:

- Statutory Denial of Identity: The foundation of the Rohingya's persecution is the 1982 Citizenship Law, which effectively rendered them stateless by denying them recognition as one of Myanmar's official ethnic groups. The state's persistent labeling of the Rohingya as "Bengali" interlopers is a deliberate policy to erase their centuries-long history in the Arakan (now Rakhine) region.
- Destruction of Homeland and Social Fabric: The military's "clearance operations," particularly in 2017, involved genocidal acts of mass killing, rape, and the systematic burning of Rohingya villages, schools, and mosques. This campaign of violence was designed not only to terrorize and expel the population but also to destroy the physical and social infrastructure of their communities, making return impossible and severing their connection to their ancestral lands.
- Cultural Erosion in Exile: For the more than one million Rohingya who have fled to refugee camps in Bangladesh, cultural erasure continues through different means. Disconnected from their homeland and lacking formal institutions, they face the gradual erosion of their language, oral traditions, and cultural practices. High illiteracy rates, a direct result of being denied education in Myanmar, make their largely oral culture exceptionally vulnerable to being lost as elders pass away. This process has been described as a continuation of the genocide, as it leads to the "social death" of the group through the annihilation of its social and cultural vitality.

D. Case Study: Cultural Heritage in the War in Ukraine

The full-scale invasion of Ukraine by the Russian Federation in 2022 has demonstrated the use of cultural erasure as a central and deliberate tactic of modern warfare. The attacks on Ukrainian cultural heritage are not merely collateral damage but are integral to a broader campaign aimed at denying Ukraine's existence as a distinct nation with its own unique history, language, and identity.

- Mechanisms of Erasure:
 - Systematic Targeting of Tangible Heritage: Russian forces have engaged in the widespread and systematic targeting of Ukrainian cultural sites. As of August 2025, UNESCO has verified damage to 508 sites, including 151 religious sites, 268 buildings of historical or artistic interest, 34 museums, and 18 libraries. The destruction of sites like the Mariupol Drama Theatre and the looting of artifacts from nearly 40 museums are part of what the First Lady of Ukraine has described as a "war against Ukrainian identity". This physical destruction is underpinned by an ideological narrative from the Kremlin that denies Ukraine's cultural, linguistic, and religious distinctiveness from Russia.
 - Forced Assimilation in Occupied Territories: In areas under its control, Russia has implemented policies of forced cultural assimilation. This includes imposing the Russian



school curriculum, suppressing the Ukrainian language, and disseminating Kremlin propaganda to erase Ukrainian identity in younger generations. Furthermore, the forced deportation and transfer of thousands of Ukrainian children to Russia for adoption into Russian families is a direct violation of Article II(e) of the Genocide Convention, which prohibits the forcible transfer of children of one group to another.

These case studies reveal a critical dynamic: the destruction of tangible cultural heritage is rarely an isolated act. The razing of a Uyghur shrine is not simply about destroying a building; it is about stopping the religious festivals and community gatherings that gave it life. The bombing of a Ukrainian theater is not just about leveling a structure; it is about silencing a venue of national artistic expression and terrorizing a civilian population. This demonstrates the symbiotic relationship between tangible and intangible heritage. The physical destruction of cultural sites is a strategic tool to facilitate the deeper, more permanent goal of destroying a people's practices, beliefs, language, and social cohesion. Legal frameworks that focus narrowly on protecting physical objects, such as the 1954 Hague Convention, are therefore insufficient. A holistic human rights approach is necessary, one that recognizes an attack on a cultural site as a direct assault on the community's right to participate in cultural life, a violation of fundamental rights guaranteed under the ICCPR and ICESCR.

IV. The Role of the International Community and Existing Mechanisms

The international community has a range of institutions and legal frameworks designed to address human rights violations. However, when confronted with systematic cultural erasure, these mechanisms often face significant political, legal, and practical limitations. A critical evaluation of the key actors—from UN bodies to regional blocs and Member States—reveals a landscape marked by competing interests, inconsistent enforcement, and a persistent deference to state sovereignty that frequently undermines effective action.

A. United Nations Organs and Their Mandates

Several UN bodies have mandates that are directly relevant to the protection of cultural rights and the prevention of cultural erasure.

