

The Effectiveness of International Conventions in Combating the Illicit Trafficking of Cultural Property: The UNESCO 1970 Convention and the United Arab Emirates

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Abstract

Cultural property constitutes an essential component of national identity and collective memory, yet illicit trafficking increasingly threatens its preservation and lawful transmission. Although international conventions establish extensive protective obligations, a gap remains between international legal commitments and effective national implementation. This study examines the effectiveness of the UNESCO 1970 Convention in combating illicit trafficking of cultural property and its integration with the legal framework of the United Arab Emirates. A qualitative descriptive-analytical, doctrinal, and comparative legal approach is employed to analyse international conventions, UAE legislation, and relevant institutional mechanisms. The findings indicate that the Convention has strengthened preventive regulation, documentation, restitution, and international cooperation, while practical effectiveness remains dependent on domestic legislative alignment and institutional enforcement. The UAE demonstrates substantial conformity through Federal Law No. 11 of 2017. The study contributes an integrated legal-effectiveness framework connecting international obligations, national implementation, preventive enforcement, international cooperation, and restitution in strengthening cultural-property protection.

Keywords: Cultural Property, Illicit Trafficking, UNESCO 1970 Convention, International Conventions, Cultural Heritage,; Restitution, International Cooperation, United Arab Emirates

Introduction

Cultural property represents more than the material manifestation of the historical development of societies. Archaeological objects, manuscripts, works of art, monuments, antiquities, ethnographic materials, historical documents, and other culturally significant objects embody collective memory, identity, knowledge, and the historical continuity of communities. The protection of such property is therefore closely connected to the preservation of cultural identity and the transmission of heritage between generations (Forrest, 2010; Stamatoudi, 2011; UNESCO, 1970; Koush, 2025). The UNESCO 1970

Convention similarly treats cultural property as a fundamental element of civilisation and national culture and places its protection within a framework of shared national and international responsibility. Despite its cultural importance, cultural property has increasingly become the object of theft, illegal excavation, smuggling, unauthorised export, unlawful transfer of ownership, and commercial trafficking. These practices remove culturally significant objects from their historical and archaeological contexts, deprive countries and communities of material evidence of their past, and permit cultural objects to enter markets in which provenance can become obscured or strategically reconstructed (Brodie et al., 2001; Mackenzie, 2005; Campbell, 2013; Saymour, 2025). Illicit trafficking therefore involves not only ownership and commercial disputes but also cultural identity, archaeological knowledge, sovereignty, organised and white-collar crime, market regulation, and international legal cooperation (Mackenzie & Yates, 2016; Mackenzie et al., 2019; Koush, 2025).

The transnational character of cultural-property trafficking makes legal protection particularly difficult. An object may be excavated or stolen in a source country, transported through one or more transit jurisdictions, offered for sale in a market state, and eventually acquired by a museum, collector, dealer, auction house, or other purchaser. The illicit antiquities market has accordingly been conceptualised as a transnational network linking source, transit, and destination markets through a mixture of licit and illicit practices (Campbell, 2013; Mackenzie et al., 2019). More recent scholarship continues to show that opaque provenance, market intermediaries, and regulatory fragmentation enable cultural objects to cross the boundary between illegitimate and apparently legitimate circulation (Brodie et al., 2021; Saymour, 2025). This transboundary structure explains why national legislation alone cannot adequately address illicit trafficking. A state can prohibit unauthorised excavation and export within its territory, but enforcement becomes substantially more difficult after an object enters another jurisdiction. Differences in property law, limitation periods, evidentiary rules, good-faith acquisition, export controls, and the recognition of foreign ownership laws may affect recovery. Effective protection therefore requires international norms capable of linking source-state restrictions with import controls, market responsibilities, information exchange, investigation, seizure, and return mechanisms in other states (Prott & O'Keefe, 1989; O'Keefe, 2007; Stamatoudi, 2011; Taşdelen, 2016). The international community has progressively developed several legal instruments to address these challenges. The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict established an important international foundation for safeguarding cultural property during armed conflict and placed cultural heritage protection within the broader responsibilities of states under international law (O'Keefe, 2006; Hague Convention, 1954). Although the Convention focuses primarily on conflict situations, its preventive orientation and recognition of cultural property as heritage of importance to humanity contributed to the development of later international frameworks. The UNESCO 1970 Convention subsequently established the principal international legal framework specifically addressing the illicit import, export, and transfer of ownership of cultural property during peacetime. Adopted on 14 November 1970 and entering into force in 1972, the Convention constituted a major development in cultural-heritage law by creating a cooperative framework for prevention, national implementation, information exchange, and recovery (UNESCO, 1970; Prott, 2011; Shyllon, 2013). Its influence extends beyond formal treaty obligations because the year 1970 has also become an important ethical and acquisition benchmark for museums and professional organisations (Gerstenblith, 2013). The

