



Social, Humanitarian,
and Cultural
Committee

SOCHUM

MUNUC 38

Model United Nations of the University of Chicago

CHAIR LETTERS

Dear Delegates,

My name is Jake Rymer, and I will be serving as a Co-Chair of the Social, Humanitarian, and Cultural Committee (SOCHUM) for MUNUC 38! This year, SOCHUM's focus will be centered around the importance of protecting minority language rights as well as the best measures for stolen cultural artifacts to be taken care of and preserved. I truly cannot wait to hear your ideas and debates so we can finally fix the errors of the past and push these solutions into the future! This is the goal of SOCHUM, and I truly hope to see all of you achieve this.

In case you were wondering, I am a third-year majoring in the Biological Sciences on the Pre-Med track. I have been proud to be a part of MUNUC for the last three years. The last two, in fact, as the moderator and chair of SPECPOL. In other model UN organizations, I serve as the Under Secretary General (USG) for ChoMUN XXIX, our premier collegiate Model UN conference, and compete on our TEAM. Outside of MUN, I serve on the boards of multiple Jewish advocacy societies and perform in my house band, the Phoenix Phunk!

I truly hope that this committee will serve as an experience for you, the delegates, to create collaborative and constructive solutions to these very prominent topics and issues. This SOCHUM gives you all the unique ability to tackle cultural issues that plague our world today. I am certain that your knowledge and research going into this committee will allow for proper dialogue to make this possible.

Remember, collaboration and mindful solutions should be prioritized. MUNUC's mission of Pedagogy exists to ensure inclusivity and mutual respect among all of the delegates. We truly care about the growth you will achieve over the conference and will be on the lookout for awarding appropriately. We are here as your chairs to ensure that your experience is smooth and enjoyable. If there is ever a time that you need to have a conversation with us, we are more than happy to do so.

I am highly excited for this year's SOCHUM and the spirited debate that will take place. I know that you will make sure it happens.

Kind Regards,

Jake Rymer

Jaker@uchicago.edu

Dear Delegates,

My name is Jay Love and I will be serving as a Co-Chair of the Social, Humanitarian, and Cultural Committee (SOCHUM) for MUNUC 38. Our focus will lie in addressing minority language rights and how best to protect and restore stolen cultural artifacts.

By way of introduction, I am a third-year Law, Letters, and Society major doubling in Economics, and this will be my third MUNUC. Later this year, I will be chairing a committee for ChoMUN, UChicago's collegiate Model UN conference. On top of that, I am an active member of UChicago's MUN Travel Team as well as our Undergraduate Moot Court Team. When I'm not competing, you'll probably find me perusing the news or debating the merits of some exceptionally unimportant disagreement with some of my equally pedantic friends.

I (and for that matter we) hope that this will serve as an incredible opportunity for you all to discuss these pressing matters in respectful, constructive ways. SOCHUM presents an incredible opportunity to expand our cultural awareness and learn how we can better coexist on our Earth. Each of our topics involves careful balancing between competing interests and groups. While we will only be able to holistically address one of them, I am confident that your research for each will be engaging and fruitful.

During committee, innovative, thoughtful solutions will be cherished. Speeches that are full of content first and entertaining second should be the goal. We know that Model UN is fun, that's why we do it, but never lose sight of the significance and gravity of the problems that you

are confronted with. MUNUC's primary goal is pedagogy, after all. There is nothing that we will be more proud of than the growth we are certain to see in all of you over the course of the conference. Of course, we also expect that debate will proceed with sensitivity and respect. If those values are not being upheld, then promptly bring such matters to our attention.

I personally look forward to the spirited, researched, creative, professional debate that these topics invite and that I know you are all more than capable of excelling at.

Welcome to SOCHUM,

Jay Love

jrllove@uchicago.edu

Dear Delegates,

Welcome to MUNUC 38 and the SOCHUM committee! I'm Lulu, one of your co-chairs.

I am a third-year student at UChicago and I'm majoring in History and Law, Letters, and Society. In addition to chairing this MUNUC committee, I also compete on UChicago's travelling Model UN team and I'm an undersecretary general (USG) for UChicago's college-level MUN conference, ChoMUN. I was born and raised in Toronto, Canada, and as a proud Canadian, I can often be found listening to the CBC, downplaying the severity of Chicago winters and spelling words like colour with the additional 'u' in them. If you find any such words spelled in Canadian English throughout this background guide, I'm the reason why!

In this committee, you will be asked to discuss different social, cultural, and humanitarian issues, specifically considering either minority language rights or the movement of material cultural patrimony, and the rights and obligations of the international community related to these issues. In doing so, we hope that you gain a better understanding not only of the many social and humanitarian issues many individuals face today, but also of the complex nature of solving global problems and the necessity of considering many perspectives and 'lenses' in your solutions. In order for the solutions you propose to be effective, they must consider the many facets of the problems they address.

We are hoping that this committee will be filled with lively debate, thoughtful solutions, and lots of learning for new and experienced delegates alike. To that end, we will be looking for

delegates who engage deeply with the committee, both in their research beforehand and in the committee room. I advise delegates to focus their research on mechanisms for *solving* the problems this committee is focused on rather than on any quick facts that may be found via a google search. This background guide should only be a starting point in your research. Furthermore, we are looking for delegates who raise their placards to speak often and who lead through collaboration and inclusion in unmoderated caucuses.

Model UN is a really excellent opportunity to develop public speaking, leadership and writing skills so I encourage you all to do your research and try your hardest in committee! Even though it can be intimidating at times, I hope you all try to give as many speeches and write as many clauses as possible to take advantage of this opportunity. To make sure that everyone feels comfortable in committee, please also ensure that your behaviour is considerate and respectful to one another at all times. Jay, Jake, and I will not hesitate to shut down any concerning rhetoric or behaviour we notice or are alerted to. I look forward to getting to know you all and watching you engage with the committee! I really hope you enjoy it! If you have any questions or concerns, feel free to send me an email!

All the best,

Lulu DeLuca

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HISTORY OF THE COMMITTEE

The Social, Humanitarian, and Cultural Committee of the United Nations (SOCHUM) was established in 1945, following the end of World War II. In its official capacity, it serves as the General Assembly's Third Committee. Primarily, this committee acts as an extension of questions surrounding human rights and other cultural issues. It is seen as an extension to the United Nations Council on Human Rights (UNHCR). SOCHUM utilizes the resources of the UNHCR to inform decisions made during countries' peace processes, ensuring fair outcomes through interviews with special rapporteurs and experts on the issue. Currently, the committee discusses questions surrounding the advancement of women, self-determination, indigenous issues, racism, and the proper treatment of refugees. Aside from these larger questions, the committee also focuses on numerous social development questions around youth, family, aging, disabilities, crime prevention, criminal justice, and drug control. SOCHUM is a vital committee to the success of the United Nations General Assembly, and often, it debates issues that are truly pressing in today's society that must be addressed promptly.¹

¹ "United Nations, Third Committee, Social, Humanitarian, Cultural, Main Body, Main Organs, General Assembly." United Nations. Accessed June 14, 2025. <https://www.un.org/en/ga/third/>.

TOPIC A: THE PROTECTION AND PROMOTION OF MINORITY LANGUAGE RIGHTS

Statement of the Problem

The post-war era has been an era of the development and increasing articulation of human rights—particularly within international law and across supranational organizations.² In 1948, the United Nations General Assembly (UNGA) adopted the Universal Declaration of Human Rights (UDHR), endorsing 30 articles detailing individuals’ “human rights and fundamental freedoms” and affirming “the inherent dignity...of all members of the human family.”³ In 1966, UNGA adopted the International Covenant on Economic, Social, and Cultural Rights (ICESR), and in 1989 it adopted the Convention on the Rights of the Child.⁴ In spite of a general pattern of increasing support for human rights within States and supranational organizations, over the last eighty years, the notion that *language rights* might be accorded the status of a fundamental human right has been “both highly contentious and widely contested.”⁵ What is contested is *not* the right of an individual to speak any language within the private sphere—this right is protected by the UDHR, ICESR, and the broader post-war protection of *individual* rights. Instead, what is contested is the degree to which speakers of minority or

² “Language Rights as Human Rights,” GlobaLex | Foreign and International Law Research, n.d., <https://www.nyulawglobal.org/globalex/language-rights-as-human-rights.html>.

³ United Nations, “Universal Declaration of Human Rights | United Nations,” n.d., <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁴ United Nations Human Rights Office of the High Commissioner, *International Covenant on Economic, Social and Cultural Rights*, United Nations, December 16, 1966. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

⁵ “Language Rights as Human Rights,” GlobaLex | Foreign and International Law Research, n.d., <https://www.nyulawglobal.org/globalex/language-rights-as-human-rights.html>.

non-dominant languages have the right to utilize minority languages in public life—particularly in the civic sphere and in education.⁶

This ‘contestation’ means that language rights have been deemed by various linguists and human rights experts as ‘Cinderella’ human rights—a series of rights which are “rejected or regularly ignored at worst, [and] reluctantly acknowledged and desultorily implemented at best.”⁷ There are many and varied implications of having language rights which are neither affirmed nor clarified by most states and supranational organizations. Due to both infrastructural issues and concrete policy agendas which discriminate against speakers of minority languages, speakers of minority languages often face economic disadvantages, educational disparities, and difficulty in accessing government services. In healthcare settings, language barriers between speakers of minority and majority languages have been shown to contribute to poorer patient assessment, misdiagnosis, delayed treatment, misunderstanding of patient condition, and impaired confidence in services received.⁸ Older adults who are from minority linguistic and ethnic communities have also been shown to face higher risks of being socially excluded, not only due to functional limitations but also due to a higher risk of poverty and marginalization.⁹ Children who speak minority languages often also have no guarantee of education in their own languages, which can lead to significant economic inequalities which have intergenerational effects.

This combination of difficulties related to a lack of clearly defined and accepted language rights also means that many minority languages are endangered and under threat of extinction.

⁶ Ibid.

⁷ Ibid.

⁸ Danielle De Moissac and Sarah Bowen, “Impact of Language Barriers on Quality of Care and Patient Safety for Official Language Minority Francophones in Canada,” *Journal of Patient Experience* 6, no. 1 (April 18, 2018): 24–32, <https://doi.org/10.1177/2374373518769008>.

⁹ Fredrica Nyqvist et al., “Social Exclusion Among Official Language Minority Older Adults: A Rapid Review of the Literature in Canada, Finland and Wales,” *Journal of Cross-Cultural Gerontology* 36, no. 3 (June 8, 2021): 285–307, <https://doi.org/10.1007/s10823-021-09433-z>.

Depending on how you count them, there are roughly 7,000 documented languages.¹⁰ A systematic aggregation of data on thousands of individual languages suggests that at least half of the world's languages will no longer be in use by the end of the 21st century.¹¹ Another, more recent, estimate based on projections of demographic data, judges that the rate of global language loss is likely to triple by 2062, resulting in the loss of 1500 languages by the beginning of the 22nd century.¹² Nearly all of those languages which are under threat of extinction are those which are spoken by a minority of individuals in their given region. As linguistic diversity decreases it is not only languages themselves which are lost, but also the elements of cultural identity, values, and traditions which are inseparable from communication in those languages.

The threat to minority languages which a lack of clearly defined language rights poses is exacerbated by several other political, economic, and social factors. Rural-urban migration, which is often caused by economic pressures, can lead to assimilation into the dominant languages of urban-centers, the weakening of intergenerational language transmission, and the loss of traditional and cultural knowledge. Natural disasters, disease, colonization, structural and ontological violence, as well as cultural and linguistic genocide can also lead to language shift and language death.

¹⁰ H. Russell Bernard, "Preserving Language Diversity," *Human Organization* 1992 Vol. 51, No. 1 (Spring 1992), pp. 82-89, https://www.jstor.org/stable/pdf/44126201.pdf?refreqid=fastly-default%3Adefaeb79403bb194d8a1b8b08b4e3b4e&a_b_segments=&initiator=&acceptTC=1

¹¹ Gerald Roche, "We need a global language rights movement: confronting the global language crisis with insights from social movement studies," *Bristol University Press* Volume 3: 3, pp. 455-469, November 15, 2024, [https://bristoluniversitypressdigital.com/gsc/configurable/content/journals\\$002fgscj\\$002f3\\$002f3\\$002farticle-p455.xml](https://bristoluniversitypressdigital.com/gsc/configurable/content/journals$002fgscj$002f3$002f3$002farticle-p455.xml)

¹² Lindell Bromham et al., "Global Predictors of Language Endangerment and the Future of Linguistic Diversity," *Nature Ecology & Evolution* 6, no. 2 (December 16, 2021): 163–73, <https://doi.org/10.1038/s41559-021-01604-y>.



