



The Hague International Model United Nations

Forum: General Assembly 6

Issue: Strengthening international legal frameworks against illicit trade in cultural property

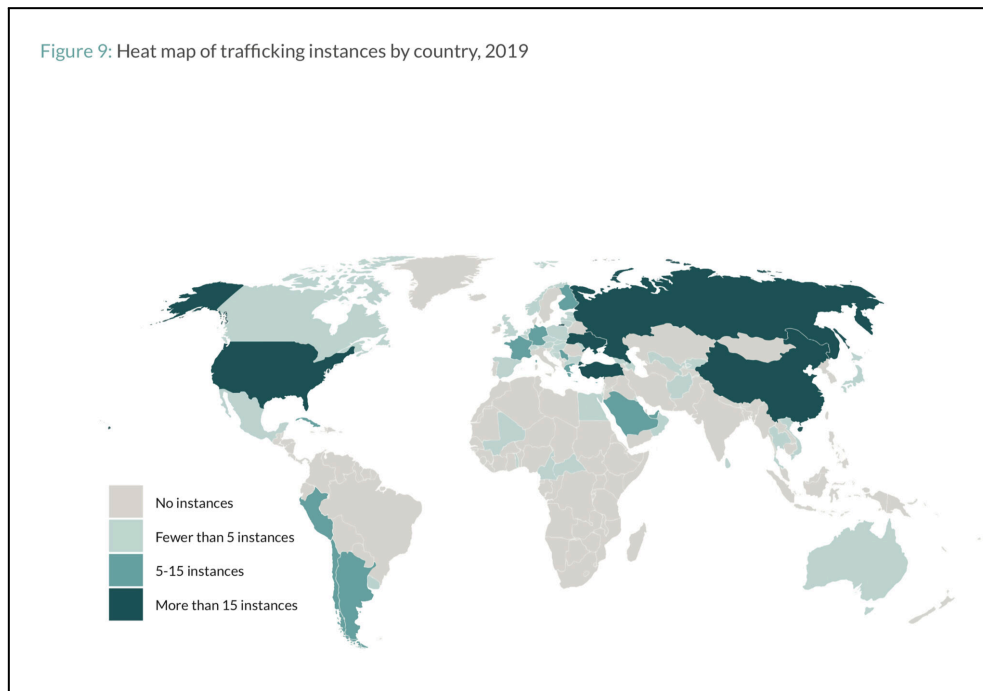
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Introduction

Illicit trade of cultural heritage is a complex, multifaceted, and, most importantly, incredibly destructive practice with just as many complexities in addressing it as in defining it. Illicit trade ranges from theft and looting to unlawful excavation, smuggling and illegal sale of antiquities, artwork, manuscripts and other heritage objects.¹ As a result of this practice, many countries and legal bodies are moving towards developing legal frameworks in the form of improved treaties, national laws, and international collaboration amongst many others to put an end to, or at least better the situation. However, simply stopping this practice is not enough. Cultural heritage should be returned to the original host country in a manner that not only allows for safe transport back to the countries in question but also prevents repeat offences.¹ Seeing as this issue has so many different aspects to it, it's crucial to understand the logistics of how this is conducted, as well as real-world instances of this practice.

Recently, the growing presence of platforms such as digital art markets and general instability in conflict zones are part of the perfect storm of factors.³ The current tense geopolitical climate sets the stage perfectly for acts of terrorism, such as the illicit trade of cultural heritage, and there are many prominent cases of it today that set the stage for further discussion in this report. As of today, the main spotlight falls on the Middle East (United Arab Emirates, Egypt, Iran, Iraq, Israel, Türkiye), Afghanistan, and Africa as a whole.³ These are areas particularly rich in material forms of cultural heritage, which are particularly easy to traffic or illicitly distribute otherwise.



Cases of cultural heritage trafficking intercepted by the international customs system by country.

Source:

<https://culturalpropertynews.org/world-customs-organization-cultural-heritage-smuggling-is-minor/>

Definition of Key Terms

Cultural Property¹

Objects deemed as having archaeological, historical, artistic, or otherwise influential relation to a specific culture or country as defined under the 1970 UNESCO Convention.

Illicit Trafficking¹

Any form of unlawful import, export, or transfer of cultural property (as defined above) in violation of national or international standards. Ex. Illegal looting of archaeological sites to obtain artefacts or other such cultural property before others.

Provenance¹

The country or culture of origin attributed to any given piece of cultural property.

Restitution/Return¹

The process of returning an illegally trafficked piece to its country/culture of provenance via documented, legal measures.