Convention rests on interconnected mechanisms rather than a single prohibition. These include the establishment of national cultural services, inventories and documentation, export certification, controls over museum acquisitions, penalties and sanctions, cooperation among competent national authorities, and procedures supporting return and restitution (UNESCO, 1970, 2015; Shyllon, 2014). This structure reflects the recognition that trafficking cannot be addressed solely after an object is stolen or exported. Prevention requires legislation, documentation, monitoring, administrative capability, and professional responsibility before cultural property enters an illicit market.

The 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects complements UNESCO 1970 by addressing private-law dimensions that the UNESCO framework does not regulate in equivalent detail. It provides rules concerning the restitution of stolen cultural objects, the return of illegally exported objects, compensation to possessors who demonstrate due diligence, and time limitations for claims (UNIDROIT, 1995; Prott, 1997; Stamatoudi, 2011). The relationship between UNESCO 1970 and UNIDROIT 1995 therefore illustrates the multi-layered character of cultural-property protection, in which public international law, private law, national law, and professional ethics interact. Nevertheless, the existence of international conventions does not itself guarantee effective cultural-property protection. This constitutes the central issue addressed in the present study. International instruments depend heavily on domestic implementation because customs authorities, police agencies, courts, museums, dealers, auction houses, and cultural ministries ordinarily exercise their powers through national law. States may therefore participate formally in an international convention while lacking effective inventories, trained enforcement personnel, adequate sanctions, inter-agency cooperation, provenance controls, or operational restitution procedures (Bouchenaki, 2009; Shyllon, 2014; Iosifidou & Stamatoudi, 2025).

The gap between treaty commitment and implementation has been repeatedly identified in the literature. Shyllon (2014), for example, demonstrates that legislation alone cannot prevent illicit trafficking without adequate security, trained professionals, databases, public awareness, enforcement capacity, and sufficient institutional resources. Similarly, research on the antiquities market shows that weak due diligence and opaque provenance practices can permit looted material to migrate into legitimate institutions and markets even where formal legal rules exist (Mackenzie, 2005; Giroud & Boudry, 2015; Brodie et al., 2021; Saymour, 2025). Thus, practical effectiveness is determined by the interaction between law and institutional capability. The United Arab Emirates provides an important national context for examining this relationship. Federal Law No. 11 of 2017 concerning antiquities establishes mechanisms relating to the protection, registration, possession, movement, import, export, and recovery of archaeological and cultural property. The source study identifies considerable correspondence between the preventive and cooperative principles of UNESCO 1970 and the UAE framework, particularly concerning registers, controls over movement, and cooperation with competent authorities (United Arab Emirates, 2017). Local cultural-heritage legislation, including legislation in Abu Dhabi and Sharjah, further supplements the federal framework and reflects the country's multi-level governance of cultural heritage.