- The UN Human Rights Council (UNHRC): The Council is the principal UN body responsible for promoting and protecting human rights. It addresses cultural rights violations through several mechanisms. The Universal Periodic Review (UPR) process allows for scrutiny of the human rights records of all Member States, including their protection of minority and cultural rights. The Council's Special Procedures, particularly the mandate of the Special Rapporteur in the field of cultural rights, are crucial for monitoring, reporting, and developing normative standards. The Special Rapporteur has consistently advocated for a human rights-based approach, framing the intentional destruction of cultural heritage as a direct violation of the right to participate in cultural life. Furthermore, the Council can pass resolutions, such as



- Resolution 33/20, which calls on states to protect cultural heritage and cultural rights, urging parties in armed conflicts to refrain from targeting cultural property.
- UNESCO: The United Nations Educational, Scientific and Cultural Organization is the specialized agency with the primary mandate for culture. Its work is anchored in international conventions, most notably the 1972 World Heritage Convention, which aims to identify and protect sites of "outstanding universal value," and the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. In response to recent crises, UNESCO has developed a strategy to reinforce its actions for protecting culture in the event of armed conflict. However, UNESCO's effectiveness is often constrained. Critics point out that the organization is largely "powerless" to prevent determined actors from destroying heritage, as seen with the Taliban's demolition of the Bamiyan Buddhas. Its mechanisms lack strong enforcement powers, relying on the "moral power" of persuasion and state cooperation, and the prestigious World Heritage List has been criticized for becoming politicized and a tool for national branding rather than pure conservation.
- The International Criminal Court (ICC): The ICC represents the primary avenue for individual criminal accountability for the most serious international crimes. Under Article 8 of the Rome Statute, the intentional destruction of religious, educational, artistic, scientific, or historic monuments can be prosecuted as a war crime. The 2016 conviction of Ahmad Al-Faqi Al-Mahdi for the destruction of mausoleums in Timbiku, Mali, was a landmark case that established a powerful precedent. The ICC's Office of the Prosecutor, in its 2021
- *Policy on Cultural Heritage*, has further clarified that attacks on cultural heritage can be integral to the commission of other atrocity crimes. Such attacks can serve as crucial evidence of the specific intent required to prove genocide under Article 6, or they can constitute the underlying act of persecution for crimes against humanity under Article 7. The ICC's primary limitation, however, is jurisdictional. Its authority is generally limited to nationals of states that have ratified the Rome Statute or to situations referred by the UN Security Council. The refusal of major powers like the United States, Russia, and China to join the court significantly curtails its global reach.

B. Positions of Member States and Regional Blocs

The positions of Member States and regional organizations on cultural rights are often shaped by a complex mix of stated principles, geopolitical interests, and domestic policies, leading to frequent contradictions.

- United States: U.S. policy, codified in laws like the *Protect and Preserve International Cultural Property Act*, is primarily focused on preventing the looting and illicit trafficking of cultural artifacts from conflict zones. While it supports international efforts in this domain, its non-party status to the Rome Statute and its strong defense of national sovereignty limit its engagement with international accountability mechanisms.



- Russian Federation: Officially, Russia's constitution guarantees cultural rights, and the state presents itself as a multi-ethnic nation committed to preserving cultural diversity. In international forums, it often criticizes what it terms the "export" of Western human rights standards. This official position is in stark contrast to its actions in Ukraine, which include the systematic destruction of Ukrainian cultural heritage and the forced assimilation of its population in occupied territories.
- People's Republic of China: China's legal framework provides for the protection of its 55 officially recognized ethnic minorities, granting them autonomy and rights to their language and culture. However, this is subordinate to the state's overarching policy of "Sinicization," which seeks to align all cultural and religious practices with the ideology of the Chinese Communist Party. The state's campaign of cultural erasure against the Uyghurs in Xinjiang demonstrates a policy where the protection of minority rights is entirely subject to the perceived security interests of the state.
- European Union (EU): The EU's founding treaties and the Charter of Fundamental Rights commit it to respecting Europe's "rich cultural and linguistic diversity". The EU funds cultural programs and has adopted policies to combat racism and discrimination. However, the Union has been criticized for its "agnostic" stance on creating legally binding protections for national minorities
- *within* the EU, often favoring a general anti-discrimination approach over specific minority rights guarantees.
- African Union (AU): The AU's vision is rooted in Pan-Africanism, which seeks to preserve Africa's common cultural heritage. Its cultural policy, articulated in frameworks like the Charter for African Cultural Renaissance, prioritizes the protection of heritage and the pursuit of restitution and repatriation of cultural property taken during the colonial era as a matter of justice and sovereignty.
- Organization of Islamic Cooperation (OIC): The OIC's mandate is intrinsically linked to protecting Islamic culture and heritage, stemming from its founding in response to the 1969 attack on the Al-Aqsa Mosque. The organization works to safeguard Islamic holy sites, passing resolutions condemning their destruction, and campaigns internationally against religious defamation and Islamophobia.
- G77 and China: This coalition of developing countries links cultural rights to sustainable development and national sovereignty. Their declarations emphasize public policies that foster cultural diversity and support cultural industries as drivers of economic growth, calling for international cooperation that respects national priorities.