*Arctic Indigenous Peoples Panel.*¹³

Minority/Majority Population

Discussion of minority populations and any potential language rights attributable to them requires an understanding of what a minority population broadly, or an ethnolinguistic minority specifically, actually is. Defining minority status in a manner which can be used in legal documents is a fraught process which, despite decades of work within supranational institutions, has not yet been resolved.¹⁴ Furthermore, it is also important to note that groups which constitute a majority in one area or country may be considered a minority elsewhere. Magyars, for example, are a majority in Hungary, and meet all five of the typical characteristics of a definition of a majority Skutnabb-Kangas identify. However, there are those who consider themselves to be

¹³ Linnea Nordström, *Panel of three people*, image, Arctic Council, accessed August 10, 2025, <https://www.arcticpeoples.com/sagastallamin-empowerment-revitalization>

¹⁴ Tove Skutnabb-Kangas and Robert Phillipson, "Introduction: Establishing Linguistic Human Rights," Wiley Online Library, pp. 6, accessed August 10, 2025. https://onlinelibrary.wiley.com/doi/epdf/10.1002/9781119753926.ch1?saml_referrer

Magyars and are considered by others as Magrays living in other European countries including Slovakia, Romania, Serbia, and Austria where they are considered minorities.¹⁵ Many immigrants who belong to majorities in the countries which they are immigrating from become minorities in the countries they immigrate to.¹⁶ Changing boundaries of states due to the inclusion or exclusions of particular reasons can also mean that a majority group can become a minority group and vice versa while group boundaries themselves remain largely unchanged.¹⁷

Considering the diversity of definitions of a minority group, academics specializing in the study of linguistic human rights have proposed the following definition of minorities for the purpose of delineating the rights of linguistic minorities:

A ‘minority’ is “a group which is smaller in number than the rest of the population of a State, whose members have ethnic, religious, or linguistic features different from those of the rest of the population, and are guided, if only implicitly, by the will to safeguard their culture, traditions, religion, or language. ... To belong to a minority shall be a matter of individual choice.”¹⁸

This particular definition of minority status is also an **endo-definition**. This means that an individual, rather than a state or any outside authority, determines whether or not they belong to a minority group.¹⁹ In several definitions of minority, minority rights are only granted conditionally, if the state chooses to recognize the existence of a national minority (an **exo-definition**). Exo-definitions of minority status can become problematic when a State refuses to recognise or grant minority groups rights, or otherwise claims that there are no minorities in

¹⁵ “Ethnicity and Nationalism : Anthropological Perspectives : Eriksen, Thomas Hylland : Free Download, Borrow, and Streaming : Internet Archive,” Internet Archive, 1993, https://archive.org/details/isbn_9780745307015/page/122/mode/2up.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Venice Commission, *COMPILATION OF VENICE COMMISSION OPINIONS AND REPORTS CONCERNING THE PROTECTION OF NATIONAL MINORITIES*, Council of Europe, November 11, 2017, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2018\)002-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2018)002-e)

¹⁹ Tove Skutnabb-Kangas and Robert Phillipson, “Introduction: Establishing Linguistic Human Rights,” Wiley Online Library, pp. 6, accessed August 10, 2025. https://onlinelibrary.wiley.com/doi/epdf/10.1002/9781119753926.ch1?saml_referrer

that state while individuals identify as a part of that minority. This endo-definition also means that minority groups who have lost their ‘mother tongues’ as a result of colonialism or forced assimilation can still be a part of a minority definition and receive rights associated with minority statuses. It also means that individuals have the freedom to choose to opt out of minority status if they choose.

Impacted Minority Groups

Despite the fact that this is a satisfactory general definition of the word ‘minorities’ for the purposes of this committee, given the diversity of potential definitions of minority status, and the complexity of discussions of linguistic minority status, when considering the protection and promotion of the rights of linguistic minorities, it may perhaps be more helpful for the purposes of this background guide to elucidate different sociological categorizations of ethnolinguistic minorities who ought to fit within a definition of ‘linguistic minorities.’

Indigenous Peoples

Globally, there are approximately 476 million Indigenous Peoples.²⁰ This accounts for roughly 6.2 percent of the global population. Within anthropological and sociological literature, the term Indigenous peoples refers to aboriginal groups “who are socio-politically non-dominant and who are not or are only partially integrated into the nation-state system.”²¹ Indigenous identities are many and varied across the globe, and, although it is not a precise figure, it is

²⁰ “Indigenous Peoples,” World Bank, accessed August 10, 2025, <https://www.worldbank.org/en/topic/indigenouspeoples>.

²¹ “Language Rights as Human Rights,” GlobaLex | Foreign and International Law Research, n.d., <https://www.nyulawglobal.org/globalex/language-rights-as-human-rights.html>.

estimated that about 4,000 of the world's 7,000 languages are indigenous languages.²² It is Indigenous languages which are perhaps under the greatest threat of language death, and which comprise the bulk of the global threat to linguistic diversity. Many of the Indigenous languages spoken today are spoken by less than one thousand individuals, and are or have been threatened by attempts at forced assimilation, cultural genocide, and ontological violence. UNESCO estimates that between 50 and 90 percent of Indigenous languages, approximately 3000 languages, will disappear by the end of the century, and be replaced by English, Spanish, and Mandarin.

Established National And Regional Minorities

Oftentimes in practice there are groups of people who have a similar historical association with a particular region but which do not, for various reasons and in various ways, share many of the characteristics of Indigenous groups. In order to clarify this difference, in the journal *Multilingual Matters*, linguist Stacy Churchill distinguishes between 'Indigenous' and 'established' minorities, arguing that while 'established' and 'indigenous' minority groups have both been long established within a region and are minorities within that region, "Indigenous peoples are characterised by a 'traditional' culture often regarded as being at odds with that of the majority group," established minorities typically enjoy a lifestyle which is much more similar to the majority.²³ Good examples of minorities who hold this status are the Welsh, the Quebecois,

²² "International Year of Indigenous Languages," IWGIA, accessed August 10, 2025, <https://iwgia.org/en/news/3302-year-of-indigenous-languages.html>

²³ Ofelia García, "Educational Linguistics - Stacy Churchill, the Education of Linguistic and Cultural Minorities in the OECD Countries. (Multilingual Matters, 13.) Clevedon, England: Multilingual Matters, 1986. Pp. I + 175.," *Language in Society* 17, no. 4 (December 1, 1988): 597–99, <https://doi.org/10.1017/s0047404500013166>.

and the Basques. Given this similarity in lifestyle to that of the majority population, established national and regional minorities are typically more likely to be afforded clear language rights.²⁴

Urban And New Ethnic Minorities

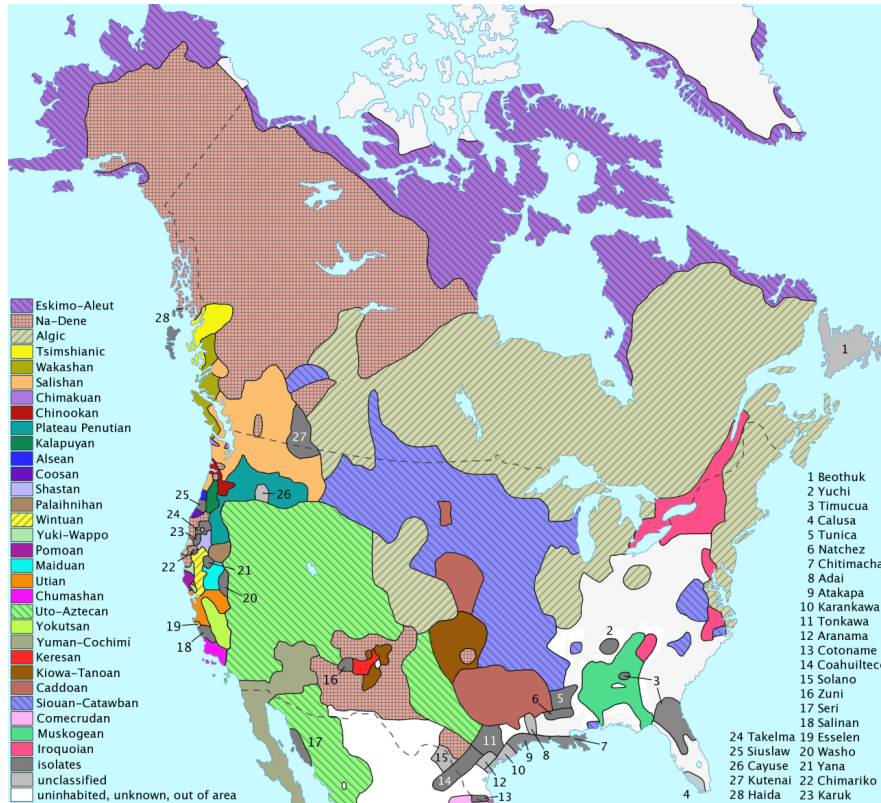
Immigrants and refugees are the primary demographics who make up the group of urban and new ethnic minorities.. Unlike Indigenous groups and established national and regional minorities, urban and ethnic minorities often do not have citizenship within the host country they reside in, and are members of majority demographics within their countries of origin. Although not all immigrants and refugees choose to settle in urban areas, because many immigrants relocate primarily due to economic pressures which direct them towards urban areas, and because of the influences of **chain migration**, most immigrants become concentrated in urban areas. A similar phenomenon occurs in refugee populations.

In both immigrant and refugee populations, groups tend to retain elements of their culture, language, and traditions, often for several generations within a host country. On the whole, however, while members of urban and new ethnic minorities do retain some of their culture, languages, and traditions, “their general aim historically has been to integrate into the host society.”²⁵ Given this, urban ethnic minorities are typically distinct from Indigenous peoples and established national minorities in that their unique linguistic characteristics are often found within their own communities, rather than being fully integrated into the state they are residing in.²⁶

²⁴ “Language Rights as Human Rights,” GlobaLex | Foreign and International Law Research, n.d., <https://www.nyulawglobal.org/globalex/language-rights-as-human-rights.html>.

²⁵ Ibid..

²⁶ James Jupp and Michael Clyne, *Multiculturalism and Integration: A Harmonious Relationship*, ANU Press eBooks, 2011, <https://doi.org/10.22459/mi.07.2011>.



Various Indigenous language groups throughout North America.²⁷

Toleration-Based Language Rights

Throughout this committee, minority languages will be considered the languages which are the **mother tongues** of minority populations, as defined and categorized within the previous section. The rights of individuals who make up minority populations to speak minority languages may be divided into several categories. The category of **toleration-based language rights** derives from the work of German sociolinguist Heinz Kloss. Kloss distinguished between toleration-oriented and **promotion-oriented language rights** in his 1977 book ‘The American Bilingual Tradition.’²⁸ Toleration-based rights protect individuals from government interference

²⁷ File:Langs N.Amer.png - Wikimedia Commons, n.d., n.d., https://commons.wikimedia.org/wiki/File:Langs_N.Amer.png.

²⁸ “The American Bilingual Tradition : Kloss, Heinz : Free Download, Borrow, and Streaming : Internet Archive,” Internet Archive, 1998, <https://archive.org/details/americanbilingua0000klos>.

with their private language choices. These rights permit individuals to speak whatever languages they like in their homes and in public, permit freedom of assembly with other speakers of that language, and permit individuals to establish private cultural, economic, and social institutions in which a minority language might be used (this includes private schools wherein a minority language might be used).²⁹

In contrast, promotion-oriented language rights are the rights that an individual or group of minority-language speakers might have to the public use of a particular minority language.³⁰ This includes the right to use and access services in a particular minority language in a country's public school system, in the legislature, in court proceedings, in healthcare settings, on public signage, and in other official civic contexts. They are typically designed to promote the usage and users of a particular language.

Toleration-oriented language rights are fairly easily justified and already fairly well-protected, since they are contained within protections of other important values and rights in documents like the UDHR.³¹ For example, although there are some disagreements about the appropriate scope of freedom of expression, it is generally regarded as a core value of any democratic society and is ostensibly protected by most democratic societies. It would not be consistent with such a principle for a State to restrict the languages in which people choose to express themselves.³² As such, a policy restricting the publication of texts in a minority language would be a violation of minority language rights which is illegitimate because it is *also* a violation of a well-established human right and democratic principle.

²⁹ Alan Patten and Princeton University, "Survey Article: The Justification of Minority Language Rights," 2008, https://apatten.scholar.princeton.edu/sites/g/files/toruqf3816/files/apatten/files/jpp_2009_pre-publication.pdf.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

The same is true for the right to speak any language in one's own home and to raise one's children in any language one wishes. Although there are also some disagreements about the appropriate scope of a right to privacy and a right to parental autonomy, those are human rights and liberal principles which are well established in legal systems at both the national and international levels. The state should not be monitoring speech in the private home, in private enterprises, nor should it take away parental discretion regarding the moral or communal upbringing of their children.³³ Because rights to privacy and parental autonomy are generally protected, privacy rights and parental autonomy rights related to language-use specifically are also protected within those frameworks. Thus, there is a robust protection for most tolerance-oriented language rights.

Of course, this is not to say that there are no violations of tolerance-oriented language rights. Although they are largely protected, they have been and continue to be infringed upon. Turkish bans on publications and other media in Kurdish is a particularly clear example of an infringement on freedom of expression in a minority language.³⁴ For decades in Canada, government and church-sponsored residential schools systematically and forcibly removed First Nations, Indigenous, and Metis children from their families and cultures. In residential schools, children were compulsorily educated in English and forbidden to acknowledge their Indigenous heritage or to speak their own languages.³⁵

³³ Ibid.

³⁴ "The Organised Suppression of Kurdish Journalists in Iran," *Article 19*, August 16, 2015, <https://www.article19.org/resources/the-organised-suppression-of-kurdish-journalists-in-iran/>

³⁵ "The Residential School System | Indigenousfoundations," n.d., https://indigenousfoundations.arts.ubc.ca/the_residential_school_system/.

Accommodation Rights and Promotion-Oriented Rights

There are two additional types of language rights, and they both largely relate to the treatment of minority languages in public. These are **accommodation rights** and promotion-oriented rights. Per the accommodation-rights model, there is typically a majority language which is used within a particular jurisdiction in courts, legislatures, public education programmes, and in the provision of public services. This language is used except for in exceptional circumstances. In exceptional circumstances, typically when people lack proficiency in a majority language, special accommodations are made to allow for the provision of services in some other minority language. These types of accommodations can include providing interpreters, hiring bilingual staff, or using transitional bilingual and/or intensive immersion educational programs to facilitate quick acquisition of the majority language.³⁶ Examples of accommodation language rights are the provision of language assistance in public schools to students who do not speak the majority language, and the provisions of court-appointed interpreters for accused individuals lacking proficiency in a majority language.

Similarly to tolerance-oriented rights, the provision of accommodation rights is typically protected as a part of already-established principles in international law and many national-level legal systems. This is because accommodation rights are necessary to ensure that all individuals entitled to them can access these well-established rights. For example, the accommodation-oriented language right to a court-appointed interpreter is a derivation of the right to a free and fair trial.³⁷

While both accommodation rights and promotion-oriented rights both mandate positive state action, the key difference between the two is that accommodation rights cannot be claimed

³⁶ Alan Patten and Princeton University, “Survey Article: The Justification of Minority Language Rights,” 2008, https://apatten.scholar.princeton.edu/sites/g/files/toruqf3816/files/apatten/files/jpp_2009_pre-publication.pdf.