Several mechanisms bridge international obligations and effective protection. The first is domestic legislative alignment: international standards must be translated into enforceable

national rules concerning ownership, export, import, registration, trafficking, acquisition, sanctions, and recovery (Shyllon, 2014; Taşdelen, 2016). The second is preventive documentation. Inventories, export certificates, museum records, archaeological registers, and stolen-object databases provide evidentiary foundations for detection and restitution (UNESCO, 2015; INTERPOL, 2026). The third is institutional enforcement, which requires specialised cultural authorities, trained customs and police personnel, judicial mechanisms, and professional due diligence (Giroud & Boudry, 2015; Manacorda & Chappell, 2011). The fourth mechanism is international cooperation. Illicit trafficking is inherently transnational and therefore requires information exchange, customs and police cooperation, diplomatic communication, database interoperability, and collaboration with institutions such as UNESCO, INTERPOL, ICOM, and the World Customs Organization (Bouchenaki, 2009; UNESCO, 2015; INTERPOL, 2026). The fifth is return and restitution capacity. When preventive systems fail, effective recovery depends on legal claims, documentation, provenance evidence, international cooperation, applicable national law, and procedures capable of returning unlawfully transferred objects (Taşdelen, 2016; Mattez, 2023).

These mechanisms reveal an important theoretical and legal gap. Much treaty analysis concentrates on substantive provisions, ratification, or formal legislative incorporation. However, formal conformity is not necessarily equivalent to operational effectiveness. Recent scholarship continues to identify persistent difficulties involving enforcement, provenance, divergent domestic rules, good-faith purchasers, non-retroactivity, online markets, and the practical administration of return claims (Haertel, 2022; Iosifidou & Stamatoudi, 2025). Accordingly, treaty effectiveness should be examined as an implementation chain in which international norms must become domestic law, institutional capability, preventive controls, cross-border cooperation, and ultimately protection or restitution outcomes. Accordingly, this study aims to examine the effectiveness of international conventions in combating the illicit trafficking of cultural property, with particular emphasis on the UNESCO 1970 Convention and its integration with UAE legislation. Specifically, the study analyses the international legal mechanisms governing illicit trafficking; examines preventive, regulatory, cooperative, and restitution mechanisms under UNESCO 1970; evaluates their relationship with UAE Federal Law No. 11 of 2017; and develops an integrated framework explaining how international obligations are translated into effective national cultural-property protection.

Literature Review

Cultural Property and the Problem of Illicit Trafficking

Cultural property encompasses objects whose archaeological, historical, artistic, scientific, religious, ethnological, literary, or cultural importance gives them significance extending beyond ordinary commercial goods. Article 1 of UNESCO 1970 identifies broad categories including archaeological discoveries, antiquities, works of art, manuscripts, archives, ethnological materials, and historical objects (UNESCO, 1970). Cultural-property scholarship similarly emphasises that these objects operate simultaneously as material goods, evidence of the past, symbols of identity, and resources through which communities understand cultural continuity (Forrest, 2010; Stamatoudi, 2011; Liu, 2016). The distinctive nature of cultural property explains why illicit trafficking produces harms beyond monetary loss. Illegal excavation can destroy stratigraphy and archaeological context, while the removal of cultural objects separates them from the information required to interpret their historical meaning.

Once cultural objects are decontextualised and circulate primarily as commodities, archaeological knowledge may be permanently lost (Brodie et al., 2001; Campbell, 2013; Koush, 2025). This distinguishes cultural-property crime from ordinary theft: the harm may affect collective knowledge and cultural identity even if the physical object is eventually recovered.

The illicit trade also links source, transit, and destination states. Looters, smugglers, intermediaries, dealers, auction houses, collectors, and institutions may perform distinct functions within the same trafficking chain. Mackenzie et al. (2019) describe this as a grey market in which legal and illegal objects and practices are intermingled, while Campbell (2013) characterises the illicit antiquities trade as a transnational criminal network. These perspectives demonstrate why legal intervention must address not only the initial theft or excavation but also the processes through which objects are laundered into legitimate circulation. Reliable policy also requires caution regarding the scale of the problem. Yates and Brodie (2023) demonstrate that frequently repeated claims describing antiquities trafficking as the world's 'third-largest illicit trade' lack a sound evidentiary foundation. This caution is important because effective regulation should be based on credible data rather than sensationalised estimates. Emerging systematic research similarly identifies fragmented evidence and geographical bias in quantitative research on the illicit cultural-object trade (Brodie et al., 2026).