A critical analysis of these international mechanisms and state positions reveals a fundamental and persistent challenge: the sovereignty dilemma. The entire architecture of international human rights law is built upon the consent of sovereign states. This creates a paradox where the states most responsible for perpetrating cultural erasure are the least likely to consent to binding international oversight or accountability. This reliance on non-binding "soft law," such as the declarations on the rights of minorities and Indigenous



peoples, and on monitoring bodies that depend on state self-reporting, results in a system with significant enforcement gaps. As the Special Rapporteur on minority issues noted in 2023, there has been a concerning lack of institutional progress at the UN to advance minority protection, with many UN bodies appearing "indifferent" to their plight. Consequently, any meaningful effort to strengthen legal mechanisms against cultural erasure must directly confront this tension between the universal imperative to protect human rights and the entrenched legal and political principle of state sovereignty.

V. Guiding Questions for Delegates

The complexity of cultural erasure demands innovative and multifaceted solutions. The following questions are designed to guide delegates in their deliberations, encouraging a critical examination of the existing framework and the formulation of concrete proposals for action. These questions are organized around the key challenges identified in this report: legal gaps, monitoring and accountability, the role of technology, and the need for preventative measures.

1. Addressing the Legal Gaps:

- Given the deliberate exclusion of "cultural genocide" from the 1948 Convention, what alternative legal pathways can be strengthened to ensure accountability for the intentional destruction of a group's culture?
- Could the definition of persecution as a crime against humanity under Article 7 of the Rome Statute be more explicitly interpreted by the International Criminal Court and Member States to encompass systematic acts of cultural erasure, even in the absence of armed conflict?
- Should the international community begin the process of drafting a new, binding international convention specifically on the prevention and punishment of cultural erasure? What would be the primary political and legal obstacles to its adoption and ratification, and how could they be overcome?

2. Strengthening Monitoring and Accountability:

- How can the monitoring and reporting mandates of the UNHRC's Special Rapporteur in the field of cultural rights and UNESCO be enhanced to provide more timely and actionable information on emerging crises of cultural erasure?
- Should the Human Rights Council recommend the establishment of a dedicated, independent UN monitoring and investigative mechanism for cultural rights violations, equipped with greater resources and powers to conduct on-the-ground fact-finding, even without state consent in exceptional circumstances?
- How can the international community overcome the challenge of state sovereignty to ensure accountability for perpetrators? What role can national courts play by applying the principle of universal jurisdiction to prosecute individuals for war crimes involving cultural destruction or for crimes against humanity?



3. The Role of Technology and International Cooperation:

- How can digital technologies be systematically leveraged for the preservation of tangible and intangible cultural heritage at risk? What international standards, funding mechanisms, and legal frameworks are needed to govern the creation and protection of "digital patrimony" and ensure that source communities retain control over their digitized heritage?
- What practical measures, such as harmonizing domestic legislation and enhancing information sharing between law enforcement and customs agencies, can be taken to improve international cooperation in preventing the illicit trafficking of cultural property, a key funding source for groups engaged in cultural destruction?

4. Preventative Measures and Addressing Root Causes:

- What specific national policies and educational initiatives should states be encouraged to adopt to combat xenophobia, counter disinformation, and promote intercultural dialogue as a primary means of preventing the conditions that lead to cultural erasure?
- How can the international community better protect cultural rights defenders—including archaeologists, librarians, artists, and community elders—and ensure the safety of those working on the front lines to preserve heritage in conflict zones and under repressive regimes?
- How can the mandates of humanitarian, development, and peacebuilding actors be integrated with cultural heritage protection to ensure a holistic approach to post-conflict recovery that rebuilds not only infrastructure but also the social and cultural fabric of affected communities?

