

BBIMUN'26

UN GENERAL ASSEMBLY THIRD COMMITTEE
SOCHUM

BACKGROUND GUIDE

Safeguarding Cultural Heritage, Language, and Identity Against Forced Assimilation
and Cultural Erasure

TABLE OF CONTENTS

1. LETTER FROM THE EXECUTIVE BOARD.....	1
2. THE NATURE OF PROOF/EVIDENCE IN COMMITTEE.....	3
3. EXECUTIVE SUMMARY	5
4. COMMITTEE MANDATE	6
4.1 POWERS AND LEGAL BASIS	6
4.2 JURISDICTION AND LIMITATIONS.....	7
4.3 VOTING AND PROCEDURE	7
4.4 RELEVANT UN CHARTER ARTICLES.....	7
5. AGENDA OVERVIEW.....	9
6. HISTORICAL BACKGROUND.....	10
6.1 ROOT CAUSES.....	10
6.2 HISTORICAL TIMELINE.....	10
7. CURRENT SITUATION	14
7.1 CHINA: XINJIANG, TIBET, AND INNER MONGOLIA	14
7.2 UKRAINE	14
7.3 GAZA AND THE OCCUPIED PALESTINIAN TERRITORY	15
7.4 INDIGENOUS PEOPLE: RESIDENTIAL AND BOARDING SCHOOLS	15
7.5 UNESCO WORLD HERITAGE GOVERNANCE.....	16
8. INTERNATIONAL LEGAL FRAMEWORK.....	17
8.1 BINDING LAW	17
8.1.1 THE GENOCIDE CONVENTION (1948) AND THE ABSENCE OF “CULTURAL GENOCIDE”	17
8.1.2 THE HAGUE CONVENTION FOR THE PROTECTION OF CULTURAL PROPERTY (1954) AND ITS PROTOCOLS...17	
8.1.3 INTERNATIONAL HUMANITARIAN LAW	18
8.1.4 ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT (1998)	18
8.1.5 INTERNATIONAL HUMAN RIGHTS LAW	18
8.2 SOFT LAW.....	19

8.3 REGIONAL INSTRUMENTS.....	20
8.4 CUSTOMARY INTERNATIONAL LAW AND JUS COGENS	20
9. LANDMARK CASES	22
9.1 PROSECUTOR V. AHMAD AL FAQI AL MAHDI (ICC TRIAL CHAMBER VIII, JUDGMENT OF 27 SEPTEMBER 2016)	22
9.2 APPLICATION OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE (BOSNIA AND HERZEGOVINA V. SERBIA AND MONTENEGRO) (ICJ, JUDGMENT OF FEBRUARY 2007).....	22
9.3 LOVELACE V. CANADA (UN HUMAN RIGHTS COMMITTEE, VIEWS ADOPTED ON 30 JULY 1981)	23
9.4 KITOK V. SWEDEN (UN HUMAN RIGHTS COMMITTEE, VIEWS ADOPTED 27 JULY 1988)	24
9.5 SITUATION IN UKRAINE: ARREST WARRANTS AGAINST VLADIMIR PUTIN AND MARIA LVOVA-BELOVA (ICC PRE-TRIAL CHAMBER II, 17 MARCH 2023)	25
10. UN ACTIONS	26
10.1 SELECTED SECURITY COUNCIL RESOLUTIONS	26
10.2 GENERAL ASSEMBLY AND HUMAN RIGHTS COUNCIL ACTIONS.....	26
10.3 UNESCO INSTITUTIONAL MECHANISMS	27
11. STAKEHOLDER ANALYSIS.....	28
11.1 STATES CENTRAL TO CURRENT DEBATE	28
11.2 UN BODIES AND INTERNATIONAL ORGANISATIONS	28
11.3 NGOs AND CIVIL SOCIETY	29
11.4 AFFECTED POPULATIONS.....	29
12. KEY ISSUES	31
12.1 THE DEFINITIONAL GAP: “CULTURAL GENOCIDE” AS POLITICAL TERM, NOT LEGAL CATEGORY.....	31
12.2 CULTURAL HERITAGE DESTRUCTION IN ACTIVE ARMED CONFLICT.....	31
12.3 LANGUAGE POLICY AND MINORITY EDUCATION	31
12.4 INDIGENOUS PEOPLE: HISTORICAL ACCOUNTABILITY	32
12.5 UNESCO INSTITUTIONAL CAPACITY AND SELECTIVITY	32

13. STATISTICS.....	33
14. CHALLENGES AND GAPS.....	35
14.1 LEGAL.....	35
14.2 POLITICAL.....	35
14.3 ECONOMIC.....	35
14.4 ENFORCEMENT.....	35
14.5 HUMANITARIAN.....	36
15. POSSIBLE SOLUTIONS.....	37
15.1 STRENGTHENING EXISTING LEGAL TOOLS.....	37
15.2 CLARIFYING LEGAL CONCEPTS.....	37
15.3 INSTITUTIONAL AND FINANCING MEASURES.....	37
15.4 INDIGENOUS AND MINORITY RIGHTS.....	37
15.4 ACCOUNTABILITY.....	38
16. BLOC POSITIONS	39
16.1 CHINA AND ALIGNED STATES.....	39
16.2 RUSSIAN FEDERATION	39
16.3 UKRAINE AND WESTERN/EU-ALIGNED STATES.....	39
16.4 INDIGENOUS-RIGHTS-FORWARD STATES (E.G., BOLIVIA, NORWAY, NEW ZEALAND, AND OTHERS WITH STRONG DOMESTIC INDIGENOUS-RIGHTS FRAMEWORKS).....	39
16.5 SETTLER-COLONIAL STATES WITH UNRESOLVED RESIDENTIAL/BOARDING SCHOOL LEGACIES (CANADA, AUSTRALIA, UNITED STATES).....	39
16.6 ISRAEL AND THE STATE OF PALESTINE.....	39
16.7 NON-ALIGNED MOVEMENT / GLOBAL SOUTH.....	40
17. QUESTIONS A DELEGATE SHOULD ANSWER	41
18. GLOSSARY	42
19. CHRONOLOGY	44

20. FURTHER READING	46
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1. Letter from the Executive Board

Greetings Delegates,

Welcome to the Blue Bells International Model United Nations and to the UN General Assembly Third Committee. This committee addresses and deals with human rights, humanitarian affairs and social issues.

We, being the Executive Board members, would like to show 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 Committee. It contains some basic elements on the topic that will guide your research. However, such mentions do not limit the scope of discussion in the committee at all.

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

Also, an important point here is that while criticism is encouraged, we expect constructive criticism in the committee. This will help you approach a problem differently and understand all perspectives. What needs to be noted here is that opinions are only different, but never wrong. An opinion is a product of multiple factors that an individual is exposed to during the course of life and hence needs to be deconstructed and not discarded.

While forming your arguments, take logical premises and not ludicrous ones 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 in mind the time limit. This will help you convey your message effectively. Many delegates make a mistake of quoting only articles or resolutions without explaining their relevance in the agenda. Be rational like why this resolution is important or what a particular article of a convention implies to 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(which can also be found on the internet), and making a logical premise out of it. Try to link these facts and figures and then direct your research. We wish you all the very best!

Neel Taneja
(President)

2. The Nature of Proof/Evidence in Committee

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.

3. Executive Summary

Cultural heritage, language, and identity sit at an unusual intersection of international law: they are simultaneously among the most protected subjects in international instruments (through UNESCO conventions, human rights treaties, and international criminal law) and among the most legally under-defined, because the single most emotionally resonant term used to describe their destruction, “cultural genocide”, has no binding legal definition and was deliberately excluded from the 1948 Genocide Convention during its drafting. This guide surveys that legal architecture, the historical record of forced assimilation policy from nineteenth-century settler-colonial education systems to twenty-first-century counter-terrorism and “ethnic unity” legislation, and the current situation across several ongoing and highly documented cases: language and religious policy affecting Uyghurs, Tibetans, and Mongols in China; the deliberate destruction of Ukrainian cultural sites and the transfer of Ukrainian children during the Russian invasion; the documented destruction of Palestinian cultural heritage in Gaza; the unresolved legacy of Indigenous residential and boarding school systems in Canada and elsewhere; and the ICC’s first-ever conviction focused exclusively on the destruction of cultural heritage, in the case of the Timbuktu mausoleums in Mali.