Due Diligence²

The obligation of markets such as museums, auction houses, or art galleries to confirm the authenticity of a piece of cultural property, as well as the legal status of the piece.

Background Information

The destructive nature of the illicit trafficking of cultural property goes without saying; there are virtually no Member States (MS) of the United Nations (UN) that disagree with the consensus that this practice is not just harmful, but can fuel terrorism and impede research in the field of archaeology.³ As such, the large majority of the MS have adopted various measures to work towards a world devoid of cultural theft.¹ This has been addressed through various bureaucratic measures, such as the 1970 UNESCO convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, as it's fully titled.¹ However, even so, the impacts of this issue run amok, as can be seen in many regions mentioned above (the Middle East, Africa, Afghanistan)

The 1970 UNESCO Convention was made in response to the globally increasing concern regarding the theft and illegal trafficking of cultural property.¹ After the war-torn and globally tense 40s-60's, many MS suddenly became aware of the importance of their lost cultural heritage and cultural property as a result of the colonial period and the consequences of global conflict, such as the Second World War. As a result, many of the newly formed MS around this time were in attendance at the 11th UNESCO General Conference in 1960. This assembly marked the start of the negotiations involved in the creation of the 1970 UNESCO Convention.

After the creation of the 1970 UNESCO Convention, the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects was put into place, in essence, to patch up any holes present in the UNESCO Convention.² The UNIDROIT Convention focuses a lot more on the buyer's behaviour rather than the illegal sourcing of the cultural property in the first place. It enforces the Due Diligence be exercised, as well as forcing buyers to prove their ownership of a given work, amongst other things.² What's important to note is that this convention is not retroactive; this will be discussed later in more depth.²

Despite these two main international efforts to put an end to the illegal trafficking of cultural property, this practice still runs rampant throughout the world, developed or otherwise. For example, one

of the most severe cases of cultural property theft can be seen in Syria and the Middle East as a whole, especially after the 2011 Arab Spring.⁴ The Arab Spring threw the whole area of the Middle East and other associated/neighbouring MS into turmoil, leading to desperate people. Desperate people make desperate moves to stay alive, including the illegal excavation of artefacts from archaeological sites, followed by sales to either (a) smugglers, or in the case of more moral people (b) museums or other such historical facilities.⁴ Unfortunately, however, people tend to favour the former, leading to a large number of illegally sold pieces of cultural property.

The majority of the African continent is a prime case of illegal acquisition and then selling cultural property.⁵ In the case of Africa, one needs to consider the importance of colonialism as a part of the scattering of African cultural property.⁵ Throughout colonialism and other historical events, such as the slave trade, Africa was pillaged by more developed Europe, which often included cultural property and, generally, items with great historical and cultural value to the host country.⁵

Major Countries and Organizations Involved

UN and International involvement

The large majority of the involvement regarding this issue has been through UN involvement and international cooperation rather than individualised cases of MS taking the initiative to solve the problem. Fortunately, though, there has been a great deal done by the international community, including, but not limited to, Security Council Resolution 2347, 24 March 2017 (**S/RES/2347**)⁶, UNESCO Convention of 1970¹, and UNIDROIT Convention of 1995.²

UNESCO (United Nations Educational, Scientific and Cultural Organisation)

UNESCO is the main party that needs to be mentioned in any issues pertaining to cultural property. UNESCO were the first organisation to take the initiative on the issue of cultural heritage and the general recognition of cultural property as an incredibly important component of national identity. UNESCO's stance has been very in favour of the return of cultural property to its country/place of provenance, especially considering the creation of the 1970 Convention.¹

UNIDROIT (International Institute for the Unification of Private Law)

UNIDROIT is also an important party to consider more specifically due to its ability to standardise laws, as implied by the name. Passing any desired changes in private law should go through UNIDROIT first to ensure that the law does not conflict with any other preexisting laws in certain MS.²

Africa as a Whole

As previously mentioned, Africa has been on the receiving end of the practice of cultural property theft for centuries, and, as such, it now has a particularly strong programme focused on the reclamation of lost African cultural property.⁵

Timeline of Events

Date	Description of event
14 November 1970	The signing of the initial version of the first main international treaty, which makes any reference to the illegal trade of cultural property. ¹
24 June 1995	The signing of UNIDROIT's Convention on stolen or illegally exported cultural objects, patching up the majority of the holes left by the 1970 UNESCO Convention. ²
2011 - Present	The illicit acquisition and trade of cultural property in the Middle East and North Africa. ⁴
(approx.) 2020 - Present	The approximate start and period of Africa's more intense cultural recovery/reclaiming programme. ⁵

Previous Attempts to solve the Issue

The only two important attempts at solving the issue wholistically rather than an isolated case in a specific MS or other such approach are the 1970 and 1995 Conventions made by UNESCO and UNIDROIT, respectively.^{1, 2}

Critically, as mentioned many times in this report, the 1970 UNESCO Convention started dialogue regarding this issue in the first place.¹ As such, while it was slightly shortsighted regarding the consumer's behaviour involved with the illicit trade of cultural objects, it still encapsulates the large majority of what needs to be considered in a starting treaty. Most importantly, it started international dialogue concerning the issue, which makes this the single most important international initiative regarding this issue.