³⁷ Ibid.

by people who could, if they chose to, speak the majority language of public communication. Accommodation rights do not oblige the state to conduct activities in minority languages regularly. Rather, they implicitly indicate that speakers of minority languages must, as quickly as possible, develop proficiency in the majority language of the region.³⁸ Furthermore, Promotion-oriented language rights do not require or imply that speakers of minority languages must learn the majority language, and their enjoyment is not contingent on a lack of proficiency in a majority language.³⁹ However, there are few, if any, international legal principles which ensure promotion-oriented language rights.

Linguicism

There are a variety of issues which speakers of minority languages face—both due to violations of tolerance and accommodation-oriented minority language rights, and due to the lack of promotion-oriented language rights. **Linguicism**, or linguistic discrimination, is one of these issues, and it is a set of “ideologies, structures, and practices, which are used to legitimate, effectuate, regulate, and reproduce an unequal division of power and resources (both material and immaterial) between groups which are defined on the basis of language.”⁴⁰ This includes discrimination on the basis of languages which one *does* speak, and discrimination on the basis of languages one does *not* speak. For example, in many countries people who do not know English are often discriminated against and ostracized.⁴¹ In a similar vein, when people speak a

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Linguicism Rules in Education (Philipson and Skutnabb-Kangas 1986)

⁴¹ Tove Skutnabb-Kangas and Robert Phillipson, “Introduction: Establishing Linguistic Human Rights,” Wiley Online Library, pp. 6, accessed August 10, 2025.

https://onlinelibrary.wiley.com/doi/epdf/10.1002/9781119753926.ch1?saml_referrer

majority language in a non-standard variant or dialect they too are often stigmatised for their language use.

Linguicism can occur in nearly any public, governmental, or educational sphere, since its perpetrators are typically “ideologies, structures, and practices,” rather than individuals. This form of discrimination targets minority groups, their languages, cultures, norms, traditions, institutions, and levels of development, are stigmatized. As a result of this stigmatisation, the resources and characteristics of minority groups cannot, or cannot equally be converted into possessions, positions of power, or immaterial resources like good salaries, or long formal education.⁴² Since differences in language and language-use are almost always related to other identity-factors, this kind of stigmatisation and unequal access to resources often overlaps with racism, sexism, classism, and other forms of discrimination. This is known as **multiple discrimination**.⁴³



*Children from minority backgrounds in a Vietnamese primary school.*⁴⁴

⁴² Ibid.

⁴³ “Intersectionality and Multiple Discrimination,” Council of Europe, accessed August 10, 2025, <https://www.coe.int/en/web/gender-matters/intersectionality-and-multiple-discrimination>.

⁴⁴ World Bank Photo Collection, Vietnam: Poor and Ethnic Minority Students Face Persistent Lower Education Performance, n.d., Flickr, n.d., <https://www.flickr.com/photos/worldbank/8880736814/in/photostream/>.

Issues Within Education

Educational systems are one of the areas where linguisticism is most clearly demonstrated, and where the implementation of promotion-oriented minority language rights would likely be most impactful. In education settings where all teaching happens through the medium of a majority language, children from linguistic minority groups who do not, at least initially, know the teaching language, are pushed out by the way the school is structured — making them more likely to achieve poorer short and long-term educational outcomes.⁴⁵ Linguistic research conducted across six continents found that on average, it takes an average of six to eight years for a child who belongs to a linguistic minority to learn enough of a second or foreign language to be able to learn through the medium of that language, so any school which is not actively tackling this issue for its linguistic minority students participates in a form of linguisticism.⁴⁶

Linguistic educational systems can also, both intentionally and unintentionally, lead to **language attrition** among children who speak minority languages. Language attrition is the gradual loss in the ability to speak a language due to changes in how much contact a person maintains with said language. Language attrition, and assimilation into a monolingual social and educational environment also creates broader cultural and communication-related losses. For children who experience language attrition, this can include both a broader disconnect from one's cultural identity, as well as impaired communication with one's family and community members.⁴⁷

⁴⁵ Tove Skutnabb-Kangas and Robert Phillipson, "Introduction: Establishing Linguistic Human Rights," Wiley Online Library, pp. 6, accessed August 10, 2025.

https://onlinelibrary.wiley.com/doi/epdf/10.1002/9781119753926.ch1?saml_referrer

⁴⁶ Tove Skutnabb-Kangas and Robert Phillipson, "Introduction: Establishing Linguistic Human Rights," Wiley Online Library, pp. 6, accessed August 10, 2025.

https://onlinelibrary.wiley.com/doi/epdf/10.1002/9781119753926.ch1?saml_referrer

⁴⁷ Tarun Jain, "Common Tongue: The Impact of Language on Educational Outcomes," *The Journal of Economic History* 77, no. 2 (June 1, 2017): 473–510, <https://doi.org/10.1017/s0022050717000481>.

Although there is ambiguity surrounding promotion-oriented language rights generally, with respect to education there are several international and regional legal frameworks which mention minority language instruction in particular.⁴⁸ The ICESR emphasizes the universality of education rights, as do the Convention on the Rights of the Child (CRC) and Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD). These declarations do not mention minority language rights specifically, but rather give linguistic minorities language rights related to education as a part of a broad protection of human rights and education rights. Although there is more of a framework in international law regarding promotion-oriented language rights when it comes to education, for the most part these are still sparse and only sporadically adopted.⁴⁹

Issues Within Healthcare

Linguistic status in a particular area is recognised by both linguists and healthcare professionals as a **social determinant of health**. Linguistic marginalization can be a major barrier to access health services and health information.⁵⁰ Interdisciplinary public health research has shown that a provider's use of a patient's preferred language can affect healthcare provision in many ways. Providers who share a language with patients ask more questions and are less concerned about medical malpractice complaints than providers who utilize interpreters.⁵¹ Patients also report greater trust and greater compliance with doctors' recommendations when

⁴⁸ "Linguistic Minorities With Disabilities and the Right to Native Language Instruction | Chicago Journal of International Law," n.d., <https://cjl.uchicago.edu/print-archive/linguistic-minorities-disabilities-and-right-native-language-instruction>.

⁴⁹ Tarun Jain, "Common Tongue: The Impact of Language on Educational Outcomes," *The Journal of Economic History* 77, no. 2 (June 1, 2017): 473–510, <https://doi.org/10.1017/s0022050717000481>.

⁵⁰ Rachel Showstack et al., "Language as a Social Determinant of Health: An Applied Linguistics Perspective on Health Equity," American Association for Applied Linguistics, accessed August 10, 2025, <https://www.aal.org/news/language-as-a-social-determinant-of-health-an-applied-linguistics-perspective-on-health-equity>

⁵¹ Ibid.

the doctor utilizes their preferred languages. For patients with Type 2 Diabetes specifically, language concordance has been correlated to better health outcomes more broadly.⁵² In countries where healthcare is a publicly provided service, ensuring concordance between patients and healthcare providers is a non-toleration-oriented linguistic right.

⁵² Hilal Al Shamsi et al., “Implications of Language Barriers for Healthcare: A Systematic Review,” *Oman Medical Journal* 35, no. 2 (March 15, 2020): e122, <https://doi.org/10.5001/omj.2020.40>.

History of the Problem

While there have always been fairly significant differences in the languages people speak and there has always been linguisticism associated with those differences, the modern conception of minority or majority language status—and the modern ‘gaps’ which exist in the provision of minority language rights—is grounded in the nation-state system’s emphasis on public linguistic homogeneity.



An illustration from the French Revolution depicting the social inequality of the ‘ancien régime’.⁵³

⁵³ French Revolution. Old regime. 1792. Look and Learn.
https://www.lookandlearn.com/history-images/YP0110979-001/French-Revolution-Old-regime?__cf_chl_tk=6UTKzTDuWGSVFWZUH7VRdVtnV94l4lmkLjwECnOecIw-1762020676-1.0.1.1-pl9H_p9K8yb6.INl9l9lOauj1C_E8qwtcUtpLdo1BZk.

Nation-State Monolingualism

During the French Revolution throughout the 1790s, as the idea of the modern nation-state began to emerge, so did politics of linguistic uniformity and attempts to create official state monolingualism. During this period a number of ambitious projects were launched in order to establish the primacy of French as the only recognized official language of the French nation, to be spoken, written and understood by all citizens subject to the new revolutionary order.⁵⁴ This was in direct contrast to the language policies of the *ancien régime*.⁵⁵

Jacobins like Barère and Grégoire argued that the French language—due to its extensive vocabulary, clarity, and its Subject-Verb-Object structure — was uniquely suited for science, democracy, and progress, and thus ought to be the sole language of the French Nation.⁵⁶ Dialects, and other regional forms of speech were considered socially and politically inferior to the ‘common’ language and contemptuously labeled “patois.”⁵⁷ As national languages became a key component of the modern nation-state they also became inextricably associated with narratives of modernity and progress.

Ernest Gellner argues that, following the French revolution, a national language and linguistic culture became well-established, and when integrated within a nation’s education system, this language became a requirement for achieving modernity and political legitimacy within that state.⁵⁸ At the same time, dialects and languages which were not the national language (i.e., minority languages), were correspondingly associated with antiquity and

⁵⁴ Flaherty, Peter. “Langue Nationale/Langue Naturelle: The Politics of Linguistic Uniformity during the French Revolution.” *Historical Reflections / Réflexions Historiques* 14, no. 2 (1987): 311–28.
<http://www.jstor.org/stable/41298882>.

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ “Ernest Gellner’s Theory: Nationalism and Industrial Society • Polsci Institute.” Political Science Institute, July 20, 2025. <https://polsci.institute/political-theory/ernest-gellner-nationalism-industrial-society/>.

obsolescence.⁵⁹ In many cases, as nation-states formed, these minority languages were seen as barriers to the formation of the modern state, linguisticism and what might now be considered the ‘linguistic rights’ of varied minority groups were violated. This kind of discrimination not only included the absence of toleration, accommodation, or promotion oriented rights, but also a violation of linguistic rights as they overlap with basic human rights.

A new world order, centered around the idea of the nation-state, began to spread through the 19th and 20th centuries, and there were many global examples of nation-states instituting policies of state monolingualism and associated policies of linguisticism against minority languages and their speakers. Within Canada, the United States, Australia, and New Zealand, the colonial states implemented varied policies intended to forcibly assimilate speakers of Indigenous languages to the colonizing population. In Canada specifically, First Nations, Inuit, and Metis peoples were forced into government and state-sponsored **residential schools** where children were separated from their languages, cultures, and communities.⁶⁰ Within residential schools, children were prohibited from speaking Indigenous languages, and were physically and emotionally abused.⁶¹ The conclusion of the Truth and Reconciliation Commission in 2015 labelled residential schools and Indigenous Policy in Canada as a **cultural genocide**.⁶² In 2022 the Canadian House of Commons unanimously recognized that these policies were beyond the label of ‘cultural genocide,’ and instead ought to be considered genocide.⁶³

⁵⁹ Ibid.

⁶⁰ “Residential School History.” NCTR, March 9, 2025.
<https://nctr.ca/education/teaching-resources/residential-school-history/>.

⁶¹ Ibid.

⁶² “Truth and Reconciliation Commission of Canada.” NCTR, April 21, 2025.
<https://nctr.ca/about/history-of-the-trc/truth-and-reconciliation-commission-of-canada/>.

⁶³ Olarewaju, Temitayo. “Residential School System Recognized as Genocide in Canada’s House of Commons: A Harbinger of Change.” The Conversation, August 28, 2025.
<https://theconversation.com/residential-school-system-recognized-as-genocide-in-canadas-house-of-commons-a-harbinger-of-change-196774>.

Similarly, in Turkey, following the dissolution of the Ottoman Empire, the Turkish government attempted to follow a nation-state model and enforce linguistic uniformity with Turkish as the sole national language. This effort included varied policies aimed at standardizing the language and suppressing minority languages like Kurdish via the suppression of linguistic rights and linguistic human rights.⁶⁴

In Italy, before Unification in 1861, there were many regional and local languages that prevented people from always understanding one another. So, in the decades before Unification, many states adopted a ‘Standard Italian,’ derived from a Tuscan dialect as their ‘official language,’ even though in many areas this standard Italian was not the primary language spoken by most citizens.⁶⁵ Upon Italian unification this standard Italian was made the official language of the state. It is estimated that at the point of unification, less than 10 percent of the population actually spoke ‘standard Italian.’⁶⁶ Through the work of new national institutions, educational programs, and mass media, that number is now close to 100 percent.⁶⁷ Now, several of these local languages and dialects, particularly those which are not mutually intelligible with Standard Italian are among the 1,500 predicted to disappear by the end of the century.

⁶⁴ Zeydanlioğlu, Welat. “Turkey’s Kurdish Language Policy.” *International Journal of the Sociology of Language* 2012, no. 217 (January 13, 2012). <https://doi.org/10.1515/ijsl-2012-0051>.

⁶⁵ “History of Italian Language: From the Origins to the Present Day.” Europass, August 4, 2025. <https://www.europassitalian.com/learn/history/>.

⁶⁶ Ramponi, Alan. “Language Varieties of Italy: Technology Challenges and Opportunities.” *Transactions of the Association for Computational Linguistics* 12 (2024): 19–38. https://doi.org/10.1162/tac1_a_00631.

⁶⁷ Prifti, Elton. “Enérgeia in Trasformazione.” *Zeitschrift für romanische Philologie* 130, no. 1 (March 1, 2014): 1–22. <https://doi.org/10.1515/zrp-2014-0001>.



*Italy in 1796, more than a century prior to unification.*⁶⁸

Practicality of State Monolingualism

Although many of the reasons that nation-states support state monolingualism and deny linguistic minorities language rights are rooted in **linguistic chauvinism** and **xenophobia**, there are several practical reasons why nation-states found it easier to promote state monolingualism and avoid promotion-oriented language rights for minority languages. This circumstance is a part of what makes the global linguistic rights framework so dismal. Determining which linguistic rights should be global, as well as implementing a more extensive linguistics-rights framework where promotion-oriented rights are the standard, is certainly no easy feat.