SOCHUM (the Third Committee of the General Assembly) is the appropriate but not the only forum for this agenda: it can recommend, study, and elevate cultural rights and heritage protection, but it cannot bind states, adjudicate individual criminal responsibility, or resolve sovereignty disputes over how a state governs its own minorities, subjects that intersect uncomfortably with Article 2(7) of the UN Charter and with states’ persistent invocation of domestic jurisdiction. This guide accordingly distinguishes throughout between binding law (treaties in force for ratifying states, Security Council resolutions, customary international law), soft law (the UN Declaration on the Rights of Indigenous Peoples, UNESCO declarations, Special Rapporteur reports), and political/advocacy positions (NGO and civil-society characterisations, including contested claims that specific state policies amount to “cultural genocide” or genocide as such).

4. Committee Mandate

The Third Committee (Social, Humanitarian and Cultural, or “SOCHUM”) is one of the six Main Committees of the General Assembly. All 193 UN Member States sit on the Third Committee; it is not a specialised or limited-membership body. It considers agenda items relating to human rights, social development, crime prevention, refugees, the advancement of women, the rights of the child, and the rights of Indigenous peoples, racial discrimination, and, as in this agenda, cultural rights and heritage protection.

4.1 Powers and Legal Basis

- Article 10 of the UN Charter: the General Assembly may discuss any questions within the scope of the Charter and may make recommendations to Member States and/or the Security Council. The Third Committee exercises this discussive and recommendatory power on behalf of the plenary.
- Article 13(1)(b) of the UN Charter: the General Assembly shall initiate studies and make recommendations for the purpose of assisting in the realisation of human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion, the express textual hook for the Third Committee’s human-rights and cultural-rights work.
- Articles 55 and 56 of the UN Charter: the UN shall promote universal respect for, and observance of, human rights, and all Members pledge to take joint and separate action in cooperation with the Organization to achieve this. This is the basis for the entire human-rights reporting and standard-setting architecture SOCHUM draws upon (treaty bodies, Special Procedures, the Human Rights Council).
- SOCHUM does not itself adopt binding resolutions. Draft resolutions approved in Committee are forwarded to and formally adopted by the plenary General Assembly, typically in December, under GA Rules of Procedure. General Assembly resolutions are recommendatory, not binding, except with respect to certain internal/budgetary matters (Article 17), a point of central importance to this agenda given the political sensitivity of cultural and assimilation policy within sovereign states.

4.2 Jurisdiction and Limitations

- SOCHUM has no enforcement powers, no capacity to impose sanctions, and no judicial function. It cannot adjudicate individual criminal responsibility (a function of the ICC, ICJ in inter-state disputes, or domestic courts) nor order a state to change a specific law.
- Article 2(7) of the UN Charter bars UN organs from intervening in matters essentially within a state's domestic jurisdiction, without prejudice to Chapter VII enforcement measures. States accused of forced assimilation policies (in the cases surveyed in this guide) routinely invoke Article 2(7) and the broader principle of sovereign equality (Article 2(1)) to resist Committee scrutiny of internal education, language, or religious-affairs legislation.
- Where cultural destruction occurs in the context of an armed conflict, primary legal competence rests with IHL-based mechanisms (ICRC, IHL-monitoring bodies) and, for individual criminal responsibility, the ICC or ad hoc/hybrid tribunals, not with SOCHUM, whose competence is standard-setting, reporting, and recommendation rather than accountability.

4.3 Voting and Procedure

As a Main Committee of the General Assembly, SOCHUM in simulation follows GA-style procedure: one state, one vote; no veto; simple majority for procedural matters; and (per most conferences' rules) simple or two-thirds majority for substantive resolutions, depending on the conference's own rules of procedure. Delegates should confirm the specific threshold with their conference secretariat, as this varies across MUN conferences and is not fixed by the real Committee's own practice (the real Third Committee generally seeks consensus but retains the capacity to vote when consensus is not reached).

4.4 Relevant UN Charter Articles

Article	Content	Relevance to Agenda
Preamble	Reaffirms faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of nations large and small.	Foundational normative basis for cultural-rights and anti-discrimination standard-setting.
Art. 1(3)	Purposes: achieving international cooperation in solving humanitarian problems and promoting respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion.	Direct textual basis for the Committee's competence over cultural, linguistic, and religious rights.

Article	Content	Relevance to Agenda
Art. 2(1)	Sovereign equality of all Members.	Basis for state resistance to external scrutiny of domestic cultural/education policy.
Art. 2(7)	Non-intervention in matters essentially within domestic jurisdiction, without prejudice to Chapter VII enforcement.	Principal legal argument invoked by states resisting international engagement with minority-policy questions.
Art. 10	GA may discuss and recommend on any matter within the scope of the Charter.	Basis for SOCHUM's discussive and recommendatory function.
Art. 13(1)(b)	GA shall initiate studies and recommendations to assist in the realisation of human rights.	Direct legal basis for SOCHUM's human/cultural rights mandate.
Arts. 55-56	Promotion of universal respect for human rights; Member pledge to cooperate with the UN to this end.	Basis for the broader human-rights architecture (treaty bodies, Special Procedures) that SOCHUM draws on.

5. Agenda Overview

This agenda asks the Committee to consider how international law and institutions can protect three related but distinct goods: (i) tangible and intangible cultural heritage (monuments, sites, artefacts, oral traditions, rituals, craft knowledge); (ii) language, particularly minority and Indigenous languages under pressure from state education and administrative policy; and (iii) group identity more broadly, including religious practice and communal self-governance. “Forced assimilation” and “cultural erasure” are used here as descriptive, not strictly defined legal, terms: forced assimilation typically refers to state policy compelling a minority or Indigenous group to adopt the dominant group’s language, religion, or customs, often through coercive education, family separation, or legal prohibition of minority practices; cultural erasure typically refers to the deliberate destruction or suppression of a group’s cultural heritage, whether through physical destruction of sites and objects or suppression of intangible practices such as language transmission.

Delegates should note at the outset a legal distinction that runs through the entire guide: “cultural genocide” is not a term with an accepted binding legal definition under the 1948 Genocide Convention, notwithstanding its frequent use in political and advocacy discourse (and, as discussed in Section 6, notwithstanding its prominent place in Raphael Lemkin’s original conception of genocide before the Convention’s drafters removed it). This does not mean forced assimilation or cultural destruction are lawful; rather, they are addressed through a different, overlapping set of legal instruments, minority-rights provisions of the ICCPR, the Genocide Convention’s narrower Article II(e) (forcible transfer of children), IHL and international criminal law provisions on cultural property, and UNESCO’s specialised conventions, each with different thresholds, remedies, and enforcement mechanisms.

6. Historical Background

6.1 Root Causes

Forced assimilation policy has historically served several recurring state purposes: nation-building and the consolidation of a single national identity within a multi-ethnic state; the pacification or control of populations viewed as security threats (particularly in counter-insurgency and counter-terrorism contexts); the appropriation of land and resources from Indigenous peoples, for which cultural and physical separation from ancestral territory was often an instrumental goal; and, in colonial contexts, an explicit “civilising mission” ideology that treated non-European cultures, languages, and religions as inferior and targeted for replacement. Cultural heritage destruction in armed conflict has separately served military and ideological purposes: the deliberate targeting of religious and historic sites as a tactic to demoralise an adversary population (as found by the ICC in the Al Mahdi case, discussed in Section 7), the erasure of evidence of a minority’s historical presence in a contested territory, and looting for financial gain (documented extensively in Iraq, Syria, Mali, and more recently Ukraine).

6.2 Historical Timeline

- 19th century - early 20th century: Widespread adoption of assimilationist Indigenous education policy across settler-colonial states, including the Canadian Indian residential school system (operating from the 1870s, with the last school closing in 1997), the United States’ Indian boarding school system, and comparable policies in Australia (the “Stolen Generations”) and elsewhere, typically involving forced removal of children from families, prohibition of Indigenous languages, and often high child mortality.
- 1944: Polish-Jewish jurist Raphael Lemkin coins the term “genocide” in *Axis Rule in Occupied Europe*, explicitly including the destruction of a group’s culture, language, and institutions (alongside physical destruction) as a component of his original conception.
- 1948: The Convention on the Prevention and Punishment of the Crime of Genocide is adopted (9 December 1948). Draft provisions on “cultural genocide” considered during the drafting process (in the 1947 Secretariat Draft and the 1948 Ad Hoc Committee draft) are removed from the final text; only the forcible transfer of children of the group to another group (Article II(e)) survives as a “cultural” element of the legal definition.