The UNESCO 1970 Convention

UNESCO 1970 is the central international instrument examined in this study. Its purpose is to prohibit and prevent illicit import, export, and transfer of ownership of cultural property while strengthening cooperation among States Parties (UNESCO, 1970). The Convention emerged in response to growing concern that domestic export restrictions and cultural-property laws were frequently ineffective once objects crossed borders. It therefore sought to establish shared responsibilities extending from source-state protection to importing-state cooperation (O'Keefe, 2007; Prott, 2011). The Convention is significant because it treats illicit trafficking as a problem requiring legal, administrative, educational, and institutional responses. Articles 5 and 14, for example, envision national services for cultural-heritage protection supported by qualified personnel and adequate resources. The implementation literature therefore treats national institutions as essential to treaty effectiveness rather than merely ancillary mechanisms (Shyllon, 2014).

Three broad dimensions structure the Convention: prevention, cooperation, and return or restitution. Prevention concerns inventories, certification, acquisition controls, sanctions, and national heritage services. Cooperation recognises that trafficking crosses borders and requires communication and mutual assistance. Return and restitution address situations in which preventive mechanisms have failed and cultural objects have already been unlawfully transferred (UNESCO, 1970, 2015; Bouchenaki, 2009). The Convention has also exercised normative influence beyond formal treaty obligations. Gerstenblith (2013) explains how 1970 became a widely used acquisition threshold for archaeological material, especially within museum and professional policies. This demonstrates a broader effect of international law: treaty standards can influence professional ethics and market expectations even where a particular transaction is not directly governed by treaty provisions.

Preventive Measures, Inventories and Documentation

Preventive regulation represents one of the strongest components of the UNESCO framework. States are expected to establish cultural-heritage services, maintain inventories, create legal and administrative controls, supervise exports, and impose appropriate penalties for violations (UNESCO, 1970, 2015). Shyllon (2014) argues that effective implementation additionally requires museum security, staff capacity, law-enforcement training, databases, public awareness, and adequate institutional funding. Inventories and national registers are particularly important because an undocumented object is substantially more difficult to identify and recover. Records can demonstrate that an object existed in a collection or archaeological context before disappearance and can support identification by customs, police, museums, dealers, auction houses, and foreign authorities. INTERPOL's Stolen Works of Art Database demonstrates the continuing importance of structured documentation and international access to object information in contemporary enforcement (INTERPOL, 2026). Export certification is another preventive mechanism. Requiring documentary authorisation for lawful export helps importing authorities and market participants distinguish legitimate movement from potentially illicit transactions. Yet certification is effective only when cultural authorities, customs agencies, and market actors recognise and verify the relevant documentation. Preventive law must therefore operate as an institutional system rather than as a formal paper requirement (UNESCO, 2015; Manacorda & Chappell, 2011). The UAE framework reflects this preventive logic by incorporating registration, documentation, and regulatory control over the movement of antiquities (United Arab Emirates, 2017). In legal-effectiveness terms, documentation should therefore be treated as a form of enforcement infrastructure because it enables later detection, investigation, proof, and restitution.

Museums, Markets and Due Diligence

Museums and art-market actors occupy a critical position in the trafficking chain because illegally excavated or stolen objects may eventually enter apparently legitimate commercial and institutional settings. Market demand can create incentives for looting, while weak provenance requirements can allow illicit objects to acquire an appearance of legitimacy (Mackenzie, 2005; Brodie et al., 2021; Saymour, 2025). The UNESCO framework encourages museums and similar institutions to avoid acquiring cultural property that has been illegally exported. Professional codes and acquisition policies have increasingly adopted provenance requirements consistent with the post-1970 standard (Gerstenblith, 2013; ICOM, 2017). The importance of this approach lies in shifting responsibility from source-state enforcement alone toward the institutions and purchasers that generate demand.

Due diligence is particularly important because the physical possession or commercial availability of an object does not demonstrate lawful ownership or export. Giroud and Boudry (2015) emphasise that due diligence in art transactions involves questions of ownership, authenticity, provenance, and the circumstances of transfer. UNIDROIT 1995 similarly links compensation to a possessor's demonstration that due diligence was exercised when an object was acquired (UNIDROIT, 1995). Recent work on provenance further complicates the assumption that documentation always guarantees legitimacy. Saymour (2025) shows how provenance itself can be strategically constructed by intermediaries to legitimise looted cultural objects. This suggests that effective due diligence must evaluate the quality, continuity, and credibility of provenance evidence rather than merely the presence of documents.