⁶⁸ Capmo. *Italy 1796 AD*. April 21, 2008. *Wikimedia Commons*.
https://commons.wikimedia.org/wiki/File:Italy_1796_AD.png.

One of the most compelling arguments in favour of state monolingualism is that state monolingualism integrates all citizens into a common national framework whereby all citizens are able to communicate with one another and have a shared sense of community. Within such a national framework, all citizens are able to participate in the nation's political dialogue and speakers of minority languages are not at risk of being excluded from the economic activities of the nation.⁶⁹ State monolingualism, or at least mutual intelligibility between all citizens of a state facilitates the deliberative dimension of democracy. Given that democratic decision-making is not simply a matter of voting but also requires a civil society with equality and free discussion, there must also be a common understanding between citizens. While this can be managed—indeed in some countries there is official bilingualism or trilingualism and functioning deliberative democracy—if there is too much linguistic diversity the informal processes of democracy are impaired.⁷⁰

State monolingualism also facilitates more efficient public services. With a single language, services like education, healthcare, transportation, etc. can be provided in that language. It would be unnecessary to devote money or time to translation, simultaneous interpretation, or separate school systems or programs. Without the financial or temporal burden of providing these resources, money could be devoted to the public services themselves.⁷¹

Any global framework on the rights of linguistic minorities and how they ought to be apportioned and upheld must consider these practical benefits. The kind of minority language policies which it would be appropriate or wise to enact will vary significantly in relation to the individual circumstances of speakers. In some cases, the practical benefits of state monolingualism

⁶⁹ Patten, Alan. "Survey Article: The Justification of Minority Language Rights*." *Journal of Political Philosophy* 17, no. 1 (January 19, 2009): 102–28. <https://doi.org/10.1111/j.1467-9760.2008.00321.x>.

⁷⁰ Ibid.

⁷¹ Ibid.

might outweigh the benefits of a robust promotion-oriented minority rights framework. In most cases, however, the practical benefits of state monolingualism are unlikely to outweigh the benefit of language policies which promote more robust and clear accommodation and toleration-oriented rights. States must also be wary of how attempts to promote state monolingualism may lead to the violation of human rights. How one weights these different factors against one another will likely vary based on the type of linguistic-minority and the type of state in question as well.

Other Threats to Minority Languages and Linguistic Minorities

While the major threat to the rights of minority language speakers is typically states which enforce monolingualism—often violating human rights in the process—there are several other factors which threaten minority languages. Several of these threats are separate from the actions of state actors, and all work to exacerbate the problem of state violations of minority language rights. The following section will outline several of these factors, and at times will include global case studies

Rural-Urban Migration

The term **rural-urban migration** refers to the movement of people from rural areas to urban areas and is typically a result of the process of **urbanization**. With the development of new agricultural machinery and mass farming processes since the beginning of the Industrial Revolution, the quantity of farming-related jobs in rural areas has decreased.⁷² At the same time, industrialization and the globalization of labour has led to increased economic activity within

⁷² Wu, Kongsan, Dongyan Kong, and Xinjun Yang. “The Impact of Rural Industrial Development on Farmers’ Livelihoods—Taking Fruit-Producing Area as an Example.” *Land* 12, no. 8 (July 25, 2023): 1478. <https://doi.org/10.3390/land12081478>.

urban centers. Decreases in agriculture jobs in rural communities, in tandem with high birth-rates within those rural communities, is a major factor influencing rural-urban internal migration streams. Once such streams are established, **chain migration** — wherein prospective migrants are provided with transportation, accommodation, and employment via pre-existing social relationships with previous migrants — makes rural-urban migration easier and more accessible.⁷³ Increasing rates of rural-urban migration have been particularly significant in the last half century. Between 1960 and 2021, for example, World Bank statistics show that the proportion of the population in India living in rural areas decreased by 20% while the proportion of the population living in urban centres has increased by roughly 17%.⁷⁴

Often, speakers of minority languages reside in rural areas, where economic and social factors associated with industrialization and globalisation create pressure to move towards urban centers. As rural linguistic minorities move towards urban centers, the practical pressure of residing within urban centers typically requires migrants to adopt the dominant language of their new environment to access services, job opportunities, and educational resources. As migrants in multilingual urban settings prioritize adopting and utilizing the area's dominant language, families may choose not to teach their children their mother tongue, thus breaking the chain of intergenerational language transmission.⁷⁵ This can have longer-term threats on global linguistic diversity, as minority languages which are already threatened are not adopted by new speakers, and the rural communities in which they are typically spoken decrease in size.

⁷³ MacDonald, John S., and Leatrice D. MacDonald. "Chain Migration Ethnic Neighborhood Formation and Social Networks." *The Milbank Memorial Fund Quarterly* 42, no. 1 (January 1964): 82. <https://doi.org/10.2307/3348581>.

⁷⁴ "Urban Population (% of Total Population) - India." World Bank Open Data. Accessed November 1, 2025. <https://data.worldbank.org/indicator/SP.URB.TOTL.IN.ZS?locations=IN>.

⁷⁵ Oloumi, Ebrahim, and Ali Sabbaghian. "Globalization, Intensification of Urbanization and Decline of Linguistic Diversity." ResearchGate. Accessed November 1, 2025. https://www.researchgate.net/publication/361720471_Globalization_Intensification_of_Urbanization_and_Decline_of_Linguistic_Diversity.

Even when rural-urban migrants are not speakers of endangered languages, rural-urban migration intensifies threats to minority-language speakers. Rural-urban migration—both within countries and between countries, can increase the volume of urban language minorities which exist. Unlike established regional or national linguistic minorities, for whom some linguistic rights frameworks exist, the framework for the provision of linguistic rights to urban linguistic minorities is particularly dismal. As rural-urban migration continues to increase, so does the problem of providing adequate linguistic rights to urban populations of minority language speakers.



Man relaxing on his motorcycle in rural Nigeria.⁷⁶

⁷⁶ Lamido, Yama. *Man Relaxing on Motorcycle in Rural Nigeria at Sunset*. 2025. Pexels. <https://www.pexels.com/photo/man-relaxing-on-motorcycle-in-rural-nigeria-at-sunset-30359214/>.

National Emergencies: Political Conflicts and Natural Disasters

Insofar as political conflict and natural disasters are forces which cause the mass movement of people, they function similarly to rural-urban migration in increasing the population of urban linguistic minorities and threatening global linguistic diversity.

Beyond simply causing the movement of people, **disaster linguicism** is a particularly interesting and urgent issue related to the rights and welfare of linguistic minorities. During both natural and human-induced disasters, language communication — that is, what is or is not communicated and by what means—can become a matter of life or death.⁷⁷ Language barriers can create life threatening situations for speakers of minority languages who are not competent in the dominant language of a particular region, since such barriers can inhibit individuals' ability to understand warning alerts, evacuation information, or threat severity more broadly.⁷⁸

There are a plethora of examples of a lack of proficiency in a dominant language acting as a barrier for linguistic minorities in obtaining disaster-related information and thus endangering them. In 2011, a 9.0 magnitude earthquake struck the Pacific Ocean approximately 72 kilometers east of the Tōhoku region of Japan. It was one of the most powerful earthquakes ever recorded in Japan, and it caused a powerful tsunami. Amidst the disaster, immigrants in Tōhoku coastal areas were killed because they did not understand the tsunami warnings and evacuation orders.⁷⁹ In the 1987 Saratoga Tornado in Texas, 30 Spanish speakers were killed because warning messages were not translated into Spanish quickly enough.⁸⁰ In a more recent

⁷⁷ Uekusa, Shinya, and Steve Matthewman. "Disaster Linguicism as Deprivation of the Victims' Linguistic Human Rights." *The Handbook of Linguistic Human Rights*, November 18, 2022, 639–47. <https://doi.org/10.1002/9781119753926.ch49>.

⁷⁸ Ibid.

⁷⁹ Matsuoka, Yoko (2013). Issues in disastercommunication and multilingualcommunication education (translationours). *Kokusai Kyouiku [InternationalEducation]* 19: 145–147.

⁸⁰ Uekusa, Shinya, and Steve Matthewman. "Disaster Linguicism as Deprivation of the Victims' Linguistic Human Rights." *The Handbook of Linguistic Human Rights*, November 18, 2022, 639–47. <https://doi.org/10.1002/9781119753926.ch49>.

example, during the COVID-19 Pandemic, Danish health care authorities disseminated information about disease prevention measures and social distancing restrictions. This information was translated into several minority languages, including Somali. Translations into the Somali language, however, were done poorly, causing anxiety, misunderstanding, and confusion amongst the community.⁸¹

Despite the prevalence of disaster linguicism, particularly institutionalised disaster linguicism, it is a subject which is relatively under-researched. This oversight is particularly critical, given that the frequency of global disasters is increasing as a result of anthropogenic climate change, and because linguistic minorities are often disproportionately impacted by disasters and their aftermath.⁸²

⁸¹ Ibid.

⁸² Ibid.

Past Actions

Every nation with a minority language population, no matter how small, must make a decision on how to handle the diversity and challenges which minority languages bring. The United Nations itself has faced this issue; of the 7,159 languages spoken globally today, the United Nations has designated six as official languages—Arabic, Chinese, English, French, Russian, and Spanish.⁸³ Most UN documents are presented in all six of those languages, and delegates may speak in any one of those languages when in a United Nations committee.⁸⁴ However, countries do not have the luxury of ensuring that their citizens are only speakers of a limited subset of languages or to simultaneously translate all communications into a different language of a citizen's choice.

Rather, there are a few broad paths that a nation can choose to take to constructively address minority language populations. These are policies which permit minority language holders to speak their language—with varying degrees of government support. These are, of course, the policies which the committee will focus on if Topic A is chosen. The first of these is broad indifference to minority languages and the communities which speak them, this usually takes the form of a nation having an official language or a quasi-official language that all government documents are produced in while not working towards full assimilation of minority language communities. While this is not the same as active suppression, and minority language holders can continue to speak their language under this policy, this policy tends to result in the slow assimilation of minority language populations into the majority/official language.⁸⁵ Given

⁸³ Ethnologue, “How Many Languages Are There in the World?,” Ethnologue, 2024, <https://www.ethnologue.com/insights/how-many-languages/>, <https://www.un.org/en/our-work/official-languages>.

⁸⁴ United Nations, “Official Languages,” United Nations, 2023, <https://www.un.org/en/our-work/official-languages>.

⁸⁵ “Assimilation and Language,” Pew Research Center, March 20, 2004, <https://www.pewresearch.org/race-and-ethnicity/2004/03/19/assimilation-and-language/>.

that history, this approach may not be the most effective or constructive for adoption or consideration in committee.

A second is the limited provision of government services to certain language minorities. Such services may include providing elections related information in multiple languages or allowing members of minority language communities to educate their children primarily in that language through the public school system.⁸⁶ The United Nations, through the Department of Political and Peacebuilding Affairs, provides technical and other support to member nations in support of their electoral processes. A possible action which can support nations wishing to take this path would be to expand this assistance to include advice on when minority language accommodations should be made in the electoral process, and how such accommodations may best be integrated.⁸⁷

A third policy that nations (or the international community) may choose to embrace is the complete recognition of and provision for equality for one or more minority languages. Many member nations are officially multilingual, including Belgium, Canada, the Philippines, South Africa, and Switzerland. In these countries, all government services are provided in multiple languages, and some have provisions which require private entities to operate in multiple languages as well.⁸⁸ Provision for comprehensive aid to multilingual nations whether it be direct funding of their initiatives, providing technical advice to nations wishing to make the transition to multilingual governance, or other support are all possible actions that the international community may take to support this path of action.

⁸⁶ “Language Minority Citizens,” www.justice.gov, August 6, 2015, <https://www.justice.gov/crt/language-minority-citizens>.

⁸⁷ United Nations, “Elections | Department of Political and Peacebuilding Affairs,” [Un.org](http://un.org), 2016, <https://dppa.un.org/en/elections>.

⁸⁸ Irene Keliher, “Which Countries Have More than One Official Language?,” *Beyond Borders*, October 10, 2023, <https://blog.remitly.com/lifestyle-culture/countries-more-than-one-official-language-guide-list/>.

There is no one size fits all solution to minority language communities in the various UN member states. Many nations adopt one policy or another not because of prejudice but because providing government services to a relatively small community in a different language can be a large expense. For instance, official bilingualism in Canada, which will be discussed in more detail below, costs provinces and the federal government a combined 2.4 billion Canadian Dollars a year.⁸⁹ While a wealthy **OECD** country like Canada may be able to afford this expense, not all member states are equally prosperous.

Perhaps in recognition of the difficulties of assembling a general policy, the international community has not taken comprehensive steps to address which of these paths are best or how to protect the rights of minority language communities. Rather, the General Assembly has adopted a resolution (47/135) affirming language minority rights without offering much in the way of specifics for how those should be practically implemented.⁹⁰ To fill in the gap, the United Nations High Commissioner for Human Rights has issued a document that makes substantive—though vague—recommendations for how nations should implement that resolution and related measures protecting the rights of minorities generally.⁹¹ There remains significant gaps in our history of multilateral action regarding how to practically incentivize and aid all nations in providing appropriate services to minority language communities.

⁸⁹ Mark Milke, “Bilingualism Has a Fresh Face,” Fraser Institute, 2015, <https://www.fraserinstitute.org/commentary/bilingualism-has-fresh-face>.

⁹⁰ United Nations, “Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,” OHCHR, December 18, 1992, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-rights-persons-belonging-national-or-ethnic>.

⁹¹ “Language Rights of Linguistic Minorities: A Practical Guide for Implementation,” United Nations Special Rapporteur on Minority Issues, March 2017, https://www.ohchr.org/sites/default/files/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities_EN.pdf.