- 1949: The Fourth Geneva Convention is adopted, including provisions relevant to cultural property and civilian protection in occupied territory.
- 1954: The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict is adopted, the first treaty devoted exclusively to cultural heritage protection during armed conflict, prompted by the widespread destruction of monuments during the Second World War.
- 1966: The International Covenant on Civil and Political Rights (ICCPR) is adopted, including Article 27's protection of the rights of persons belonging to ethnic, religious, or linguistic minorities to enjoy their own culture, practise their own religion, and use their own language.
- 1969 - 1990s: Continued operation and gradual winding-down of residential/boarding school systems in Canada (last school closed 1997), alongside comparable policies elsewhere; growing Indigenous rights movements press for accountability.
- 1970: The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property is adopted, addressing looting and trafficking.
- 1972: The UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage ("World Heritage Convention") is adopted, establishing the World Heritage List and List of World Heritage in Danger.
- 1989: The ILO Indigenous and Tribal Peoples Convention (No. 169) is adopted, the only binding international treaty specifically on Indigenous peoples' rights, including cultural and land rights.
- 1999: The Second Protocol to the 1954 Hague Convention is adopted, strengthening individual criminal responsibility for serious violations and creating an "enhanced protection" regime for sites of the greatest importance to humanity.
- 2001: The Taliban's destruction of the Buddhas of Bamiyan in Afghanistan draws global attention to the deliberate destruction of cultural heritage as an instrument of ideological policy; UNESCO adopts the Universal Declaration on Cultural Diversity later that year.

- 2003: UNESCO adopts both the Declaration concerning the Intentional Destruction of Cultural Heritage (a direct response to the Bamiyan destruction) and the Convention for the Safeguarding of the Intangible Cultural Heritage, extending protection to oral traditions, performing arts, and traditional craftsmanship.
- 2005: The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions is adopted.
- 2007: The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) is adopted by the General Assembly (Resolution 61/295) by a vote of 144 in favour, 4 against (Australia, Canada, New Zealand, and the United States, all of which subsequently reversed their opposition and endorsed the Declaration), and 11 abstentions.
- 2011 - 2017: ISIL/Da'esh's territorial control in Iraq and Syria is accompanied by the systematic destruction of pre-Islamic, Yazidi, Christian, and Shia heritage sites (Nimrud, Hatra, Palmyra, Mosul Museum, and others), alongside the genocide of the Yazidi minority, prompting the Security Council's first resolution devoted exclusively to cultural heritage protection.
- 2012: Ansar Dine and allied armed groups destroy mausoleums and religious sites in Timbuktu, Mali, later the subject of the ICC's Al Mahdi case (Section 7).
- 2017: The Security Council unanimously adopts Resolution 2347, condemning the destruction and trafficking of cultural heritage by terrorist groups in armed conflict and affirming that such acts may constitute war crimes.
- 2021: The Truth and Reconciliation Commission of Canada's findings receive renewed global attention following the announcement of the detection of probable unmarked burial sites at former residential school grounds in British Columbia; Pope Francis apologises in Canada in July 2022 for the Catholic Church's role in the residential school system.
- 2022: OHCHR publishes its Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022).
- 24 February 2022 (onward): Russia's full-scale invasion of Ukraine is accompanied by extensive documented damage to Ukrainian cultural sites and, per ICC arrest warrants issued in March 2023, the unlawful deportation and transfer of Ukrainian children.

- 7 October 2023 (onward): The Gaza war results in extensive, UNESCO-documented damage to Palestinian cultural and religious heritage sites.
- 12 March 2026: China's National People's Congress adopts the Law on Promoting Ethnic Unity and Progress, which UN Special Procedures have warned could nationalise and entrench assimilationist policy previously applied regionally in Xinjiang, Tibet, and Inner Mongolia; it enters into force 1 July 2026.
- 19-29 July 2026: The 48th session of the UNESCO World Heritage Committee (Busan, Republic of Korea) inscribes 25 new World Heritage sites and adds six sites to the List of World Heritage in Danger, three via emergency procedure due to active armed conflict (Boma-Badingilo Migratory Landscape, South Sudan; Mount Amel Castles, Lebanon; and Sebastia, State of Palestine).

7. Current Situation

7.1 China: Xinjiang, Tibet, and Inner Mongolia

China's policy framework governing ethnic minority affairs has undergone a significant legislative shift. On 12 March 2026, the National People's Congress adopted the Law on Promoting Ethnic Unity and Progress, which entered into force on 1 July 2026. Multiple UN Special Rapporteurs (on minority issues, on freedom of religion or belief, and in the field of cultural rights, among others) have expressed concern in communications to the Chinese government that the Law risks transforming previously regional or experimental assimilationist measures into binding nationwide obligations, with particular implications for the linguistic, cultural, and religious autonomy of Tibetan, Uyghur, and Mongol communities. Separately, in December 2025 the Standing Committee of the National People's Congress revised the Law on the Standard Spoken and Written Chinese Language (originally adopted 2000), removing a provision that had permitted minority languages as media of instruction in schools; advocacy organisations have documented a multi-year trend of replacing Mongolian-, Tibetan-, and Uyghur-medium instruction with Mandarin-medium instruction. In a January 2026 report, the UN Special Rapporteur on minority issues, Professor Nicolas Levrat, characterised aspects of this language policy as amounting to "extermination" of linguistic diversity and argued that such practices should be treated as genocide by the international community, a strong political and expert characterisation that delegates should note has not been the subject of any binding judicial finding of genocide, and which China disputes. On 22 January 2026, five UN Special Rapporteurs jointly expressed alarm at reports of forced labour affecting Uyghur, Tibetan, and other minorities across China. OHCHR's 2022 Xinjiang assessment remains the most authoritative UN documentary record on detention and related practices, and OHCHR has indicated in subsequent public statements (most recently in 2024-2025 updates) that many of the laws and policies underlying its findings remain in place.

7.2 Ukraine

As of 15 July 2026, UNESCO had independently verified damage to 541 cultural sites in Ukraine since the start of Russia's full-scale invasion (156 religious sites, 281 buildings of historical/artistic interest, 43 museums, 33 monuments, 22 libraries, 5 archaeological sites, and 1 archive), a figure UNESCO stresses is a conservative, continuously updated minimum based on satellite imagery and on-the-ground verification. Ukraine's own Ministry of Culture reports substantially higher cumulative figures

(1,700-1,800+ heritage sites and over 2,500 cultural infrastructure facilities damaged as of May 2026), reflecting a broader national counting methodology than UNESCO's independently verified list; delegates should treat the two figures as measuring different things rather than as contradictory. Sites damaged include UNESCO World Heritage properties (Kyiv's Saint Sophia Cathedral and the Kyiv-Pechersk Lavra, damaged June 2025; Lviv's historic centre, struck March 2026). Separately, the ICC has issued arrest warrants (17 March 2023) against President Vladimir Putin and Children's Rights Commissioner Maria Lvova-Belova for the war crimes of unlawful deportation and unlawful transfer of Ukrainian children to the Russian Federation, conduct that Ukrainian officials and civil-society organisations characterise as an assimilationist, identity-erasing policy, given accompanying reports of Russian citizenship conferral, placement in Russian foster care, and re-education programming for transferred children.

7.3 Gaza and the Occupied Palestinian Territory

As of 24 March 2026, UNESCO's ongoing preliminary damage assessment, combining satellite-imagery analysis with on-site verification where access allows, following the October 2025 ceasefire, had confirmed damage to 164 cultural heritage sites in Gaza since 7 October 2023 (14 religious sites, 128 buildings of historical/artistic interest, 9 monuments, 8 archaeological sites, 3 depositories of movable cultural property, and 2 museums). The Palestinian Ministry of Tourism and Antiquities separately reported, in February 2024, that 226 of Gaza's 316 recognised archaeological and cultural sites had been destroyed or significantly damaged, again, a different (national, broader) count from UNESCO's independently verified figure. Notable losses include the Great Omari Mosque (bombed 8 December 2023) and extensive damage in Gaza's Old City. UNESCO placed the Saint Hilarion Monastery/Tell Umm Amer, one of the oldest Christian monastic sites in the Middle East, on the World Heritage List and simultaneously the List of World Heritage in Danger in July 2024 under an emergency procedure. Academic commentary (see Section 18) has separately criticised UNESCO's institutional response as comparatively muted relative to its Ukraine engagement, a contested characterisation this guide does not adopt or resolve.