The UNIDROIT Convention of 1995 was the follow-up to the initial UNESCO Convention in 1970, entirely made to tackle the main oversight made by UNESCO: customer behaviour.² While it greatly reduced the amount of cultural property being accidentally illegally traded, it is not a

retroactive treaty, which is its main flaw. Due to the non-retroactive nature of this treaty, practically all cultural object trade prior to 1995 does not need to be checked for illegality.²

Possible Solutions

Delegates can approach this issue from a range of different angles, and three main solutions will be suggested. Please expand on these; do not simply copy the ideas.

Delegates may consider the retroactive involvement of the 1995 UNIDROIT Convention. This will allow certain trades completed prior to the date of signing to be reevaluated, potentially finding multiple previously considered legal trades that could be rectified thanks to modern legal code. Delegates should be aware that the mechanisms by which this will be enforced require a great deal of processing, as this would be a highly arduous process.

Delegates may consider a tightening of the security restrictions placed on online art markets and general auction houses to ensure greater transparency in purchases, their legality, and the final consumer. A global code of e-conduct regarding cultural property could also be established via UNIDROIT to enforce this further.

Finally, delegates may consider the organised crime perspective, where cultural property is traded through deliberately illegal means and acquired as such too. Integrating cultural property into the presently existing anti-money-laundering frameworks used by banks could help with this, as well as creating guidelines for seizure and asset freezes for those guilty of illegal trade of cultural property.

Endnotes

1. *Unesco.org*, 2025, unesdoc.unesco.org/ark:/48223/pf0000114583.
2. “1995 Convention - UNIDROIT.” *UNIDROIT*, 19 June 2021, www.unidroit.org/instruments/cultural-property/1995-convention/.
3. UNICRI. *Cultural Heritage Smuggling and the Nexus with Terrorism*. June 2024.
4. TELLO, ANAN. “Why Syria’s Cultural Heritage Continues to Face a Looming Threat.” *Arab News*, Arabnews, 6 July 2025, www.arabnews.com/node/2607145/middle-east.

5. "Reframing the Return and Restitution of Cultural Property in Southern Africa." *Unesco.org*, 2025, www.unesco.org/en/articles/reframing-return-and-restitution-cultural-property-southern-africa-healing-new-bold-step-toward.
6. "S/RES/2347 (2017) | Security Council." *Un.org*, 2017, main.un.org/securitycouncil/en/s/res/2347-%282017%29.

Bibliography

Works Cited

- "32 Ancient Cultural Properties Dating from the Pharaonic and Roman." *Unesco.org*, 2024, www.unesco.org/en/articles/32-ancient-cultural-properties-dating-pharaonic-and-roman-periods-return-egypt. Accessed 3 Dec. 2025.
- "1995 Convention - UNIDROIT." *UNIDROIT*, 19 June 2021, www.unidroit.org/instruments/cultural-property/1995-convention/. Accessed 17 Dec. 2025.
- "Reframing the Return and Restitution of Cultural Property in Southern Africa." *Unesco.org*, 2025, www.unesco.org/en/articles/reframing-return-and-restitution-cultural-property-southern-africa-healing-new-bold-step-toward. Accessed 3 Dec. 2025.
- "S/RES/2347 (2017) | Security Council." *Un.org*, 2017, main.un.org/securitycouncil/en/s/res/2347-%282017%29. Accessed 17 Dec. 2025.
- TELLO, ANAN. "Why Syria's Cultural Heritage Continues to Face a Looming Threat." *Arab News*, Arabnews, 6 July 2025, www.arabnews.com/node/2607145/middle-east. Accessed 3 Dec. 2025.
- UNICRI. *Cultural Heritage Smuggling and the Nexus with Terrorism*. June 2024.
- World, UNESCO. "UNESCO World Heritage Centre - World Heritage List." *Unesco.org*, 2018, whc.unesco.org/en/list/. Accessed 3 Dec. 2025.
- Unesco.org*, 2025, unesdoc.unesco.org/ark:/48223/pf0000114583. Accessed 3 Dec. 2025.