PE Trudeau 1981

provinces have a mix of policies depending on their exact composition of English and French speakers.⁹³ Approximately 76% of Canadians speak English, while 22% speak French.⁹⁴ However, these statistics count as English or French speakers multilingual individuals who have a different first language, whether they be traditional First Nations languages or other languages spoken by Canada's large immigrant population.⁹⁵

Governmental bilingualism has been in operation since the foundation of Canada in its present form. The Constitution Act, 1867 provided for the use of French in laws, parliament, and federal courts.⁹⁶ However, due to many provinces adopting laws favoring English, French language speakers and the governmental institutions serving them declined outside of Quebec.⁹⁷

The next sea change in Canadian language policy occurred in the 1960s, when Prime Minister Lester Pearson convened the Royal Commission on Bilingualism and Biculturalism in an attempt to quiet the forces of Quebec nationalism that arose in the wake of the Quiet Revolution—an era of profound secularization and social change in the province.⁹⁸ This commission and its recommendations resulted in the Official Languages Act (1969) which sought to improve the federal government's ability to provide services in both English and French.⁹⁹ Building on that theme, when the Canadian Charter of Rights and Freedoms was enacted in 1982, the equality of French and English across all federal government institutions

⁹³ Department of Justice Government of Canada, "Charterpedia - Section 16 and 16.1 – Official Languages of Canada," www.justice.gc.ca, November 9, 1999, <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd1/check/art16.html>.

⁹⁴ Government of Canada, "Statistics on Official Languages in Canada," Government of Canada, August 14, 2024, <https://www.canada.ca/en/canadian-heritage/services/official-languages-bilingualism/publications/statistics.html>.

⁹⁵ Barbara J. Burnaby, "Language Policy | the Canadian Encyclopedia," Thecanadianencyclopedia.ca, 2019, <https://www.thecanadianencyclopedia.ca/en/article/language-policy>.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Ibid.

was constitutionalized.¹⁰⁰ That document also introduced a right of parents to educate their children in their mother tongue, provided that said language is English or French and that a province has an unspecified sufficient number belonging to a linguistic minority community.¹⁰¹ As previously discussed, this policy is not cheap, costing 2.4 billion Canadian dollars per year to implement.¹⁰²

Within provinces, language policy can be oftentimes fraught and controversial. The best example of politically-charged language policy is found in Quebec. As the only province with a French-speaking majority, the government of Quebec has taken harsh steps to promote the language within the province. A series of legislation, beginning with the Charter of the French Language in 1977, has required that businesses provide services in French, that advertising be printed in French primarily, and certain contracts be made in French alone.¹⁰³ To carry out these requirements, the French Language Office was founded with the powers to fine those in noncompliance.¹⁰⁴ These provisions have been controversial, not only with other provinces and businesses headquartered outside of Quebec (regarding the additional costs mandated), but also by Quebec's sizable English-speaking minority.¹⁰⁵

¹⁰⁰ Department of Justice Government of Canada, "Charterpedia - Section 16 and 16.1 – Official Languages of Canada," www.justice.gc.ca, November 9, 1999,

<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art16.html>.

¹⁰¹ Department of Justice Government of Canada, "Charterpedia - Section 23 – Minority Language Educational Rights," www.justice.gc.ca, November 9, 1999,

<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art23.html>.

¹⁰² Mark Milke, "Bilingualism Has a Fresh Face," Fraser Institute, 2015,

<https://www.fraserinstitute.org/commentary/bilingualism-has-fresh-face>.

¹⁰³ "Doing Business in Quebec | Language Legislation," Norton Rose Fulbright, 2022, <https://www.nortonrosefulbright.com/en-ca/knowledge/publications/38625c3d/doing-business-in-quebec-language-legislation>.

¹⁰⁴ Ibid.

¹⁰⁵ Brigid Phillips, "Quebec's Anglos Minority Outcry Grows against French Language Impositions' They Must Not Push Too Hard' – Premier Rene Levesque – UPI Archives," UPI, February 28, 1982, <https://www.upi.com/Archives/1982/02/28/Quebecs-Anglos-Minority-outcry-grows-against-French-language-impositionsThey-must-not-push-too-hard-Premier-Rene-Levesque/4618383720400/>.

The example of Quebec is subject to a range of interpretations: from an overreaching government attempting to discriminate against its own citizens to a linguistic minority attempting to preserve its language against a national majority. It, and Canada's linguistic policy overall, serves as an interesting and educational example for how member states may wish to handle the particular problems posed by multilingual nations.

Possible Solutions

The committee, if Topic A is chosen, will have to set out a holistic approach to minority language holders. Ideally, these should include not only recommendations to member nations regarding their own policies but also globally oriented solutions to aid states in their compliance. Such solutions should address education policy, ensuring social cohesion across a variety of language communities, and ensuring access to other government services.

Committee should look to the successes and failures of current multilingual states based not only on the contents of this background guide but also on their own research to issue recommendations. Learning from the actions of individual nations, whether Canada or any other multilingual nation, may provide useful examples of both what has worked in the past and what policies may be ripe for improvement. As for multilateral action, building upon already existing recommendations may aid in guiding conversation.

Specific provisions that committee may wish to include are aid for middle and low income nations to implement bilingual public services, recommended criteria for minority languages to be recognized as official languages, and provision for cultural sensitivity issues that may arise with the integration of a minority language community into a polity. Provisions addressing minority language populations' access to justice, compliance frameworks, and funding questions are also likely to be found in a holistic solution.

Nations may wish to formulate policy with an eye towards benefiting their own standing, whether that be additional aid for multilingual nations if they are already such a nation, criteria that result in minimal additional work for their national government, or other similar proposals. However, while keeping your own nation in mind is of some importance, collaboration with other delegates and arriving at a positive solution for the global community is preferable.

These solutions are far from an exhaustive list. Delegates should supplement these, if included, with solutions derived from their outside research and creativity.

Bloc Positions

The protection and promotion of minority language rights is a challenge which is both complex and necessarily multilateral. It intersects with questions of human-rights protections and violations, state sovereignty, national identity, and the practical realities of state governance. While thinking about ‘bloc positions’ in terms of different ‘stakeholder groups’ of countries with similar demographic makeups or economic development can be helpful as a guide to research, no country’s position can be perfectly captured by a single category or ‘bloc.’ With that, delegates should not feel obliged to work exclusively with nations that share their nation’s challenges, experiences, or geographic location. Indeed, creative, diplomatic, and cross-bloc collaboration will be necessary to craft robust and implementable solutions in this committee.

This section of the background guide will outline three major groupings of stakeholders. These categories can guide delegates’ thinking and resources, but they are fundamentally heuristic tools rather than prescriptive alliances. They are intended to assist delegates in understanding which issues their countries might prioritize and what particular challenges they might face in their work in this committee.



UN General Assembly Hall.¹⁰⁶

Countries with Established National or Regional Linguistic Minorities

This category includes states in which distinct ethnolinguistic communities have long-standing historical ties to particular territory, and where languages other than a state's 'official language' or primary 'official language' are spoken by a majority of people living within that area. Countries within this group may already have linguistic rights policies and frameworks at national or regional levels, designed to protect speakers of minority languages within these regions. Oftentimes, in such countries or regions, languages which are a minority within that state are still a part of a broader national identity, and are used in national and/or regional governance structures. Examples include states with autonomous subnational entities, or with long-recognized minority cultures whose languages are embedded in local institutions like Canada, Iraq, Indonesia, and Moldova.

¹⁰⁶ File:United Nations General Assembly Hall (3).Jpg - Wikimedia Commons, April 23, 2011, April 23, 2011, https://commons.wikimedia.org/wiki/File:United_Nations_General_Assembly_Hall_%283%29.jpg.

Each delegation belonging to this category faces different problems and has different policies regarding minority populations and minority languages spoken within their state's borders. For the most part, however, delegations from these states are likely to be supporters of minority language protection. They're likely to seek stronger commitments to education in minority languages, legal recognition of language use in local administration and courts, and dedicated funding for cultural and linguistic revitalization. At the same time, delegates from these states will need to balance the need for the protection of cultural heritage and the promotion of the welfare of minority-language speakers with potential concerns related to national cohesion, as well as practical constraints like budgetary limits, uneven regional capacity, and the need to coordinate across multiple levels of governance.

Although many of these countries will have established national policies related to minority rights, however, the international policy related to the protection and promotion of minority language rights remains dismal, and is the primary topic of this committee. While delegates belonging to this category should be guided by, and should research their country's national policies, the international solutions they are proposing should be novel.

Countries with Large Populations of Urban Linguistic Minorities

Another grouping of nations consists of those with significant populations of immigrants, refugees, and internally displaced persons who settle in cities and form multilingual communities. These states, which include many Western European countries, gulf states, and migrant-receiving nations in the Americas, often face unique challenges in integrating new arrivals into national life. They must balance respecting linguistic diversity with the provision of efficient and effective state services and ensuring economic participation.

Given this, such nations may choose to prioritize policy solutions which provide short-term language support to newcomers, including interpretation services in courts and hospitals, translated administrative materials, and bilingual educational supports. These countries might seek international support for capacity in implementing these programs, and may advocate for more flexible minority language policies rather than a wholesale adoption of promotion-oriented rights paradigms.

Other Positions

Other stakeholder groups which different states may belong to include: states with more or less economic development, states with a strong interest in national unity or sovereignty, states with a strong commitment to the protection of human rights and minority groups. While each of these different categories are useful for thinking about national positions, delegates should remember that the challenges posed by linguisticism, language loss, and unequal access to services cannot be solved unilaterally. Successful solutions will likely combine a wide range of states, in order to construct solution mechanisms which respect both individual human rights and legitimate state interests.

Glossary

Endo-definition — How an individual defines themselves and a group they belong to.

Exo-definition — How an individual and the group they belong to is determined by an external entity, such as a state government or authority.

Chain Migration — Form of migration in which members of a community or of a migrant family will follow one or multiple immigrating individuals to a specific destination.

Mother Tongue — Language that is spoken by an individual as they grew up, often their ‘first language’.

Toleration-Based Language Rights — rights designated for people to freely practice and express in their native languages within the private sphere, away from government interference.

Promotion-Oriented Language Rights — rights provided by a state to actively promote various languages within the public sphere, the government actively works to incorporate these languages into the society rather than just tolerate them.

Accommodation Rights — legal obligations for entities within a state to provide resources and accommodations for those who speak other languages, often seen in the form of public notices or warnings being accompanied by translated versions.

Linguicism — discrimination on the basis of the language or dialect one uses as well as discrimination based on one’s inability to use or perfectly use a majority language.

Multiple Discrimination — when an individual faces simultaneous discrimination based on multiple aspects of their personal identity, such as language, gender, ethnicity, religion, and others.

Social Determinant of Health — non-medical characteristics of an individual's place of birth, socio-economic status, and other circumstances that act as factors that decide one's health outcomes (i.e being barred from better healthcare due to having a lower income).

Residential Schools — historical school systems organized by state governments and churches (mainly within the US and Canada) that were designed to forcefully assimilate indigenous children into the main societal structure, often forcing them to only speak the majority language in the process.

Cultural Genocide — the deliberate process of erasing a group's culture from a state's cultural makeup.

Linguistic Chauvinism — belief that one's language is superior to others, which is a direct factor into instilling linguicism.

Xenophobia — prejudice against people from other countries and cultures.

Rural-Urban Migration — movement of people from rural areas to urbanized ones, often due to pressures from industrialization and urban sprawl.

Urbanization — process of converting rural or natural areas into urban places such as cities and residential areas

Disaster Linguicism — the discrimination of linguistic minority groups during times of disaster, often resulting in damages and loss of life within these groups due to failure to communicate effective disaster warnings.

Organisation for Economic Co-operation and Development (OECD) — international organization with 38 member countries designed to cooperate and design equitable solutions to international socioeconomic problems.

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TOPIC B: THE MOVEMENT OF CULTURAL PATRIMONY

Statement of the Problem

What is Cultural Patrimony?



*The Rosetta Stone Displayed in the British Museum, London, UK.*¹⁰⁷

Cultural preservation has become a pressing issue that has gained prominence in recent decades. As global society begins to become more homogenized due to technological interconnectedness, the desire to preserve unique cultures has been forgotten in the name of this new era. The belief in unity has outweighed the importance of recognizing each person's unique background. **Cultural patrimony** can be best defined as “the historic and artistic materials created by a people as an expression of themselves and thus belonging to them.”¹⁰⁸ The

¹⁰⁷ Schumaker, Dave. It's the original Rosetta Stone. So wild!, November 15, 2012. <https://www.flickr.com/photos/rockbandit/8189639556>.

¹⁰⁸ “Cultural Patrimony.” SAA Dictionary: cultural patrimony. Accessed August 2, 2025. <https://dictionary.archivists.org/entry/cultural-patrimony.html>.

connection between objects and indigenous groups is what continues a united identity and stability in regions of need. Cultural patrimony is not confined to small objects; it can consist of huge buildings, important concepts, or ideals. Cultural Patrimony is also not limited to a specific geographical group, either. It can transcend into ideologies or faith. Take the Bible, Christians live all around the world, yet they still resonate with the same text and find it to be a uniting principle in all they believe. They live their lives around it, and when those principles are threatened, they react—not separately, but unified. This unity is not just a Christian-dominated action; in Islam, the Kaaba, which is seen as its holiest site, is a place of peace and unity for its over 2 billion followers. Cultural Patrimony is a unique concept that can take all shapes and forms. However, in the situation here, it is important to think and consider cultural patrimony as tangible, organic, or inorganic objects.



*The Elgin Marbles, The British Museum, London, United Kingdom.*¹⁰⁹

¹⁰⁹ Wikimedia Commons. Accessed August 2, 2025.
https://commons.wikimedia.org/wiki/File:Elgin_Marbles_east_pediment.jpg.