7.4 Indigenous People: Residential and Boarding Schools

In Canada, more than 150,000 First Nations, Métis, and Inuit children were forced to attend church-run, government-funded residential schools between the 1870s and 1997, per the Truth and Reconciliation Commission's findings. Following the 2021 announcement of probable unmarked

burial sites at former school grounds, the federal government funded a National Advisory Committee on Residential Schools Missing Children and Unmarked Burials, whose mandate concluded in March 2025 after the government discontinued its funding, a decision one founding committee member publicly described as “a betrayal.” As of May 2025, 161 funding agreements providing \$246.8 million (rising to a reported \$285.5 million across 166 projects by mid-2026) had been made available to Indigenous communities for community-led search, documentation, and commemoration efforts, per Canadian government and independent tracking sources. Kimberly Murray, the federal government’s Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites, issued her final report and a proposed Indigenous-led Reparations Framework in October 2024, identifying 42 obligations for governments, churches, and other institutions. In May 2026, the federal government declined to participate in a civil-society-organised Permanent Peoples’ Tribunal in Montreal examining whether the residential school system’s conduct meets the threshold of genocide under international law, a characterisation advanced by tribunal organisers and some Indigenous advocacy groups but, as with the China case above, not the subject of any binding judicial determination.

7.5 UNESCO World Heritage Governance

The 48th session of the World Heritage Committee, held in Busan, Republic of Korea from 19 to 29 July 2026, inscribed 25 new properties on the World Heritage List (including the first-ever inscriptions for Comoros, São Tomé and Príncipe, and South Sudan) and added six sites to the List of World Heritage in Danger. Three of these were inscribed and simultaneously listed as endangered through an emergency procedure reserved for heritage facing serious, immediate conflict-related threats: the Boma-Badingilo Migratory Landscape (South Sudan), the Mount Amel Castles (Lebanon), and Sebastia (State of Palestine). Three previously inscribed sites were separately added to the Danger List: the Ancient City of Tauric Chersonese and its Chora (Ukraine), the Historic Inner City of Paramaribo (Suriname), and Tyre (Lebanon), the Committee noting that ongoing regional hostilities constituted a direct threat to the latter two. This session illustrates the Committee’s growing recourse to emergency listing procedures as a real-time response tool for conflict-driven heritage endangerment, distinct from its ordinary periodic reporting cycle.

8. International Legal Framework

8.1 Binding Law

8.1.1 The Genocide Convention (1948) and the Absence of “Cultural Genocide”

The Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951) defines genocide in Article II as any of five enumerated acts (killing; causing serious bodily or mental harm; deliberately inflicting conditions of life calculated to bring about physical destruction in whole or in part; imposing measures intended to prevent births; and forcibly transferring children of the group to another group) committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such. Only the fifth act, forcible transfer of children (Article II(e)), addresses conduct that could be characterised as “cultural” in nature. Raphael Lemkin’s original 1944 conception of genocide, and both the UN Secretariat’s 1947 draft and the Ad Hoc Committee’s 1948 draft of the Convention, included a separate provision on “cultural genocide,” covering conduct such as prohibiting the use of a group’s language, destroying or dispersing its documents, libraries, monuments, and religious institutions, and forcibly transferring children, but the cultural-genocide provision, other than the child-transfer element, was removed from the final text during the Sixth Committee’s negotiations at the General Assembly, reflecting opposition from a number of states concerned about the implications for their own minority-integration, immigration, and colonial administration policies. The consequence is that, as a matter of binding treaty law, the destruction of a group’s language, religion, or cultural heritage is not itself genocide unless it forms part of a broader pattern of conduct falling within Article II’s enumerated acts and satisfying the separate requirement of specific intent (*dolus specialis*) to destroy the group as such.

8.1.2 The Hague Convention for the Protection of Cultural Property (1954) and its Protocols

1954 Hague Convention: requires parties to safeguard and respect cultural property in the event of armed conflict, prohibits its use for purposes likely to expose it to destruction, and establishes a system of special protection for property of the greatest importance.

First Protocol (1954): addresses the export of cultural property from occupied territory and its restitution.

Second Protocol (1999): strengthens the Convention by establishing an “enhanced protection” regime for cultural property of the greatest importance to humanity, and by requiring States Parties to establish criminal responsibility for serious violations, including making cultural property under enhanced protection the object of attack.

8.1.3 International Humanitarian Law

- Fourth Geneva Convention (1949), relevant provisions on the treatment of civilians and property in occupied territory.
- Additional Protocol I (1977), Article 53, and Additional Protocol II (1977), Article 16: prohibit acts of hostility directed against historic monuments, works of art, or places of worship constituting the cultural or spiritual heritage of peoples, in international and non-international armed conflict respectively.
- The ICRC’s Customary International Humanitarian Law study identifies the protection of cultural property (broadly, Rules 38-41) as reflecting customary international law binding on all parties to armed conflict, including non-state armed groups, regardless of treaty ratification.

8.1.4 Rome Statute of the International Criminal Court (1998)

- **Article 8(2)(b)(ix):** in international armed conflict, intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not military objectives, is a war crime.
- **Article 8(2)(e)(iv):** the equivalent provision for non-international armed conflict, the basis for the ICC’s conviction in the Al Mahdi case (Section 7).
- **Article 7(1)(d):** deportation or forcible transfer of population as a crime against humanity, engaged by allegations concerning the transfer of children in the Ukraine situation.
- **Article 8(2)(a)(vii) / 8(2)(b)(viii):** unlawful deportation or transfer as a grave breach/war crime, the specific charges underlying the March 2023 Putin/Lvova-Belova arrest warrants.

8.1.5 International Human Rights Law

- **ICCPR (1966), Article 27:** persons belonging to ethnic, religious or linguistic minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, profess and practise their own religion, or use their own language. This is the central binding treaty provision protecting minority cultural and linguistic identity, interpreted through the Human Rights Committee's jurisprudence (Section 7).
- **ICESCR (1966), Article 15:** recognises the right of everyone to take part in cultural life.
- **Convention on the Rights of the Child (1989), Article 30:** mirrors ICCPR Article 27 for Indigenous and minority children specifically, and Article 8 protects the child's right to preserve their identity.
- **International Convention on the Elimination of All Forms of Racial Discrimination (CERD, 1965):** prohibits racial discrimination, including discrimination with disparate effects on minority cultural and educational rights; the CERD Committee has issued concluding observations on China's Xinjiang and Tibet policies.
- **ILO Convention No. 169 concerning Indigenous and Tribal Peoples (1989):** the only binding international treaty specifically addressing Indigenous peoples' rights, including the right to maintain and develop their own institutions, customs, languages, and cultural identity (Articles 2, 4, 5, 27-31). As of the most recent ILO NORMLEX data, it has been ratified by approximately 24 states, a notably low ratification rate relative to UN membership, concentrated heavily in Latin America, with only isolated ratifications in Africa (Central African Republic) and Asia (Nepal).

8.2 Soft Law

- **UN Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007):** Article 8 provides that Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture, and requires states to provide effective mechanisms for prevention of, and redress for, any action which has the aim or effect of depriving Indigenous peoples of their integrity as distinct peoples or of their cultural values or ethnic identities. Articles 11, 13, and 14 protect the rights to practise and revitalise cultural traditions, to revitalise and transmit languages, and to establish and control education systems in their own languages. UNDRIP is a General Assembly declaration, not a treaty; it is not binding in the way a ratified convention is,

though it is widely cited as reflecting an emerging consensus and, in the view of many international lawyers, as codifying or crystallising existing rights found elsewhere in binding instruments (including ICCPR Article 27 and CERD).