International Cooperation and Information Exchange

International cooperation is indispensable because no single jurisdiction controls the entire trafficking process. UNESCO 1970 therefore treats cooperation as a central mechanism of cultural-property protection (UNESCO, 1970). Practical cooperation may include customs alerts, police databases, exchange of inventories and object information, diplomatic communication, coordinated investigations, expert assistance, and bilateral agreements (Bouchenaki, 2009; Taşdelen, 2016). INTERPOL and ICOM provide particularly important institutional infrastructure. INTERPOL's database allows authorised users to search records of stolen cultural objects and provides law-enforcement agencies with an international information tool (INTERPOL, 2026). ICOM Red Lists, although not inventories of stolen objects, identify categories of cultural property vulnerable to illicit trafficking and assist customs, police, and market actors in recognising at-risk material (ICOM, 2020). The effectiveness of cooperation depends on speed, interoperability, and trust. Delays in information exchange may allow objects to be resold, transported to another jurisdiction, or provided with an altered provenance narrative. Cross-border cultural-property enforcement therefore requires institutional relationships that already exist before a specific case arises (Manacorda & Chappell, 2011; Mackenzie et al., 2019). The UAE legal framework supports cooperation with competent foreign and international authorities in protecting and recovering cultural property (United Arab Emirates, 2017). This illustrates how international cooperation must be translated into domestic authority before national agencies can act effectively.

Return and Restitution of Cultural Property

Return and restitution provide one of the clearest tests of the practical effectiveness of cultural-property law. Prevention demonstrates whether illicit transfer can be stopped, whereas restitution demonstrates whether national and international systems can respond after a cultural object has already been displaced. UNESCO 1970 establishes mechanisms supporting interstate cooperation in recovery and return, while UNIDROIT 1995 provides more detailed private-law rules concerning restitution and return (UNESCO, 1970; UNIDROIT, 1995; Taşdelen, 2016). Restitution cases can involve difficult questions concerning ownership, export law, evidence, limitation periods, good faith, compensation, and the temporal scope of treaties. The non-retroactivity of UNESCO 1970 is especially important because many high-profile claims involve removals that occurred before the Convention became applicable. Haertel (2022) demonstrates how such claims may instead rely on diplomacy, soft-law mechanisms, or the UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property.

Recent scholarships also show that restitution has expanded beyond strictly enforceable legal claims into questions of ethics, colonial history, identity, and institutional legitimacy (Liu, 2016; Mattez, 2023). This broader landscape does not replace legal analysis but illustrates why return disputes frequently combine hard law, soft law, negotiation, and moral argument (Taşdelen, 2016). Successful restitution nevertheless depends heavily on preceding preventive measures. The object must be identifiable; the claimant requires evidence; authorities must cooperate; and applicable law must provide a procedural pathway. Restitution is therefore not an isolated final step but the result of documentation, detection, investigation, cooperation, and legal action.

The Complementary Role of the Hague and UNIDROIT Conventions

Although UNESCO 1970 is the principal focus, it operates within a broader international legal architecture. The 1954 Hague Convention addresses cultural-property protection during armed conflict and requires safeguarding measures and respect for protected property (Hague Convention, 1954; O'Keefe, 2006). Its protocols and later developments strengthened the relationship between heritage protection, military conduct, and international responsibility. UNIDROIT 1995 was developed to complement the UNESCO regime by addressing private-law obstacles concerning stolen and illegally exported cultural objects. It establishes a direct restitution obligation for stolen cultural objects and creates return mechanisms for illegally exported objects subject to specified conditions (UNIDROIT, 1995; Prott, 1997). It also places due-diligence expectations on possessors seeking compensation. The interaction among Hague 1954, UNESCO 1970, and UNIDROIT 1995 demonstrates that cultural-property protection requires multiple legal tools. Public international law, private law, humanitarian law, national heritage law, and professional ethics address different stages and circumstances of cultural-property loss (Stamatoudi, 2011; Nafziger & Paterson, 2014; Taşdelen, 2016).