The Return of Cultural Patrimony as a Movement or Ideal

The legacy of colonization is not just the vast instability it leaves behind, but the systematic theft of property that it chose to take with it. Even in the 21st century, a post-colonized world, this property remains in museums where its culture didn't originate. The artifacts in these locations are seen as “slaps in the face” to the indigenous people from whom they were stolen.¹¹⁰ One could even argue that this is the new form of colonialism: a type that subjugates the previously-colonized with the possession of their history. In the past 20 years, the debate for the repatriation of said artifacts has shifted from a hypothetical to a reality. Activist groups are beginning to realize the capabilities they have to sway governments and provide lasting change.¹¹¹ These issues were not historically debated as they were not at the forefront of discussion, but **progressivism** has brought these cultural and ideological struggles back into focus. People across the world resonate with this ideal and the change it could bring, but as this change begins to take hold, numerous genuine challenges are hindering the process and its ability to continue.

Lack of Infrastructure

The legacy of colonization has left much of the non-Western world with a significant reduction of infrastructure capabilities. **Less Economically Developed Countries (LEDCs)** are struggling to catch up to the **More Economically Developed Countries (MEDCs)** due to reduced investments and instability. In this sense, infrastructure can best be defined as the interconnectedness of the country and the technological advances compared to the rest of the

¹¹⁰ “Respecting the Past, the Importance of Leaving Artifacts Undisturbed.” [www.army.mil](https://www.army.mil/article/281175/respecting_the_past_the_importance_of_leaving_artifacts_undisturbed), November 6, 2024. https://www.army.mil/article/281175/respecting_the_past_the_importance_of_leaving_artifacts_undisturbed.

¹¹¹ Times, Global. “Growing Awareness of Looted Antiquities Fuels Calls for Their Return.” Global Times. Accessed August 2, 2025. <https://www.globaltimes.cn/page/202409/1320562.shtml>.

world.¹¹² The main concern around the transportation and relocation of cultural patrimony is preservation. These artifacts are thousands of years old, and one misstep can destroy them. The preservation techniques and strategies these museums use in the developed world increase the longevity of ancient artifacts. One of the most common ways of preservation is through the regulation of temperature; a cool and dry location, mixed with proper lighting and setting, helps to ensure the structural integrity of the artifact.¹¹³ The cost to maintain said preservation regulators is quite significant, and to a developing country, it can be detrimental. The lack of infrastructure can also lead to insecure power supplies and frequent power outages. This is seen across most of Africa, for example, where power outages perpetuate the cycle of poverty.¹¹⁴ To add another expensive “user” of power could even further inhibit a population's ability to succeed and break the “cycle.”¹¹⁵

Times of Conflict

There is also the concept of geopolitical safety. A great representation of this is the Middle East: a region plagued by repeated colonization from different world powers and systemic theft of cultural patrimony. The Middle East is home to some of the most ancient empires to have ever existed, and artifacts like Hammurabi’s code are prevalent in today's society. Yet, though the Middle East has a significant history, it is home to notable instability. In

¹¹² “Infrastructure and Growth in Developing Countries : Recent Advances and Research Challenges.” Open Knowledge Repository. Accessed August 2, 2025.

<https://openknowledge.worldbank.org/entities/publication/99f51427-91de-5689-bd40-b4404b198517>.

¹¹³ “Preservation of Artifacts.” The National WWII Museum | New Orleans. Accessed August 2, 2025. <https://www.nationalww2museum.org/preservation-artifacts>.

¹¹⁴ Author links open overlay panel Timothy King Avordeh a, a, b, c, d, and Abstract The paper explores the review on the impact of electricity outages on MSMEs in Sub-Saharan Africa. “Impact of Power Outages: Unveiling Their Influence on Micro, Small, and Medium-Sized Enterprises and Poverty in Sub-Saharan Africa - an in-Depth Literature Review.” Heliyon, June 27, 2024.

<https://www.sciencedirect.com/science/article/pii/S240584402409813X>.

¹¹⁵ Ibid.

just the last 20 years, wars have broken out in Iraq, Syria, Yemen, Israel, Lebanon, and Iran.^{116,117}

Many more wars occurred before then, too—each of them deadlier than the last and with a wake of destruction in its path.¹¹⁸ This destruction of buildings and property makes artifacts one of the unfortunate casualties. To decide to move artifacts to these regions, a plan needs to be in place for protection during times of strife, unrest, and aggression. To lose ancient historical and cultural items such as these could have disastrous effects on the unity of indigenous groups and their participation in society.



*The British Museum, London, United Kingdom.*¹¹⁹

¹¹⁶ “Iraq War.” Encyclopædia Britannica, July 9, 2025. <https://www.britannica.com/event/Iraq-War>.

¹¹⁷ Byman, Daniel, Seth G. Jones, and Alexander Palmer. “Escalating to War between Israel, Hezbollah, and Iran.” CSIS. Accessed August 2, 2025. <https://www.csis.org/analysis/escalating-war-between-israel-hezbollah-and-iran>.

¹¹⁸ “History in Ruins: Cultural Heritage Destruction Around the World.” AHA, April 29, 2025. <https://www.historians.org/perspectives-article/history-in-ruins-cultural-heritage-destruction-around-the-world-april-2017/>.

¹¹⁹ “Category:British Museum.” Wikimedia Commons. Accessed August 2, 2025. https://commons.wikimedia.org/wiki/Category:British_Museum.

Economic Value

Aside from the mainstream issues that surround the return of cultural patrimony today, one other major issue comes into play, and that is the economic loss and gain. The world operates on global transactions for economic success. If there is no economic advantage to a decision, the logical result is for the country not to do it. One of the largest collections of “stolen” cultural patrimony is seen at the British Museum—an institution with deep ties to the economic success of the United Kingdom. Of the 8 million artifacts in its possession, an estimated 650,000 are British originating.¹²⁰ Foreign cultural patrimony props up this museum and its survival. In 2024, the British Museum marked 6.5 million visitors, its highest since 2015.¹²¹ This significant turnout shows that the exhibits they display are of great attraction and are very lucrative. Museums across the United Kingdom are estimated to bring in over £1.5 billion per year to the government and its systems.¹²² It becomes clear that the significant amount of foreign artifacts in their collection prop up its economic success. If the museum lost/returned those artifacts, there would be a notable hit to the British economy, government, and infrastructure. The United Kingdom is not the only country where this occurs either. These artifacts have lasted generations in different museums around the world, and moving them could have notably bad effects on the countries in which they have been held. There is no economic incentive for a Western nation to want to return a foreign artifact at this point. For them to return said artifacts, there has to be something of a transactional nature that maintains their economic success while upholding their values of returning cultural patrimony. Discussions have been

¹²⁰ “How Many Artefacts in the British Museum Are Actually British?” euronews. Accessed August 2, 2025. <https://www.euronews.com/my-europe/2024/12/16/how-many-artefacts-in-british-museum-are-actually-british>.

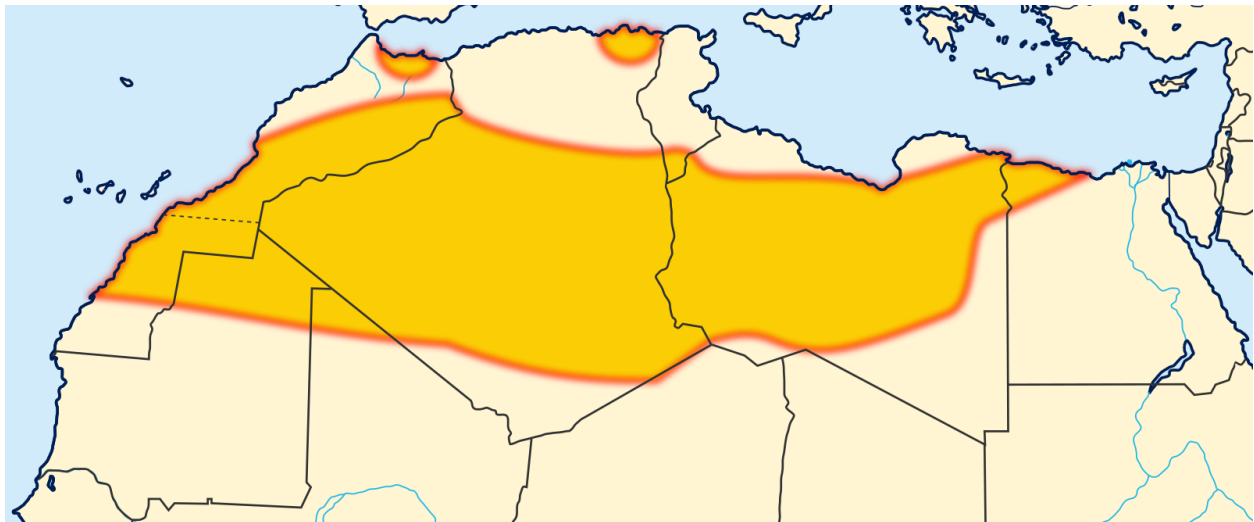
¹²¹ Cheshire, Lee. “Revealed: British Museum’s Visitor Figures Hit Ten-Year High.” The Art Newspaper - International art news and events, March 20, 2025. <https://www.theartnewspaper.com/2025/03/20/exclusive-british-museums-visitor-figures-hit-ten-year-high>.

¹²² “Understanding the Economic Impact of Museums.” Understanding The Economic Impact Of Museums - National Museum Directors’ Council Website. Accessed August 2, 2025. https://www.nationalmuseums.org.uk/what-we-do/encouraging_investment/economic-impact/.

made around the concept of “loaning” or “renting” them out, but nothing has come to fruition.¹²³

When analyzing the situation from the perspective of a post-imperial country, a piece of cultural patrimony could have significant economic effects that help with industrialization or modernization. These countries could develop the ability to find greater socioeconomic success on a global scale.

Cultural Patrimony Transcends Modern Borders



*The Territorial Stretches of the Berbers, an Indigenous Group to North Africa.*¹²⁴

Another major concern for the return of Cultural Patrimony is which country receives it. Many Indigenous groups across the world transcend modern borders. However, many of these modern borders were created to block indigenous sovereignty and modernization.¹²⁵ As such,

¹²³ Peers, Laura, Lori Beavis, and Christine Beavis. “Expanded Loans as Forms of Indigenous Access, Reconnection, and Sovereignty.” Berghahn Journals, July 1, 2024.

<https://www.berghahnjournals.com/view/journals/museum-worlds/12/1/armw120102.xml>.

¹²⁴ “File:Berbers n Africa.Svg.” Wikimedia Commons. Accessed August 2, 2025.

https://commons.wikimedia.org/wiki/File:Berbers_N_Africa.svg.

¹²⁵ “Indigenous Transborder Communities and the (f)Utility of Borders.” Progressive International. Accessed August 2, 2025.

<https://progressive.international/wire/2021-04-30-indigenous-transborder-communities-and-the-f-utility-of-borders/en>.

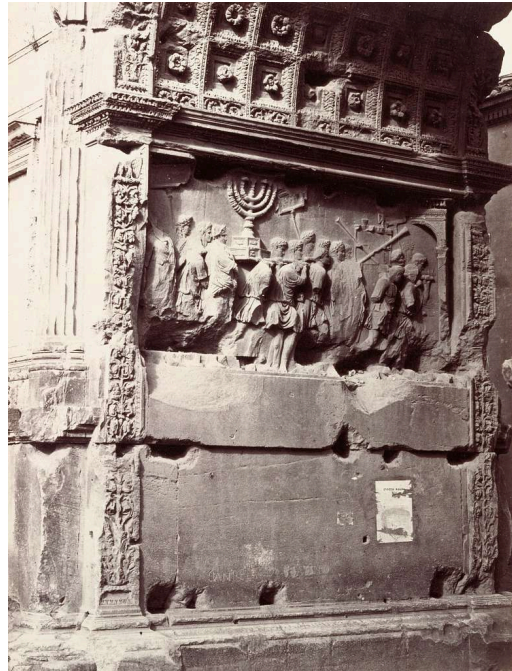
many groups of people don't even identify with the country whose territory they reside in, and it raises the questions of who gets to decide and how to peacefully agree on an amicable solution. Possible solutions could come in the form of a return to a specific tribal group instead of the government. Letting them have the subsequent decision of how to display or unify around their artifact. This problem creates the internal conflict of government vs. tribe. Getting the object to the new country could be the easy step, but choosing who delegates it is the next one to consider. Cultural patrimony is not a concept of the modern era; hence, modern rules seldom apply to its nature and return.

The Problem at Hand

All in all, the mindset for the return of stolen cultural patrimony is generally favorable, with many individuals believing it should go back to their rightful owners. However, externally, there still needs to be thought taken about the infrastructure, stability, and economic feasibility of actually making that transfer possible while preserving those artifacts to the best of their ability. Internally, there must also be a discussion about how to decide where the artifact gets delegated to once it returns to the indigenous country to ensure the proper original groups get access to it, regardless of borders.

History of the Problem

The Spoils of War



A Carving depicting the Sack of Jerusalem following the end of the First Jewish-Roman War in 66-73AD.¹²⁶

As empires have conquered and lost, the transportation of cultural patrimony shifted with it. Conquering nations felt almost a “divine” right to the conquered peoples' property, and with the movement of stolen patrimony would go with it—a concept better known as the “**Spoils of war.**”¹²⁷ In ancient times, this was seen as a way of “showing off” to their defeated enemies.¹²⁸

¹²⁶ Giovanni Paolo Pannini - ideal landscape with the titus arch - WGA16970 - picryl - public domain media search engine public domain image. Accessed August 11, 2025.
<https://boudewijnhuijgens.getarchive.net/amp/media/giovanni-paolo-pannini-ideal-landscape-with-the-titus-arch-wga16970-d85e53>.

¹²⁷ 50 USC Ch. 39: Spoils of War. Accessed August 11, 2025.
<https://uscode.house.gov/view.xhtml?path=%2Fprelim%40title50%2Fchapter39&edition=prelim>.

¹²⁸ “Ancient Spoils of War.” Peck Collection. Accessed August 11, 2025.
<https://peck.ackland.org/article/ancient-spoils-of-war>.