- **UNESCO Universal Declaration on Cultural Diversity (2001) and Declaration concerning the Intentional Destruction of Cultural Heritage (2003):** both are General Conference declarations, non-binding but influential in shaping subsequent treaty-making (notably the 2003 and 2005 UNESCO Conventions) and state practice.
- **UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005):** both are binding treaties for ratifying states, but are frequently discussed alongside soft-law instruments because their enforcement mechanisms are cooperative and reporting-based rather than adjudicative.
- **Reports of the UN Special Rapporteur in the field of cultural rights (currently Alexandra Xanthaki, since October 2021) and the UN Special Rapporteur on minority issues (currently Professor Nicolas Levrat, since November 2023):** authoritative but non-binding expert interpretation and fact-finding, frequently cited by advocacy groups and states alike.

8.3 Regional Instruments

The Council of Europe's Framework Convention for the Protection of National Minorities (1995) is binding for its (European) States Parties and protects minority language, education, and cultural rights in some detail, but has no equivalent in most other regions. The Council of Europe's Convention on Offences relating to Cultural Property (2017) requires criminalisation of intentional destruction of cultural property regardless of whether it occurs in armed conflict. No comparable binding regional instrument exists in Asia, the Middle East, or (with the partial exception of instruments addressing Indigenous consultation in some Latin American contexts) most of Africa, meaning protection in those regions rests more heavily on universal instruments of more general application (ICCPR, CERD) and on the UNESCO conventions.

8.4 Customary International Law and Jus Cogens

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- The prohibition of genocide is a *jus cogens* (peremptory) norm giving rise to *erga omnes* obligations, as recognised by the ICJ (see Section 7). This status does not extend, as a matter of settled law, to the broader (and legally undefined) concept of “cultural genocide.”
 - The prohibition of racial discrimination is widely regarded as reflecting customary international law and, in the view of many scholars, as approaching *jus cogens* status, though this remains subject to some academic debate.
 - The protection of cultural property during armed conflict, as codified in the 1954 Hague Convention and its Protocols, is widely regarded by the ICRC and international courts as also reflecting customary international humanitarian law binding on states and non-state armed groups regardless of treaty ratification.

9. Landmark Cases

9.1 Prosecutor v. Ahmad Al Faqi Al Mahdi (ICC Trial Chamber VIII, Judgment of 27 September 2016)

- **Facts:** In June-July 2012, Ahmad Al Faqi Al Mahdi, a member of Ansar Dine (an armed group linked to Al-Qaida in the Islamic Maghreb) and head of its “Hisbah” (morality police), directed and participated in attacks against ten historic and religious buildings in Timbuktu, Mali, including UNESCO World Heritage-listed mausoleums and the door of the Sidi Yahia mosque.
- **Issues:** Whether Al Mahdi bore individual criminal responsibility for the war crime of intentionally directing attacks against protected buildings under Article 8(2)(e)(iv) of the Rome Statute.
- **Judgment:** Al Mahdi pleaded guilty; the Trial Chamber unanimously convicted him and sentenced him to nine years’ imprisonment (later reduced to seven years on review). This was the first ICC case and the first international prosecution focused exclusively on the destruction of cultural heritage.
- **Legal Principle:** Intentionally directing attacks against buildings dedicated to religion and historic monuments not constituting military objectives is independently prosecutable as a war crime; the Chamber held that cultural heritage destruction harms not only direct victims but the broader national and international community, given cultural heritage’s significance “not only in itself, but also in relation to its human dimension.”
- **Importance for Agenda:** Establishes the clearest existing precedent that deliberate cultural heritage destruction in armed conflict is an internationally prosecutable crime in its own right, independent of any genocide finding, and directly informs debate on accountability for heritage destruction in Ukraine, Gaza, and other current situations.

9.2 Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) (ICJ, Judgment of 26 February 2007)

- **Facts:** Bosnia and Herzegovina alleged that Serbia and Montenegro (as successor to the Federal Republic of Yugoslavia) bore responsibility for genocide committed against Bosnian Muslims during the 1992-1995 conflict, including the 1995 Srebrenica massacre.
- **Issues:** Whether the respondent state committed, was complicit in, or failed to prevent or punish genocide, and the evidentiary weight to be given to cultural and religious destruction (mosques, cultural sites, records) in establishing genocidal intent.
- **Judgment:** The Court found that genocide had been committed at Srebrenica, but that Serbia was not directly responsible for committing it; Serbia was found to have violated its obligation to prevent genocide at Srebrenica and its obligation to cooperate with the ICTY, but was not held responsible for genocide elsewhere in Bosnia. The Court noted the destruction of historical, religious, and cultural heritage as relevant contextual evidence of intent but did not treat cultural destruction as itself constituting genocide under Article II.
- **Legal Principle:** Confirms the Krstić-line distinction (see the ICTY's related jurisprudence) that cultural and religious destruction may be highly probative evidence of genocidal intent when it accompanies acts enumerated in Article II, but does not itself satisfy Article II's definition of genocide.
- **Importance for Agenda:** The Court's most authoritative statement on the evidentiary (not definitional) role of cultural destruction in genocide law, directly relevant to assessing claims, made by advocacy groups and some Special Rapporteurs regarding China and Canada, among others, that cultural/linguistic destruction should itself be treated as genocide.

9.3 Lovelace v. Canada (UN Human Rights Committee, Views adopted on 30 July 1981)

- **Facts:** Sandra Lovelace, a Maliseet woman, lost her legal status and right to reside on her reserve under Canada's Indian Act after marrying a non-Indigenous man, a rule that did not apply to Indigenous men marrying non-Indigenous women.
- **Issues:** Whether Canada's law violated Article 27 of the ICCPR by denying Lovelace access to her minority culture and community.

- **Judgment (Views):** The Human Rights Committee found that Canada had violated Article 27, as the law's effect was to deny Lovelace the ability to live in her native community and enjoy her culture in community with other members of her group.
- **Legal Principle:** Article 27's protection of minority cultural enjoyment can be violated by facially neutral or historically rooted domestic legislation, not only by overtly assimilationist policy, and gender-discriminatory membership rules that sever a person's access to their community fall within its scope.
- **Importance for Agenda:** A foundational interpretation of ICCPR Article 27's scope, frequently invoked in debates over Indigenous membership/status laws and their cultural-rights implications.

9.4 Kitok v. Sweden (UN Human Rights Committee, Views adopted 27 July 1988)

- **Facts:** Ivan Kitok, a Sami man, was denied membership in a Sami village and the associated right to practise reindeer husbandry under Swedish law, which restricted such rights to maintain the viability of reindeer herding as a livelihood for the community as a whole.
- **Issues:** Whether Sweden's restriction violated Kitok's rights under Article 27 to enjoy his culture (reindeer husbandry being a central element of Sami cultural and economic life).
- **Judgment (Views):** The Committee found no violation, holding that a restriction on an individual member's rights could be justified under Article 27 where it had a reasonable and objective justification and was necessary for the continued viability and welfare of the minority as a whole.
- **Legal Principle:** Article 27 protects a group's essential cultural practices, but individual claims under it can be balanced against measures reasonably necessary for the collective survival of the culture in question, establishing a proportionality-style test rather than an absolute individual entitlement.
- **Importance for Agenda:** Read together with Lovelace, Kitok shows the Human Rights Committee applying a fact-sensitive balancing approach to Article 27 claims, relevant to

contemporary disputes over Indigenous self-governance, land, and resource-based cultural practices.

9.5 Situation in Ukraine: Arrest Warrants Against Vladimir Putin and Maria Lvova-Belova (ICC Pre-Trial Chamber II, 17 March 2023)

- **Facts:** The ICC Prosecutor alleged that, from at least 24 February 2022, Russian officials organised the unlawful deportation and transfer of Ukrainian children from occupied areas of Ukraine to the Russian Federation, including through placement in Russian foster care and adoption programmes.
- **Issues:** Whether there were reasonable grounds to believe President Putin and Commissioner Lvova-Belova bore individual criminal responsibility for the war crimes of unlawful deportation and transfer of population (children) under Articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute.
- **Judgment (to date):** Pre-Trial Chamber II issued arrest warrants for both individuals on 17 March 2023; this is a pre-trial stage, not a conviction, and Russia (not a State Party to the Rome Statute) disputes the Court's jurisdiction. No arrests have been made as of the freeze date.
- **Legal Principle:** Reaffirms that the unlawful transfer of children from occupied territory is independently chargeable as a war crime, and that ICC jurisdiction can extend to the head of state of a non-States-Party where the alleged conduct occurred on the territory of a State Party (Ukraine, which accepted ICC jurisdiction via declaration).
- **Importance for Agenda:** The clearest currently pending international criminal case squarely engaging the “cultural erasure through child transfer” dimension of this agenda, though delegates should note it remains at the arrest-warrant stage with no merits judgment.