UAE National Legislation and International Legal Alignment

UAE Federal Law No. 11 of 2017 concerning antiquities provides the principal national framework considered in this study. Its significance lies not simply in the existence of domestic heritage legislation but in the extent to which it translates international principles into national regulatory mechanisms (United Arab Emirates, 2017). The law provides for the protection and registration of antiquities and regulates matters concerning possession, discovery, movement, and export. These mechanisms correspond with central elements of UNESCO 1970 concerning national services, inventories, protection, and control of unlawful movement. They also create the domestic legal authority required for institutions to act against suspected trafficking. The federal framework is supplemented by local heritage legislation and cultural authorities within individual emirates. This multi-level arrangement reflects the institutional structure of heritage governance in the UAE and creates opportunities for specialised local implementation alongside federal coordination.

The UAE case therefore illustrates a central argument of this study: international norms acquire practical force only when they are translated into national rules, administrative responsibilities, and enforcement mechanisms. Legislative alignment is consequently an intermediary stage between treaty commitment and cultural-property protection outcomes.

Legal Effectiveness and the Implementation Gap

The central gap emerging from literature concerns the difference between international normative effectiveness and operational effectiveness. A convention may be normatively influential when it establishes principles, definitions, shared expectations, and model behaviours. UNESCO 1970 has clearly exercised such influence through national legislation, professional acquisition standards, bilateral agreements, and the broader international recognition of illicit trafficking as a cultural-heritage problem (Prott, 2011; Shyllon, 2013; Gerstenblith, 2013). Operational effectiveness, however, requires implementation. Cultural authorities require staff and resources; museums need inventories and acquisition controls; customs and police require specialist expertise; databases must be current; prosecutors and courts require appropriate legal tools; and restitution requests require evidence and

cooperation (Shyllon, 2014; Manacorda & Chappell, 2011). Market behaviour creates an additional implementation challenge. Research demonstrates that grey-market practices, opacity, weak due diligence, and the legitimising role of intermediaries can weaken formal legal controls (Mackenzie et al., 2019; Brodie et al., 2021; Saymour, 2025). Recent legal assessment also identifies continuing challenges involving divergent national laws, good-faith acquisition, provenance, enforcement, and non-retroactivity (Iosifidou & Stamatoudi, 2025). The present study therefore conceptualises effectiveness through an integrated process:

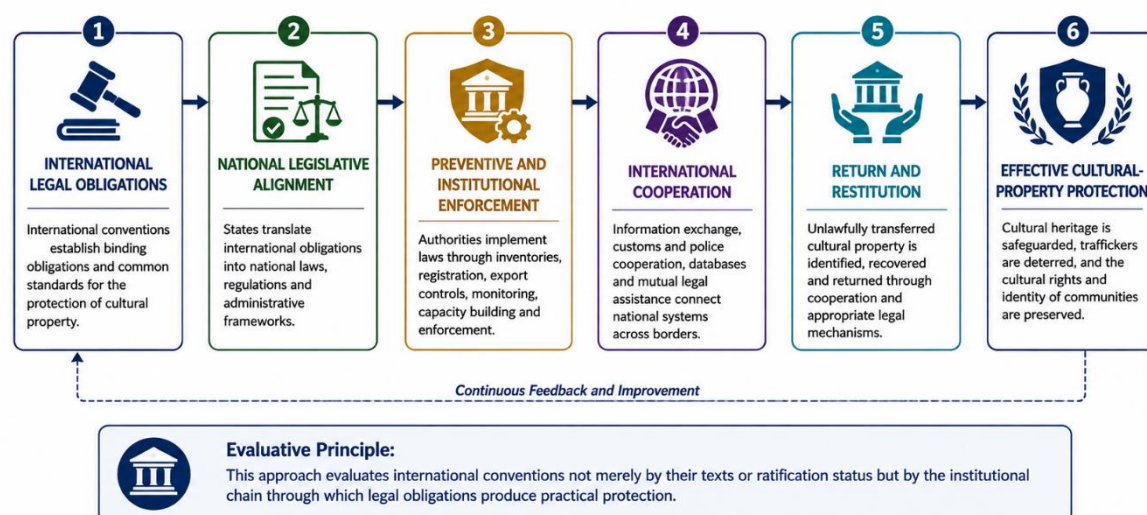


Fig 1: Integrated Process of Effectiveness in Combating Illicit Trafficking of Cultural Property