They would pile up their loot as a gesture of triumph, and to the plunderers, they represented wealth and prestige.¹²⁹ As history has progressed, defining what was considered a spoil has also shifted. In Rome, one of the highest honors a commander could receive was to rip the armor off of their opposing commander in combat and offer it to the God Jupiter.¹³⁰ This taking of cultural property and identity of their opposing leader could be considered the first instances of this. However, in the Middle Ages, what shifted was the dissemination of spoils as a hierarchical structure had formed: the soldiers were the lowest, followed by the general, then nobles, and finally the monarch.¹³¹ The monarch would take things of esteemed cultural property while leaving some of the gold and “less valuable” spoils to the soldiers.¹³² The monarch's job was to ensure the unity of the opposing group would be crushed.¹³³ In the post-Renaissance period, these constructs and taking of cultural patrimony were a way to appease an empire that was larger than oneself. For example, after the battle of Mohács in 1526, the Habsburg Empire used cultural patrimony to appease the conquering Ottomans to form a small sense of peace.¹³⁴ Finally, in modern times, the spoils of war can be seen as late-stage pre-independence colonialism in which Western countries would take notable artifacts as a way to symbolize their historical control over the region and the inhabitants that came with it.¹³⁵

¹²⁹ Ibid.

¹³⁰ “Spolia Opima Definition & Meaning.” Merriam-Webster. Accessed August 11, 2025.

<https://www.merriam-webster.com/dictionary/spolia%20opima>.

¹³¹ Fischer-Bovet, Christelle. “Military Organization and Hierarchy (Chapter 4) - Army and Society in Ptolemaic Egypt.” Cambridge Core. Accessed August 11, 2025.

<https://www.cambridge.org/core/books/abs/army-and-society-in-ptolemaic-egypt/military-organization-and-hierarchy/CA216281D781A3F26C2097E50BD94CE2>.

¹³² Amineddoleh, Leila A. “Kings, Treasures, and Looting: The Evolution of Sovereign Immunity and the Foreign Sovereign Immunities Act.” *The Columbia Journal of Law & the Arts* 46, no. 4 (May 13, 2023).

<https://doi.org/10.52214/jla.v46i4.11238>.

¹³³ Hay, Denys. “The Division of the Spoils of War in Fourteenth-Century England.” *Transactions of the Royal Historical Society* 4 (1954): 91–109. <https://doi.org/10.2307/3678853>.

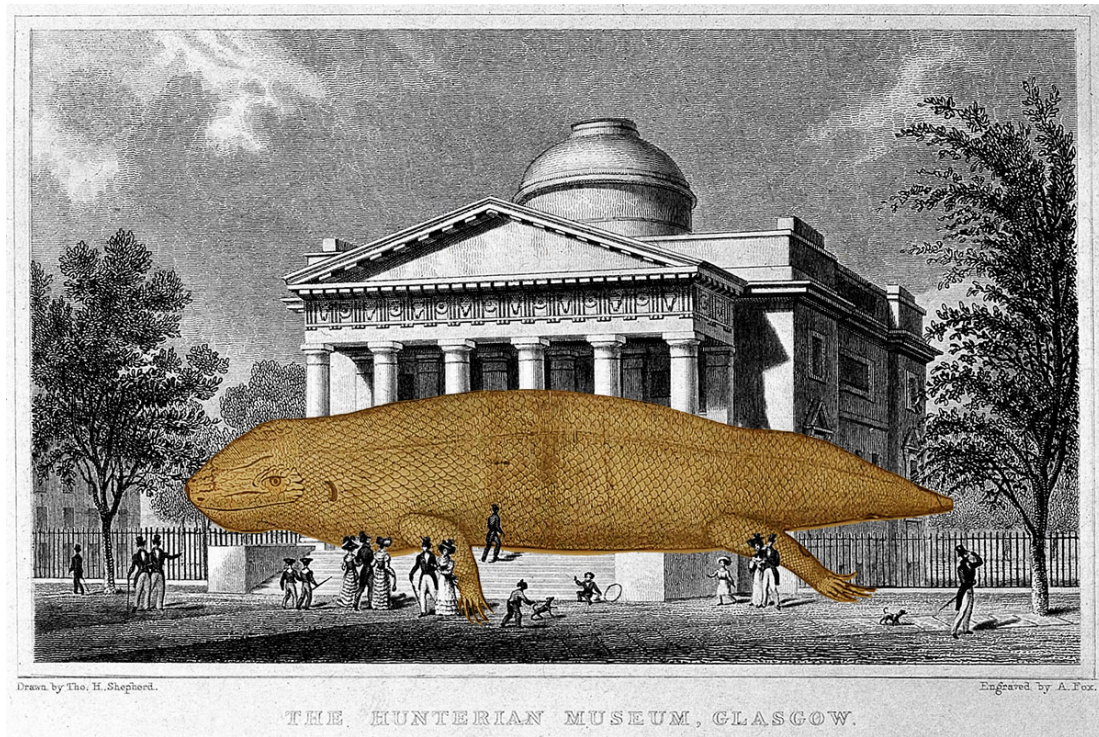
¹³⁴ “Objects of Prestige and Spoils of War (Chapter 4) - Global Gifts.” Cambridge Core. Accessed August 11, 2025.

<https://www.cambridge.org/core/books/abs/global-gifts/objects-of-prestige-and-spoils-of-war/5712CEC25078064365CFF7AF945A735A>.

¹³⁵ Colonial-era cultural heritage in European museums. Accessed August 11, 2025.

[https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/696188/EPRS_ATA\(2021\)696188_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/696188/EPRS_ATA(2021)696188_EN.pdf).

The Museums



An image depicting the return of a Jamaican Galliwasp in the background of The Hunterian Museum in Glasgow, Scotland, and the repatriation movement.¹³⁶

Across history, evidence of stolen cultural patrimony has ended up in one type of place: the museum system. The museums across the world were devised and developed to be a place of education and learning. However, in their pursuit of learning, they decided to take cultural patrimony and keep it for their people. For a piece of cultural patrimony to go from the actual indigenous site to the museum can take many different directions with many middlemen in between. Usually, it starts with an individual or group looting a certain historical site, from there it will be sold to private collections, and finally, after some time, these artifacts will reappear

¹³⁶ May 15, 2025 | Juliette Murphy | Comments. "A Jamaican Galliwasp's Journey Home: The Repatriation Movement in Glasgow." Smithsonian Center for Folklife and Cultural Heritage. Accessed August 11, 2025. <https://folklife.si.edu/magazine/glasgow-museum-repatriation-jamaican-galliwasp>.

again and wind up in museums—the final place of this transit.¹³⁷ Another argument to justify a museum's actions of withholding cultural patrimony is its desire for preservation. The legacy of colonialism has left a superiority complex in the previous colonial powers that truly has not entirely gone away. With that, museums historically have made the argument that they were holding cultural patrimony to preserve their legacy and the pursuit of scientific research.¹³⁸ While it is impossible to fully grasp or know how many artifacts have been stolen and brought to museums, it is estimated that around twenty-five thousand go missing annually.¹³⁹

¹³⁷ Looted antiquities are in the spotlight in New Digital Museum | Science | AAAS. Accessed August 11, 2025. <https://www.science.org/content/article/looted-antiquities-are-spotlight-new-digital-museum>.

¹³⁸ Veltman, Chloe. “A Museum’s Confession: Why We Have Looted Objects.” opb, February 3, 2025. <https://www.opb.org/article/2025/02/03/san-francisco-museum-exposes-dark-truths-about-looting-to-the-public/>.

¹³⁹ Zandt, Florian, and Felix Richter. “Infographic: Europe Remains Art & Cultural Theft Hotspot.” Statista Daily Data, August 17, 2023. <https://www.statista.com/chart/30613/number-of-stolen-cultural-objects-reported-by-region/>.

Case Study: The Nazi Looting of Cultural Patrimony



An image of the “Salle de Martyrs”, showcasing all of the cultural artwork stolen by the Nazis.¹⁴⁰

One of the biggest instances of wide-scale stolen patrimony that has existed in the modern world was during World War II, when the Nazis looted as many precious and cultural items as they could. The goal of this theft was two reasons: the first was to show off as “spoils of war” and redefine a post-Weimar German Reich; the second (and more sinister reason) was to erase another group's culture.

In the late 1930s, Hitler decided he wanted the “New Germany” to rid itself of the old Weimar Culture; this mindset, coupled with his ideology of racial purity, made the targeting of European works a goal of the war.¹⁴¹ He wanted to create the pure German European Race, and

¹⁴⁰ Cultural plunder by the Einsatzstab Reichsleiter Rosenberg (ERR): Database of art objects at the Jeu de Paume. Accessed August 11, 2025. <https://www.errproject.org/jeudepaume/>.

¹⁴¹ “Nazi Looted Art.” National Archives and Records Administration. Accessed August 11, 2025. https://www.archives.gov/publications/prologue/2002/summer/nazi-looted-art-1_.

the collection of artworks from great individuals in history would further that quest. This theft of art had been so widespread that the Germans had to create a bureaucracy in which new countries that were annexed would have their artwork confiscated “properly.”¹⁴² By the 1940s, Hitler had officially declared the creation of the *Führermuseum*, which in his eyes would become a cultural place storing his enemies' works.¹⁴³ He wanted to display the culture of his people he had conquered, not to appreciate them, but to mock them for their failures in preserving their sovereignty.¹⁴⁴

Art is a form of expression that can deviate from what the leadership of a country wants; as a result, the country may attempt to eliminate it—destroying a whole culture in the process. During World War II, the Nazis were set on destroying the Jewish people as the party believed they represented the root of all mistakes and accidents that had occurred over time.¹⁴⁵ The common arguments were that the Jewish people were involved with the banks, so they must've been ruining the economy; another argued that they were impure because they were not ancestrally European.^{146,147} The Nazis would then conduct the systematic theft of cultural property known as the “Jewish Plunder.”¹⁴⁸ Whether it was to save or to destroy, this event had the intent to erase the legacy of the Jewish people from history.

The importance of this study is largely to show that the theft of cultural patrimony does not need to just be for the display of others to look at, but rather to show that theft is sometimes

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ “Why Did Hitler Hate the Jews?” Anne Frank Website. Accessed August 11, 2025.

<https://www.annefrank.org/en/anne-frank/go-in-depth/why-did-hitler-hate-jews/>.

¹⁴⁶ How failing banks paved Hitler's path to power: Financial crisis and right-wing extremism in Germany, 1931-33 | CEPR. Accessed August 11, 2025.

<https://cepr.org/voxeu/columns/how-failing-banks-paved-hitlers-path-power-financial-crisis-and-right-wing-extremism>.

¹⁴⁷ United States Holocaust Memorial Museum. Accessed August 11, 2025.

<https://encyclopedia.ushmm.org/content/en/article/nazi-racism>.

¹⁴⁸ Gerstenfeld, Manfred. Jewish Political Studies Review 13, no. 3/4 (2001): 207–9.

<http://www.jstor.org/stable/25834528>.

unrecoverable, and the necessary solutions to fix prior transgressions could be in the form of reparations or public partnerships. The return of cultural patrimony is such a nuanced topic that delegates must come at it from all different sides and perspectives to develop comprehensive solutions that truly address the root of the problem.

Case Study: The Panchen Lama



An ad calling for the return of the Panchen Lama seen in Dharmasala, India.¹⁴⁹

The theft of cultural patrimony does not have to be just of an inanimate object, but it can occur as a person. The most widely known example of this would be the case of the Panchen Lama. Buddhism is a religion that is most widely practiced by the ethnic Tibetan people of

¹⁴⁹ “Andy Sternberg.” Flickr, August 11, 2025. <https://www.flickr.com/photos/revolute/>.

China.¹⁵⁰ There are two leaders of the religion, the Dalai Lama and the Panchen Lama, and aside from leading the religion, they are also responsible for selecting the other.¹⁵¹ After reincarnation, it is believed that a newborn child will select a certain object and will be chosen for the role, and when the Dalai Lama dies, the Panchen Lama will lead the charge, and vice versa.¹⁵² However, things changed in the last cycle, as it occurred after the Chinese takeover of the province and the subsequent exertion of control over the religion. Only 3 days after the Dalai Lama announced the next Panchen Lama (May 17th, 1995), the Chinese government forcefully disappeared the 6-year-old, and he has not been seen since.¹⁵³

This person, who represented an incredibly important piece of cultural patrimony, was lost. The Dalai Lama had threatened for decades to choose not to be reincarnated, and with both leaders not being reincarnated, it is believed that Buddhism could not survive.¹⁵⁴ However, in the past year, the Dalai Lama finally announced he had decided to be reincarnated and left it up to a committee of his advisors.¹⁵⁵ However, China has objected to this and said they will decide who the next leader is.¹⁵⁶ The attempted control of a religion, and with it a certain indigenous group, could have disastrous effects—leading to the theft of more cultural patrimony. All in all, this situation emphasizes the importance of setting regulations not just for the peaceful return of

¹⁵⁰ Nadeem, Reem. “3. Buddhism.” Pew Research Center, August 30, 2023.

<https://www.pewresearch.org/religion/2023/08/30/buddhism/>.

¹⁵¹ “Where Is the Panchen Lama?” Free Tibet. Accessed August 11, 2025.

<https://freetibet.org/freedom-for-tibet/political-prisoners/panchen-lama/>.

¹⁵² Ibid.

¹⁵³ “China/Tibet: Panchen Lama Forcibly Disappeared for 30 Years.” Human Rights Watch, May 15, 2025.

<https://www.hrw.org/news/2025/05/15/china/tibet-panchen-lama-forcibly-disappeared-30-years#:~:text=The%20Chinese%20government%20forcibly%20disappeared.as%20the%2011th%20Panchen%20Lama.>

¹⁵⁴ “Why the Dalai Lama Says Reincarnation Might Not Be for Him.” Los Angeles Times, December 20, 2014.

<https://www.latimes.com/world/asia/la-fg-dalai-lama-reincarnation-20141219-story.html>.