10. UN Actions

10.1 Selected Security Council Resolutions

Resolution	Date	Subject	Relevance
S/RES/2100	25 Apr 2013	Establishes MINUSMA in Mali, including (for the first time in a UN peacekeeping mandate) a role in protecting cultural and historical sites in collaboration with UNESCO.	First integration of cultural-heritage protection into a peacekeeping mandate.
S/RES/2199	12 Feb 2015	Addresses ISIL/Da'esh and Al-Nusrah Front financing, including through the illicit trade in cultural property from Iraq and Syria.	Links cultural-property trafficking to counter-terrorism financing frameworks.
S/RES/2347	24 Mar 2017	The Council's first resolution devoted exclusively to cultural heritage protection; condemns destruction/trafficking of heritage by terrorist groups and affirms such acts may constitute war crimes.	Central binding Council instrument on cultural heritage in armed conflict.

10.2 General Assembly and Human Rights Council Actions

- **GA Resolution 61/295 (2007):** adopts the UN Declaration on the Rights of Indigenous Peoples.
- **The Human Rights Council maintains Special Procedures directly relevant to this agenda:** the Special Rapporteur in the field of cultural rights (Alexandra Xanthaki), the Special Rapporteur on the rights of Indigenous peoples (Albert Kwokwo Barume, since December 2024), and the Special Rapporteur on minority issues (Nicolas Levrat, since November 2023), each issuing periodic thematic and country-specific reports to the Council and the General Assembly.
- The UN Permanent Forum on Indigenous Issues (established 2000) and the Expert Mechanism on the Rights of Indigenous Peoples (established 2007) provide dedicated institutional fora for Indigenous cultural-rights issues within the broader UN human-rights architecture, distinct from and complementary to SOCHUM's role.

- Treaty bodies (the Human Rights Committee under the ICCPR, and the CERD Committee under the Convention on the Elimination of Racial Discrimination) issue concluding observations on States Parties' compliance, including on minority-language education, religious-site protection, and Indigenous cultural rights, most recently including CERD's concluding observations referencing OHCHR's Xinjiang assessment.

10.3 UNESCO Institutional Mechanisms

- The UNESCO Heritage Emergency Fund and the International Fund to Protect Endangered Cultural Heritage in Armed Conflict and Terrorism (ALIPH Foundation, established December 2017) provide financing for preventive and emergency heritage protection, welcomed by Security Council Resolution 2347.
- UNESCO's damage-assessment mechanisms for Ukraine and Gaza (Sections 5.2-5.3), combining satellite imagery analysis (with UNITAR/UNOSAT) and on-site verification, represent an evolving operational model for real-time cultural heritage monitoring in active or recent conflict.
- The World Heritage Committee's emergency listing procedure (Section 5.5) allows expedited inscription on both the World Heritage List and the List of World Heritage in Danger for sites facing serious, immediate conflict-related threats.

11. Stakeholder Analysis

11.1 States Central to Current Debate

- **China:** Central to debate over the Xinjiang, Tibet, and Inner Mongolia situations and the 2026 Law on Promoting Ethnic Unity and Progress; consistently characterises international scrutiny as interference in domestic affairs under Article 2(7) and frames its policies as counter-terrorism and poverty alleviation rather than assimilation.
- **Russian Federation:** Subject of ICC arrest warrants concerning child transfer from Ukraine and of extensive UNESCO-documented cultural heritage damage; disputes ICC jurisdiction as a non-States-Party.
- **Ukraine:** Accepted ICC jurisdiction by declaration; a leading advocate within UN fora for strengthened cultural-heritage-in-armed-conflict protections and accountability mechanisms.
- **Israel and the State of Palestine:** Central to debate over Gaza cultural heritage destruction and the broader question of heritage protection amid occupation and active hostilities; positions on UNESCO listings (including Sebastia and other West Bank/Gaza sites) are frequently contested.
- **Canada, Australia, United States:** Central to the Indigenous residential/boarding school legacy debate; all three (along with New Zealand) initially voted against UNDRIP in 2007 before reversing position, a history frequently invoked in Committee debate.
- **Mali and Sahel states:** Site of the Al Mahdi precedent and continuing heritage-protection challenges amid ongoing jihadist and inter-communal violence.

11.2 UN Bodies and International Organisations

- **UNESCO:** The lead specialised agency for cultural heritage, language, and intangible cultural heritage protection; convenes the World Heritage Committee and administers the 1954, 1970, 1972, 2003, and 2005 conventions.

- **OHCHR:** Conducts country assessments (Xinjiang, 2022) and supports Special Procedures reporting on cultural, minority, and Indigenous rights.
- **ICC:** Provides individual criminal accountability for cultural-heritage destruction (Al Mahdi) and, potentially, for child-transfer-based cultural erasure (the pending Ukraine situation).
- **ICRC:** Custodian of IHL-based cultural property protection standards and the customary law study underpinning Rules 38-41.
- **ILO:** Administers Convention No. 169, the binding Indigenous-rights treaty.
- **World Bank, UNDP:** Engaged in reconstruction financing for heritage-damaged states (e.g., UNESCO’s estimated multi-billion-dollar Ukraine cultural-sector reconstruction need).

11.3 NGOs and Civil Society

- Cultural Survival, the World Uyghur Congress, the International Campaign for Tibet, and Chinese Human Rights Defenders: document and advocate on minority-language and assimilation policy in China.
- Human Rights Watch and Amnesty International: document cultural-heritage destruction and forced-assimilation allegations across multiple situations addressed in this guide.
- Indigenous-led organisations (e.g., the National Centre for Truth and Reconciliation in Canada, the Native Women’s Shelter of Montreal): central to survivor-centred documentation, advocacy, and (in the Canadian case) organisation of the 2026 Permanent Peoples’ Tribunal.
- ALIPH Foundation and the Blue Shield network: operational NGOs/foundations specialised in emergency and preventive cultural-heritage protection financing and technical assistance.

11.4 Affected Populations

Affected populations include: Uyghur, Tibetan, and Mongol communities in China, particularly with respect to language transmission and religious practice; Ukrainian communities whose cultural sites have been damaged and whose children have allegedly been unlawfully transferred; Palestinian communities in Gaza, whose cultural and religious heritage has sustained extensive documented damage amid mass displacement; Indigenous peoples in Canada, Australia, the United States, and

elsewhere affected by the intergenerational legacy of residential/boarding school systems; and, more broadly, the roughly 476 million Indigenous people worldwide (a commonly cited UN estimate) and speakers of the thousands of minority and Indigenous languages currently classified as endangered.

12. Key Issues

12.1 The Definitional Gap: “Cultural Genocide” as Political Term, Not Legal Category

The Genocide Convention does not recognise cultural destruction as such as an act of genocide. This creates a recurring rhetorical and legal tension: advocacy groups, some Special Rapporteurs, and affected communities frequently describe forced-assimilation policies (in China, Canada, and elsewhere) as “cultural genocide” or, in stronger formulations, as genocide simpliciter, while the states concerned, and much of the formal international legal architecture, treat this as a political and moral characterisation rather than an established legal finding. Debate in Committee can usefully separate the question “is this conduct seriously wrongful and does it violate binding legal obligations” (addressed through Article 27 ICCPR, CERD, and the child-transfer provisions of the Genocide Convention) from the separate and considerably more contested question “does this conduct meet the legal threshold for genocide.”