Methodology

This study employs a qualitative descriptive-analytical, doctrinal, and comparative legal research design. Doctrinal research is appropriate because the study examines legal norms, obligations, institutional mechanisms, and relationships among international conventions and domestic legislation rather than testing statistical relationships among variables (Hutchinson & Duncan, 2012). Documentary analysis is used to organise and interpret legal, regulatory, institutional, and scholarly materials (Bowen, 2009). The primary units of analysis comprise the UNESCO 1970 Convention on illicit import, export and transfer of ownership of cultural property, the 1954 Hague Convention, the 1995 UNIDROIT Convention, and UAE Federal Law No. 11 of 2017 concerning antiquities. Relevant UNESCO operational guidelines, INTERPOL and ICOM materials, and established academic literature on trafficking, provenance, due diligence, implementation, and restitution are used to contextualise the legal analysis. The analysis is organised around five legal-effectiveness dimensions: (1) international normative protection, (2) national legislative alignment, (3) preventive and institutional enforcement, (4) international cooperation and information exchange, and (5) return and restitution. A comparative approach assesses the correspondence between international obligations and UAE legal mechanisms, while deductive analysis integrates the dimensions into a legal-effectiveness framework. As a doctrinal and documentary legal study, the research does not involve human respondents, questionnaires, statistical sampling, or quantitative hypothesis testing.

Results and Discussion

UNESCO 1970 Established a Strong International Normative Foundation

The first finding indicates that UNESCO 1970 has been effective in establishing a common international normative framework for combating illicit cultural-property trafficking. Before effective international coordination, states could regulate archaeological objects and cultural property domestically, but differences among national systems created substantial obstacles after objects crossed borders. UNESCO 1970 addressed this gap by establishing shared principles concerning illicit import, export, transfer of ownership, national services, documentation, cooperation, and return (UNESCO, 1970; Prott, 2011; Shyllon, 2013). Its significance extends beyond individual restitution cases. The Convention helped institutionalise the principle that illicit trafficking impoverishes the cultural heritage of countries of origin and that international cooperation constitutes an essential means of protection. This normative impact is visible in the subsequent development of national legislation, professional museum standards, international guidelines, and bilateral arrangements (Gerstenblith, 2013; Shyllon, 2014). The finding suggests that normative effectiveness should constitute the first dimension of treaty effectiveness. An international convention can shape legal expectations and professional behaviour even when its provisions do not automatically resolve every trafficking or restitution dispute. Yet normative success should not be mistaken for complete operational effectiveness (Bouchenaki, 2009; Iosifidou & Stamatoudi, 2025).

National Legislative Alignment Converts International Norms into Domestic Law

The second finding is that international conventions become operational principally through national implementation. Treaty provisions typically require national legislation and administrative mechanisms because the institutions that regulate cultural objects—customs authorities, police, museums, cultural ministries, prosecutors, and courts—derive their immediate authority from domestic law (Shyllon, 2014; Taşdelen, 2016). UAE Federal Law No. 11 of 2017 demonstrates substantial alignment with the preventive objectives of UNESCO 1970. The law addresses protection and registration of antiquities and regulates relevant aspects of possession, movement, and export, thereby translating international principles into domestic legal responsibilities (United Arab Emirates, 2017). The establishment of records and regulatory controls is particularly important because national law determines whether authorities possess a legal basis to identify, stop, seize, investigate, or recover cultural property. Accordingly, ratification or international commitment should not constitute the sole measure of effectiveness. The critical intermediary mechanism is domestic legal translation. The relationship can therefore be expressed as International obligation → domestic legislation → enforceable institutional responsibility. Where the middle stage is incomplete, international commitments risk remaining aspirational rather than operational.