¹⁵⁵ Khandekar, Omkar, and Anthony Kuhn. “The Dalai Lama Announces Plans for a Successor, Signaling China Won’t Have a Say.” NPR, July 2, 2025.

<https://www.npr.org/2025/07/02/nx-s1-5453083/dalai-lama-says-successor-will-be-named-after-his-death>.

¹⁵⁶ McCarthy, Simone. “At 90, the Dalai Lama Braces for Final Showdown with Beijing: His Reincarnation.” CNN, July 4, 2025. <https://www.cnn.com/2025/07/03/asia/dalai-lama-90-birthday-reincarnation-battle-china-intl-hnk>.

cultural patrimony, but also for urging negotiations and taking action with countries that believe they have an ideological right to control it.

Conclusion

In conclusion, it is clear that the history of the theft of cultural patrimony is nuanced and requires a dynamic solution to address it. While much of this theft occurred in the past, it is the consistent layering of history and transgressions that has brought this to light and made it an urgent issue.

Past Actions



UNESCO Headquarters, the home of the organization which has led much of the international effort to protect cultural patrimony.¹⁵⁷

The preservation of cultural patrimony has been a paramount concern of the international community since at least 1970, when **UNESCO** (the United Nations Educational, Scientific, and Cultural Organization) adopted the Convention on the Means of Prohibiting and Preventing Illicit Import, Export, and Transfer of Ownership of Cultural Property (Convention on Illicit

¹⁵⁷ Devika Rao and The Week US published, “The Significance and Benefits of Being on Unesco’s World Heritage List,” *theweek*, August 5, 2023, <https://theweek.com/feature/briefing/1025471/the-significance-and-benefits-of-being-on-unescos-list>.

Ownership of Cultural Property).¹⁵⁸ That convention, combined with the 1972 Convention Concerning the Protection of World Cultural and Natural Heritage, required the return of illicitly obtained cultural patrimony and assisted member states in their efforts to preserve their own cultural patrimony.¹⁵⁹ These were important foundations upon which further international action can be based upon. However, they were far from resolving the issues that have arisen in this sphere.

The largest issue in current international policy is that the Convention on Illicit Ownership of Cultural Property only applies prospectively. In other words, even assuming states operated in perfect faith with efforts to comply with the Convention, there was nothing requiring them to return artefacts illicitly obtained before 1970 (or whenever a state ratified the convention).¹⁶⁰ Further, it only applied when an object of cultural significance had been taken from an institution, such as a museum or religious institution, that had a record of it. Excavation of a cultural artefact and its subsequent export were not banned by this treaty.¹⁶¹ It also operated at a national level and relied upon the cooperation of the states which are a party to the convention—which included 148 of the 193 UN member states.¹⁶²

The international community has not totally ignored these issues. The General Assembly adopted resolution A/Res/76/16 in 2021 which encouraged the return of cultural patrimony and applauded the work of UNESCO in its continued preservation.¹⁶³ Notably, this resolution did not

¹⁵⁸ UNESCO, “Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. | UNESCO,” [www.unesco.org](https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural), November 14, 1970, <https://www.unesco.org/en/legal-affairs/convention-means-prohibiting-and-preventing-illicit-import-export-and-transfer-ownership-cultural>.

¹⁵⁹ UNESCO, “Convention Concerning the Protection of the World Cultural and Natural Heritage,” [Unesco.org](https://whc.unesco.org/en/conventiontext/), 1972, <https://whc.unesco.org/en/conventiontext/>.

¹⁶⁰ Alexander Herman, “Fifty Years On: The Meaning of the 1970 UNESCO Convention | Institute of Art and Law,” The Institute of Art & Law, June 18, 2020, <https://ial.uk.com/fifty-years-on-unesco-convention/>.

¹⁶¹ Ibid.

¹⁶² UNESCO, “About 1970 Convention,” [Unesco.org](https://www.unesco.org/en/fight-illicit-trafficking/about), 2023, <https://www.unesco.org/en/fight-illicit-trafficking/about>.

¹⁶³ “General Assembly Resolution A/Res/76/16,” [Un.org](https://docs.un.org/en/A/RES/76/16), 2025, <https://docs.un.org/en/A/RES/76/16>.

provide much in the way of specifics regarding logistics, funding, or other issues that arise when cultural patrimony is to be returned. Rather, it listed some of the conventions previously agreed by UNESCO members and recommended further actions. As a GA resolution, its provisions were necessarily nonbinding. However, it still provided a useful window into how the international community is considering these issues and may be a useful reference material when considering possible solutions beyond those provided for below.

Along with multilateral action, some nations or individual institutions have entered into bilateral or private agreements to return cultural patrimony on various terms. These include the return of the Benin bronzes, a group of ancient Nigerian cultural artefacts stolen by the British in a raid on Benin city in 1897, by various museums throughout the world.¹⁶⁴ These returns began once Nigeria recognized the claim of the Oba (King or traditional ruler) of Benin to the bronzes.¹⁶⁵ Many may be displayed in a newly constructed museum of West African Art in Benin City.¹⁶⁶ However, some Bronzes are being kept by western institutions, notably those currently held in the British Museum in London.¹⁶⁷ This example goes to show that proving rightful ownership and having a location to receive cultural patrimony may go a long way towards obtaining returned artefacts. However, those alone will not guarantee that the entire international community acts to return stolen objects.

A new avenue for international action was recently opened when the International Court of Justice found that the deliberate destruction of cultural artefacts violates the Convention on the

¹⁶⁴ Linda St. Thomas, “Smithsonian Returns 29 Benin Bronzes to the National Commission for Museums and Monuments in Nigeria,” Smithsonian Institution, October 11, 2022, <https://www.si.edu/newsdesk/releases/smithsonian-returns-29-benin-bronzes-national-commission-museums-and-monuments>.

¹⁶⁵ <https://www.facebook.com/sarahcascone>, “Why the Benin Bronzes Are Being Returned—and Who Gets Them | Artnet News,” Artnet News, July 2, 2025, <https://news.artnet.com/art-world/mfa-boston-benin-bronzes-restitution-2662790>.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

Elimination of Racial Discrimination in 2021.¹⁶⁸ This limited measure did not provide for the return of cultural artefacts, but did demonstrate a willingness of the ICJ to get involved in the broader area of cultural preservation—even if absent of explicit remit to do so. It also established an important precedent for the treatment of the destruction of cultural artefacts in a nation's care, whether they be originally sourced from that nation, obtained legally, or illicitly obtained.

These past actions of the international community leave a significant gap for committee to fill if Topic B is chosen for debate.

¹⁶⁸ “World Court Decision Sets ‘New Precedent’ for Cultural Heritage Protection,” Cornell College of Arts & Sciences, December 8, 2021, <https://as.cornell.edu/news/world-court-decision-sets-new-precedent-cultural-heritage-protection>.

Possible Solutions



Benin Bronzes being prepared for return to Nigeria in the Netherlands.¹⁶⁹

The international community has room for action towards bold steps that encourage and facilitate the return of cultural patrimony and to ensure its further preservation. Broadly these efforts can be divided into legal efforts, logistical aid, and incentives for compliance.

Regarding legal efforts, the international community is without a proper binding definition and convention regarding property illicitly obtained prior to the 1970 UNESCO Convention on Illicit Ownership of Cultural Property. Adopting a definition that describes what

¹⁶⁹ Alana Wise, “The Netherlands Will Return More than 100 Bronze Artifacts to Nigeria,” Capradio.org, 2025, <https://www.capradio.org/news/npr/story?storyid=g-s1-50111>.

cultural patrimony was legally and illicitly obtained during the period where colonial powers reigned over many nations—a time when cultural patrimony was regularly obtained—may assist in applying moral pressure to nations and institutions which refuse to return various objects of cultural significance.

Further, another solution could be providing an enforcement scheme that allows the International Court of Justice or another competent international tribunal to intervene and order nations to take certain actions, as it would both facilitate the return of cultural patrimony and represent a significant improvement over the current self-determined system of compliance. However, doing so may run into significant opposition from many corners of the international community. Many nations do not comply with the rulings of the International Court of Justice, and there are limited avenues that the court (or any court of international law) may use to compel compliance with its rulings.¹⁷⁰ Considering the most efficient and effective structure for making determinations as to the rightful ownership of cultural patrimony would be a core element of any comprehensive policy on this topic.

Delegates may also wish to consider how to logistically facilitate the return of cultural patrimony. To overcome the objection that nations may not have the requisite infrastructure to adequately protect returned cultural patrimony, the international community may wish to build upon UNESCO's existing efforts in this sphere. This may include providing money to build this infrastructure, developing standards regarding the handling of cultural patrimony, assisting member nations in training the professionals required to preserve artefacts, or establishing standards and providing aid related to the actual transfer of cultural patrimony (which may be delicate or otherwise difficult to move).

¹⁷⁰ Attila Tanzi, "Problems of Enforcement of Decisions of the International Court of Justice and the Law of the United Nations," *European Journal of International Law* 6, no. 4 (1995): 539–72, <https://doi.org/10.1093/oxfordjournals.ejil.a035935>.

For nations seeking to recoup their illicitly removed cultural patrimony, delegates should consider whether their actions actually assist them in gaining infrastructure and expertise that are helpful in the upkeep of those artefacts or if they are deepening the cycle of dependence on the nations which have historically engaged in the illicit obtaining of other nations' cultural heritage. This may be a delicate balancing act, and of course, delegates will have differing perspectives as to how this balance should be struck.

In general, a solid logistical solution will be one that ensures that illicitly obtained cultural patrimony can be responsibly returned to the nations from which they came, with no damage and long term prospects of good upkeep. Many different methods may be employed to do so, and delegates are encouraged to do their own research to determine what solutions would function best.

Finally, as both legal and logistical concerns necessitate a degree of financing be provided, delegates should consider how best to fund their solutions. Beyond the typical questions of how the money should be raised and how to incentivize member states to contribute funds to carry out committee's aims, delegates should consider equity concerns regarding whether, or to what extent, nations which are seeking to recoup illicitly obtained cultural artefacts should be made to pay for the expenditures of that aim. Similarly, whether nations or institutions within nations which currently have illicitly obtained cultural patrimony should be compensated for returning such items is also a thorny question.

The principle of making a nation which had its cultural patrimony illicitly obtained pay to get it back is not ideal, however it may not be possible to create a broadly acceptable international settlement which shifts all costs onto nations which may be forced or strongly encouraged to return objects they currently control. Similarly, nations (and especially their

cultural institutions) may incur costs to return cultural artefacts obtained in dubious circumstances. Whether or how to reimburse those nations or institutions for those costs is something delegates should give strong thought to.

Delegates are also free to, and strongly encouraged to, think beyond the solutions and categories presented in this document. A successful solution will include independently researched ideas in addition to those fitting into the categories outlined above—ensuring an equitable outcome for the various member states involved.

Bloc Positions

The issue of illicitly obtained cultural patrimony transcends the narrow boundaries of LEDCs vs MEDCs or similar designations. Instead, national positions are more likely to be rooted in their history with illicitly obtained cultural patrimony and whether they or their institutions have been historically cooperative with efforts to restore such items to the place from which they originated. While delegates are encouraged to brainstorm their own solutions and create blocs that may not fully accord with the outlines below, these represent examples of how each category of nations may think about this question.

Nations Interested in the Return of Cultural Patrimony

Nations, especially LEDCs that have a history of their cultural patrimony being stolen are likely to pursue the greatest number of avenues which enable the return of illicitly obtained cultural patrimony with the least cost or fewest conditions placed on their return. These nations may push for solutions which include provisions that mandate or attempt to mandate cultural institutions in nations with illicitly-obtained cultural patrimony to return those artefacts. They will likely oppose efforts which require certain conditions such as monetary endowments or sufficient protective buildings be constructed prior to the return of their cultural patrimony. Solutions may also be proposed that shift the burden of paying for any conditions imposed on the return of cultural patrimony to those nations which have illicitly obtained it.

Nations Historically Cooperating with the Return of Cultural Patrimony

Nations which have a history of cooperating in the return of cultural patrimony, whether on the level of national cultural institutions or the government itself, may find themselves in broad agreement with the prior category of nations with a few differences. These nations may wish to impose conditions on the return of cultural patrimony to ensure its continued preservation—though delegates should be careful in ensuring that these conditions are not paternalistic or restrictive in nature. They may also resist paying for certain expenses related to the repatriation of illicitly obtained cultural patrimony.

Nations Historically Uncooperative with the Return of Cultural Patrimony

There are also those nations which have high-level cultural institutions or national governments which have classically resisted efforts to return illicitly obtained cultural patrimony. These nations may resist efforts to enforce compliance with international standards for the return of illicitly-obtained cultural patrimony whatsoever. Alternatively, they may seek to create new schemes for voluntary compliance or otherwise compensate nations which may be sending back artefacts for the actual expenses or loss of income which may result from their doing so. Delegates who are assigned nations in this category are highly encouraged to work collaboratively with the rest of the committee to find solutions which may be more palatable to their nations (or at least less objectionable) while still addressing the problem at hand.

Once again, these potential bloc positions are not an exhaustive list of all potential blocs nor a complete representation of how each nation that fits into a category listed may approach

this issue. As always, creativity and the ability to work with delegates representing nations with differing perspectives should be emphasized—and the dais will highly encourage delegates to collaborate towards positive solutions to the problems set forth in this background guide no matter what country they are assigned to represent.

Glossary

Cultural Patrimony — The historic or artistic materials created by a people as an expression of themselves and belonging to them.

Less Economically Developed Countries (LEDCs) — Nations with a low GDP per capita, high levels of poverty, and other indicators of generally low prosperity and productivity.

More Economically Developed Countries (MEDCs) — A nation with a developed economy, typically having a high Human Development Index and high per-capita income.

Spoils of War — Property taken from an enemy army or nation, can refer to either military supplies lawfully taken or civilian/cultural objects illicitly obtained.

UNESCO — The United Nations Economic, Scientific and Cultural Office, a Specialized Agency of the United Nations which is in charge of promoting education, science, and culture.

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