12.2 Cultural Heritage Destruction in Active Armed Conflict

Ukraine, Gaza, Sudan, Lebanon, and Iran during the 2026 Iran war illustrate the continuing frequency of cultural-site damage in contemporary conflict, notwithstanding the existence of a comparatively well-developed legal framework (the 1954 Hague Convention and its Protocols, the Rome Statute’s cultural-property war crimes, and Security Council Resolution 2347). Key sub-questions include: the adequacy of pre-conflict “safe haven” documentation and digitisation efforts; the practical limits of the ICC’s cultural-heritage jurisdiction where the responsible state is not a Rome Statute party; and whether UNESCO’s monitoring and emergency-listing tools are adequately resourced relative to the scale of ongoing damage.

12.3 Language Policy and Minority Education

Language transmission is widely regarded by linguists and UNESCO as the single most important determinant of a minority or Indigenous culture’s long-term survival, and educational-medium policy is accordingly a central battleground. Debate should distinguish between states’ legitimate interest in a shared national language for civic and economic participation, and policies that may amount to the deliberate suppression of minority-language transmission across a generation.

12.4 Indigenous People: Historical Accountability

The residential/boarding school legacy raises distinct questions from the other situations surveyed in this guide, since the relevant conduct is predominantly historical (though its institutional consequences, including unresolved unmarked burial site investigations, are ongoing). Key sub-questions include: the appropriate international-law characterisation of historical forced-assimilation policy (given that the Genocide Convention post-dates most of the conduct in question and does not apply retroactively); the adequacy of domestic reparations and truth-commission processes relative to Indigenous-led calls for international accountability mechanisms (such as the 2026 Permanent Peoples' Tribunal); and the ongoing, present-tense dimension of Indigenous cultural rights under UNDRIP Articles 8, 11, 13, and 14 and ILO Convention 169.

12.5 UNESCO Institutional Capacity and Selectivity

The scale of simultaneous cultural-heritage monitoring demands across Ukraine, Gaza, Sudan, Lebanon, Syria, and Iran raises a resourcing and a selectivity concern: whether UNESCO's response capacity and political attention are applied consistently across situations of comparable severity, or are shaped by the differential political weight of the states involved.

13. Statistics

All figures are drawn from cited sources and reflect the reporting date indicated; where national and UN-verified figures diverge (as with Ukraine and Gaza), this reflects differing methodologies and counting bases rather than factual inconsistency, and both are presented for transparency.

Indicator	Figure	As of	Source
Cultural sites verified damaged, Ukraine (UNESCO)	541	15 Jul 2026	UNESCO Ukraine damaged cultural sites tracker
Cultural heritage sites damaged/destroyed, Ukraine (national count)	~1,783	May 2026	Ukrainian Ministry of Culture, via United24 Media
Cultural heritage sites verified damaged, Gaza (UNESCO)	164	24 Mar 2026	UNESCO Gaza cultural heritage damage assessment
Archaeological/cultural sites destroyed or damaged, Gaza (national count, of 316 total)	226	Feb 2024	Palestinian Ministry of Tourism and Antiquities
New World Heritage sites inscribed, 48th WHC session	25	19-29 Jul 2026	UNESCO World Heritage Committee, Busan
Sites newly added to List of World Heritage in Danger	6 (3 via emergency procedure)	Jul 2026	UNESCO World Heritage Committee
ILO Convention 169 ratifications	~24 states	2026	ILO NORMLEX
UNDRIP adoption vote (GA Res. 61/295)	144-4-11	13 Sep 2007	UN General Assembly
Indigenous children in Canadian residential schools	150,000+	1870s-1997	Truth and Reconciliation Commission of Canada

Indicator	Figure	As of	Source
Funding for Canadian residential school missing-children search efforts	\$246.8m (161 agreements) / \$285.5m (166 projects, later figure)	May 2025 / Jul 2026	Crown-Indigenous Relations and Northern Affairs Canada; Indigenous Watchdog
Languages classified as endangered (UNESCO Atlas)	Over 2,500 languages	2010 dataset (under UNESCO review since 2025)	UNESCO Atlas of the World's Languages in Danger
Living languages classified as endangered (Ethnologue methodology)	~40-44% of ~7,000-7,168 languages	2026	Ethnologue, via Visual Capitalist / Al Jazeera

14. Challenges and Gaps

14.1 Legal

The absence of a binding definition of “cultural genocide” leaves a persistent gap between the moral seriousness with which cultural/linguistic destruction is often discussed and the narrower conduct actually captured by binding treaty law.

Low ratification of ILO Convention 169 (approximately 24 states) means the only binding Indigenous-rights treaty binds a small minority of UN Member States.

ICC jurisdiction over cultural-heritage and child-transfer crimes is unavailable or contested where the responsible state is not a Rome Statute party (Russia, China, the United States, and Israel are not States Parties).

14.2 Political

Article 2(7) and sovereignty concerns are routinely invoked to resist international scrutiny of domestic minority, education, and religious-affairs policy.

Great-power dynamics affect both Security Council engagement (a P5 member, Russia, is a subject of active ICC arrest warrants and UNESCO heritage-damage documentation) and the political weight given to comparable situations.

14.3 Economic

Heritage reconstruction needs (UNESCO’s multi-billion-dollar estimate for Ukraine alone) far outstrip current dedicated funding mechanisms (the Heritage Emergency Fund and ALIPH), and language-revitalisation programming is generally not a funding priority relative to humanitarian and reconstruction spending in affected states.

14.4 Enforcement

SOCHUM and the General Assembly more broadly have no enforcement powers; ICC arrest warrants against sitting heads of state (as with Putin) have historically proven difficult to enforce absent State Party cooperation or the individual’s travel to a State Party’s territory.

14.5 Humanitarian

Active hostilities (Gaza, Lebanon, Sudan) frequently prevent on-site verification of cultural-heritage damage, forcing reliance on remote/satellite assessment that likely undercounts true damage, as UNESCO itself acknowledges in its Ukraine and Gaza reporting methodologies.

15. Possible Solutions

The following policy approaches are presented as a non-exhaustive menu reflecting genuine positions advanced in the current debate; this Background Guide takes no position on which, if any, the Committee should adopt.

15.1 Strengthening Existing Legal Tools

- Encourage wider ratification of the 1999 Second Protocol to the Hague Convention and of ILO Convention 169.
- Support continued development of UNESCO's satellite-based rapid damage assessment methodology as a standard tool across all conflict situations, to address the selectivity/capacity critique.

15.2 Clarifying Legal Concepts

- Request an International Law Commission study or Secretary-General report clarifying the legal relationship between forced assimilation, cultural destruction, and the Genocide Convention's Article II(e), without necessarily amending the Convention itself.
- Encourage the Human Rights Committee and CERD Committee to continue developing General Comments/Recommendations further elaborating Article 27 ICCPR and CERD's application to language and cultural-heritage policy.

15.3 Institutional and Financing Measures

- Expand funding for the UNESCO Heritage Emergency Fund and ALIPH Foundation, potentially through a dedicated GA-endorsed voluntary trust fund.
- Support the integration of cultural-heritage protection mandates into peacekeeping and stabilisation missions generally, following the MINUSMA precedent (Resolution 2100).

15.4 Indigenous and Minority Rights

- Encourage states to adopt National Action Plans implementing UNDRIP domestically, including specific language-revitalisation and education-medium commitments.
- Support Indigenous-led truth-telling and documentation mechanisms (whether domestic truth commissions or civil-society tribunals) as a complement to, rather than replacement for, formal international accountability channels.

15.4 Accountability

- Support continued monitoring and reporting by relevant Special Rapporteurs and treaty bodies as an evidentiary basis for future accountability processes.
- Consider whether existing international criminal law's cultural-property provisions (Rome Statute Arts. 8(2)(b)(ix)/8(2)(e)(iv)) are being applied consistently across situations of comparable severity.

16. Bloc Positions

16.1 China and Aligned States

Frames Xinjiang, Tibet, and Inner Mongolia policy as legitimate counter-terrorism, poverty alleviation, and national-unity measures; resists Committee language characterising these policies as forced assimilation or cultural erasure; likely to invoke Article 2(7) and sovereign equality.

16.2 Russian Federation

Disputes ICC jurisdiction over the child-transfer allegations; frames Ukraine cultural-site damage as an unavoidable consequence of legitimate military operations or disputes attribution; unlikely to support resolution language referencing the pending ICC arrest warrants.

16.3 Ukraine and Western/EU-aligned States

Strong advocates for robust cultural-heritage-in-armed-conflict protections, continued UNESCO documentation funding, and accountability mechanisms including ICC engagement; likely to support strengthened reporting and financing measures.

