

United Nations Educational, Scientific and Cultural Organization Topic Summaries

Topic A: Return and Restitution of Cultural Property

Cultural property refers to artifacts that are considered culturally significant and worthy of preservation for the future. In the 1960s, incidences of theft of such property, particularly in countries of the global South, led to the adoption of the United Nations Educational, Scientific and Cultural Organization (UNESCO) *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*, which sought to prevent illicit transfers of cultural property and established mechanisms for property restitution.¹ The convention was not all-encompassing, however, and UNESCO asked UNIDROIT, formerly known as the International Institute for the Unification of Private Law, to develop the *Convention on Stolen or Illegally Exported Cultural Objects*, which it did in 1995.² Organizations, including UNESCO, The United Nations Office on Drugs and Crime, and the World Customs Organization, are still fighting to prevent the illicit transfer of cultural property as its restitutions remains a very complicated affair and adoption and implementation of the conventions remain sparse, in spite of operational guidelines being made available.³ UNESCO's Intergovernmental Committee for Promoting the Return of Cultural Property assists Member States in when the conventions can't be applied, but there have only been a handful of successful cases.⁴ Theft, illicit sales and transfers, and destruction of cultural property all remain pressing issues and the international community lacks robust legal and operational mechanisms to their ensure safe and proper return.

Topic B: Traditional Knowledge Systems

Indigenous peoples and societies with long histories have often developed skills, philosophies, and know-how that has been passed from generation to generation and often forms part of the community's cultural or spiritual identity. Commonly known as traditional knowledge, these intergenerational systems can be used to address many modern issues, including in agriculture, science, technology, ecology, and medicine.⁵ While there are no universally accepted definitions of indigenous peoples or traditional knowledge, there has been progressive international action to promote and protect traditional knowledge. *Agenda 21*, which was adopted at the 1992 Rio Conference, identified traditional knowledge as having a vital role "in environmental management and development."⁶ The 2007 *Declaration on the Rights of Indigenous Peoples* went much further and established that "indigenous peoples have the right to maintain, control, protect and develop their traditional knowledge."⁷ In spite of such documents, traditional knowledge is often lost and, more commonly, exploited for profit without consultation with indigenous communities. In the current context, there have also been international discussions on how to better protect and leverage traditional knowledge to achieve the Sustainable Development Goals. UNESCO's Local and Indigenous Knowledge Systems program assists in these efforts, and the World Intellectual Property Organization has been crucial in helping communities to establish patent, trademark, and geographical indication protection for traditional knowledge.⁸

¹ <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1970-convention/>

² <http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1995-unidroit-convention/>

³ <http://undocs.org/a/res/70/76>

⁴ <http://www.unesco.org/new/en/culture/themes/restitution-of-cultural-property/return-or-restitution-cases/>

⁵ <http://www.wipo.int/tk/en/tk/>

⁶ http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SC/pdf/ILK_ex_publication_E.pdf

⁷ Ibid

⁸ <http://www.wipo.int/tk/en/tk/>

Topic C: Bioethics and the Human Genome

Genetic research has the potential to improve healthcare and quality of life, but there is also potential for genetic technology to cause harm or restrict human rights. The concept of bioethics and the extent to which it is responsible to modify the human genome has become an increased topic of international discussion since it was discovered that CRISPR-Cas9 may be used to edit the human genome in 2015.⁹ CRISPR-Cas9 is a technology that may allow geneticists to edit the genome by adding to, removing from, or altering it.¹⁰ UNESCO's International Bioethics Committee has discussed potential concerns with genome editing; they released a report in 2015 which warned that "this development seems to require particular precautions and raises serious concerns, especially if the editing of the human genome should be applied to the germline and therefore introduce hereditary modifications, which could be transmitted to future generations."¹¹ In addition to potential problems for future generations, the Committee highlighted moral and ethical concerns related to hypothetical "designer babies" or the fostering of effective eugenics.¹² UNESCO adopted the *Universal Declaration on the Human Genome and Human Rights* and the *International Declaration on Human Genetic Data* to address emerging human rights concerns related to analyzing and editing the human genome, but these two instruments are limited and concerns remain.¹³

⁹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4417674/>

¹⁰ <https://www.yourgenome.org/facts/what-is-crispr-cas9>

¹¹ <https://en.unesco.org/news/unesco-panel-experts-calls-ban-editing-human-dna-avoid-unethical-tampering-hereditary-traits>

¹² <https://news.un.org/en/story/2015/10/511732-un-panel-warns-against-designer-babies-and-eugenics-editing-human-dna>

¹³ <http://www.unesco.org/new/en/social-and-human-sciences/themes/bioethics/human-genetic-data/>