



**J I M E N A**  
Jews Indigenous to the  
Middle East and North Africa

**Statement Of**

**JIMENA: Jews Indigenous to the Middle East and North Africa**

**Concerning UNESCO Draft**

***Model Provisions on the Prevention and Fight against the Illicit Trafficking of Cultural Property***

**November 7<sup>th</sup>, 2022**

JIMENA, the pre-eminent, US-based non-profit organization working world-wide to defend the rights of the one million Jewish refugees from the Middle East and North Africa who were ethnically cleansed and fled antisemitic persecution in the 20<sup>th</sup> century write to express our concerns over Provision One of UNESCO's proposed draft. The ancient and sacred Jewish patrimony of our communities continues to be seized and often desecrated and destroyed by unstable Middle Eastern government and regimes.

Given our history of dispossession and denationalization, JIMENA has dedicated itself to being in the forefront of efforts to preserve and protect cultural property for the present and future generations as stated in. Given this commitment, JIMENA feels duty bound to urge UNESCO to rewrite this draft as all too many of its subsequent provisions, not only fail to protect cultural property, but actually provide license and sanction to the destruction of cultural property.

Provision Two and Provision Three of the Draft clearly recognize State Ownership of all cultural property within its borders, thereby legitimizing the confiscation of Jewish communal and personal property by tyrannical regimes throughout the Middle East and North Africa

Provision Two makes clear that each government can define what is cultural property and include the private property of minorities and others as it explicitly states: *references to archaeology, prehistory, history, literature, art or science, to define the notion of cultural property are not limitative. Depending on the cultural interests that States endeavour to defend or promote, other values or references to cultural significance can be added...In addition to property in public collections, the term cultural property also refers to cultural property in*

*private hands .... The definition of cultural property subject to higher protection depends on several value criteria and may fall within the competence of national, regional or local institutions. ...*

Provision Three legitimizes these regimes' confiscation of Jewish personal and communal property as it explicitly states: *Public collections consist of cultural property belonging to the State, a local or regional authority, a religious institution.... public collections are property of a State*

The real-world historical experiences of Mizrahi Jews show how wrong and in fact immoral it is to trust governments to preserve the heritage of those minorities it persecuted. In reality, those government focus on erasing the cultural patrimony of their minorities rather than preserving it.

Given the history of state sponsored confiscation, desecration and destruction of the cultural patrimony throughout the Middle East and North Africa it is particularly troubling that Provision Eight compounds problems by prohibiting the export of public collections previously defined in Provision Three as including religious institutions with the net effect that it would be illegal to save minority ceremonial and ritual items from desecration or destruction with Provision Eight expressly stating: *The export of public collections... is prohibited*

Provision Fourteen is perhaps the most devastating for minorities as it asserts the state's right to claw back the few ceremonial objects saved from desecration as: *the restitution or return of cultural property to that State shall be granted as a matter of right.*

This draft provides each and every government the right to define what is cultural property and claim all that it defines as state property with extra-territorial rights to claim property outside its borders; thereby denying the rights of Jews and other minorities to their individual and communal cultural patrimony which in many cases faces desecration or destruction at the hands of these same governments.

Given the clear and desperate need to fix this Draft, JIMENA would welcome the opportunity to work with UNESCO to rewrite it. The new Draft could be written to actually preserve and protect cultural property rather than empower government to seize minority property as is the case with the current draft.