16.4 Indigenous-Rights-Forward States (e.g., Bolivia, Norway, New Zealand, and others with strong domestic Indigenous-rights frameworks)

Generally supportive of robust UNDRIP implementation language, ILO 169 ratification advocacy, and language-revitalisation funding; some (Norway, as the first ILO 169 ratifier) may offer models for domestic implementation.

16.5 Settler-Colonial States with Unresolved Residential/Boarding School Legacies (Canada, Australia, United States)

Generally supportive of Indigenous cultural-rights language in principle, given past UNDRIP reversal, but may resist resolution language implying binding reparations obligations or explicit genocide characterisation of historical policy, preferring domestic truth-and-reconciliation-based approaches.

16.6 Israel and the State of Palestine

Positions on Gaza and West Bank heritage-site damage and listing (including Sebastia) remain sharply contested; likely to resist or contest resolution language on this specific situation, reflecting the broader unresolved political conflict.

16.7 Non-Aligned Movement / Global South

Frequently draws attention to colonial-era cultural appropriation, restitution of looted artefacts (a related but distinct debate from this agenda's core focus), and the selectivity critique regarding international attention to heritage destruction in different regions.

17. Questions a Delegate Should Answer

- What is your state's position on whether "cultural genocide" should be given a binding legal definition, and if so, through what instrument (amendment to the Genocide Convention, a new convention, or interpretive guidance)?
- Has your state ratified ILO Convention 169, endorsed UNDRIP, or ratified the Second Protocol to the Hague Convention? If not, what are the stated reasons, and does your position allow for supporting Committee language encouraging wider ratification?
- Does your state have unresolved historical or ongoing forced-assimilation policy questions of its own (e.g., Indigenous, minority-language, or religious-minority policy)? How does this shape your negotiating position?
- What is your state's position on ICC jurisdiction over nationals of non-States-Parties in cultural-heritage or child-transfer cases?
- How should the Committee balance sovereignty concerns under Article 2(7) against the international community's interest in monitoring minority-language and cultural policy?
- What specific, concrete measures can SOCHUM, within its non-binding, recommendatory mandate, propose to improve real-time cultural-heritage damage documentation in active conflicts?
- Should historical forced-assimilation policy (predating the Genocide Convention) be addressed primarily through domestic reparations mechanisms, or does your state support elevating this to an international accountability process?

18. Glossary

Term	Definition
Cultural erasure	A descriptive (non-treaty-defined) term referring to the deliberate destruction or suppression of a group's tangible or intangible cultural heritage.
Forced assimilation	A descriptive (non-treaty-defined) term referring to state policy compelling a minority or Indigenous group to adopt the dominant group's language, religion, or customs, often coercively.
Cultural genocide	A term originating in Lemkin's original conception of genocide and included in early drafts of the Genocide Convention, but removed from the final 1948 text (save for the child-transfer provision, Art. II(e)); it has no accepted binding legal definition today.
Dolus specialis	The specific intent to destroy a protected group, in whole or in part, as such, the heightened mental element required for a finding of genocide under the Genocide Convention.
Enhanced protection	A status under the Second Protocol to the 1954 Hague Convention affording the highest level of protection to cultural property of the greatest importance to humanity.
Erga omnes obligation	An obligation owed by a state to the international community as a whole.
Intangible cultural heritage	Practices, representations, expressions, knowledge, and skills recognised by communities as part of their cultural heritage, protected under the 2003 UNESCO Convention (e.g., oral traditions, performing arts, rituals, craft knowledge).
Jus cogens	A peremptory norm of general international law from which no derogation is permitted.

Term	Definition
List of World Heritage in Danger	A UNESCO list of World Heritage sites facing serious threats, intended to marshal international support for their protection.
Minority rights (ICCPR Art. 27)	The right of persons belonging to ethnic, religious, or linguistic minorities to enjoy their own culture, profess and practise their own religion, and use their own language, in community with other group members.
UNDRIP	The UN Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in 2007; a non-binding declaration widely cited as reflecting emerging consensus on Indigenous rights.
Term	Definition
Cultural erasure	A descriptive (non-treaty-defined) term referring to the deliberate destruction or suppression of a group's tangible or intangible cultural heritage.

19. Chronology

Date	Event
1870s-1997	Operation of Canada's Indian residential school system.
1944	Raphael Lemkin coins "genocide," including cultural destruction in his original conception.
9 Dec 1948	Genocide Convention adopted; "cultural genocide" provision (other than child transfer) removed from final text.
1949	Fourth Geneva Convention adopted.
1954 / 1999	Hague Convention for the Protection of Cultural Property / Second Protocol adopted.
1966	ICCPR (Art. 27) and ICESCR (Art. 15) adopted.
1970 / 1972	UNESCO Illicit Trafficking Convention / World Heritage Convention adopted.
1989	ILO Convention No. 169 adopted.
2001	Destruction of the Buddhas of Bamiyan, Afghanistan; UNESCO Universal Declaration on Cultural Diversity.
2003	UNESCO Declaration on Intentional Destruction of Cultural Heritage; Intangible Cultural Heritage Convention.
2005	UNESCO Convention on the Diversity of Cultural Expressions.
13 Sep 2007	UNDRIP adopted (GA Res. 61/295).
2012	Destruction of Timbuktu mausoleums, Mali.
27 Sep 2016	ICC judgment in Prosecutor v. Al Mahdi.
24 Mar 2017	Security Council Resolution 2347 adopted.
Aug 2021	Announcement of probable unmarked burial sites, Canadian residential schools.

Date	Event
31 Aug 2022	OHCHR Xinjiang assessment published.
17 Mar 2023	ICC arrest warrants: Putin and Lvova-Belova (Ukraine child transfer).
7 Oct 2023 (onward)	Gaza war; extensive cultural heritage damage documented by UNESCO.
Oct 2024	Kimberly Murray's final report/Reparations Framework, Canada.
Dec 2025	China revises Law on the Standard Spoken and Written Chinese Language.
Jan 2026	Special Rapporteur on minority issues report on Chinese language policy.
12 Mar 2026	China adopts Law on Promoting Ethnic Unity and Progress (in force 1 Jul 2026).
May 2026	Permanent Peoples' Tribunal sessions on Canadian residential schools, Montreal.
19-29 Jul 2026	48th UNESCO World Heritage Committee session, Busan.

20. Further Reading

Primary Sources

- Convention on the Prevention and Punishment of the Crime of Genocide (1948); UN Charter (1945).
- Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its First (1954) and Second (1999) Protocols.
- ICCPR (1966), Art. 27; ICESCR (1966), Art. 15; CRC (1989), Art. 30; CERD (1965).
- ILO Convention No. 169 (1989); UNDRIP, GA Res. 61/295 (2007).
- UNESCO Conventions: 1970 (Illicit Trafficking); 1972 (World Heritage); 2003 (Intangible Cultural Heritage); 2005 (Diversity of Cultural Expressions).
- Security Council Resolutions 2100 (2013), 2199 (2015), 2347 (2017).
- ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, Judgment, 26 February 2007.
- ICC, *Prosecutor v. Al Mahdi*, Judgment and Sentence, 27 September 2016; ICC, *Situation in Ukraine*, Arrest Warrant Decisions, 17 March 2023.
- Human Rights Committee, *Lovelace v. Canada* (1981) and *Kitok v. Sweden* (1988).

UN and Institutional Reports

- OHCHR, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region (31 August 2022).
- Reports of the Special Rapporteur in the field of cultural rights (Alexandra Xanthaki) and the Special Rapporteur on minority issues (Nicolas Levrat), 2021-2026.
- Truth and Reconciliation Commission of Canada, Final Report and 94 Calls to Action (2015); Kimberly Murray, Final Report of the Independent Special Interlocutor (October 2024).
- UNESCO, damage assessments: Damaged Cultural Sites in Ukraine (ongoing tracker); Impact on Cultural Heritage in the Gaza Strip (ongoing assessment).

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- ICRC, Customary International Humanitarian Law study, Rules 38-41 (cultural property).
- Academic commentary on Al Mahdi in the *Journal of African Law*, *Harvard Law Review*, and *EJIL: Talk!*, 2016-2025.