Prevention Is More Effective When Legal Control Is Combined with Documentation

The third finding concerns preventive effectiveness. UNESCO 1970 and the UAE framework demonstrate that cultural-property protection should begin before trafficking occurs. Inventories, national registers, export controls, museum documentation, and regulatory supervision provide mechanisms through which suspicious movement can be identified (UNESCO, 2015; United Arab Emirates, 2017). Documentation is particularly important because restitution becomes more difficult when an object lacks reliable evidence of origin, ownership, collection history, or lawful export. INTERPOL's continued reliance on detailed

object records and searchable databases demonstrates that documentation remains a core enforcement tool in contemporary cultural-property policing (INTERPOL, 2026). This finding is also consistent with market scholarship. Due diligence and provenance verification are substantially more effective where credible records exist, whereas opaque or incomplete provenance can facilitate the entry of illicit material into legitimate markets (Giroud & Boudry, 2015; Saymour, 2025). Documentation should therefore not be treated merely as an administrative activity. It constitutes a legal-enforcement capability linking prevention with detection, proof, market due diligence, investigation, and restitution.

International Cooperation Determines Operational Effectiveness

The fourth and perhaps most important finding is that international cooperation operates as the bridge between national legal systems. A state can regulate objects within its territory, but once an illegally exported object crosses a border, enforcement depends increasingly on cooperation with foreign authorities (Bouchenaki, 2009; Taşdelen, 2016).

Information exchange, customs coordination, police cooperation, international databases, diplomatic communication, and judicial assistance consequently determine whether international rules produce practical outcomes. INTERPOL and ICOM provide important institutional mechanisms through which national authorities can identify and communicate information concerning vulnerable or stolen cultural objects (ICOM, 2020; INTERPOL, 2026). The UAE framework supports cooperation with competent authorities and therefore provides a national legal basis for participation in cross-border cultural-property protection (United Arab Emirates, 2017). This demonstrates why cooperation should not be viewed as a supplementary feature of UNESCO 1970 but as an effectiveness multiplier linking domestic enforcement systems.

The broader trafficking literature reinforces this conclusion. Because illicit antiquities markets operate through source, transit, and destination networks, fragmented national enforcement can be exploited by traffickers and intermediaries (Campbell, 2013; Mackenzie et al., 2019). International cooperation therefore reduces jurisdictional gaps that would otherwise weaken national law.

Restitution Represents the Ultimate Test of the Legal Framework

The fifth finding is that return and restitution provide an important practical test of international cultural-property protection. UNESCO 1970 creates an interstate cooperative framework, while UNIDROIT 1995 supplements this with more detailed private-law restitution and return rules (UNESCO, 1970; UNIDROIT, 1995). Successful restitution depends on several preceding conditions. The object must be identifiable; documentation should support the claim; relevant authorities must cooperate; applicable law must permit appropriate action; and sufficient evidence must exist concerning theft or unlawful export. Consequently, restitution is not an isolated final procedure but the culmination of the entire protection architecture. The legal complexity of restitution also explains the importance of hard-law and soft-law mechanisms. Many claims concern removals that predate the applicable treaties, and non-retroactivity can limit formal treaty remedies (Haertel, 2022). In such circumstances, negotiation, ethics, diplomacy, institutional policy, and UNESCO-mediated processes may complement strictly enforceable legal remedies (Taşdelen, 2016; Mattez, 2023).



Fig 2: Restitution Represents the Ultimate Test of the Legal Framework

The Integrated Cultural-Property Protection Effectiveness Framework

Synthesising the findings produces an integrated framework consisting of five interconnected components.

The first component is international normative protection. International conventions establish common principles, obligations, definitions, and expectations governing cultural-property protection (UNESCO, 1970; Hague Convention, 1954; UNIDROIT, 1995). The second component is national legislative alignment. States translate international obligations into domestic legislation governing ownership, registration, import, export, trafficking, documentation, sanctions, and institutional authority (Shyllon, 2014; United Arab Emirates, 2017). The third component is preventive and institutional enforcement. Cultural authorities, customs agencies, police, museums, market actors, courts, inventories, databases, and documentation systems transform legal rules into operational protection (Manacorda & Chappell, 2011; Giroud & Boudry, 2015; INTERPOL, 2026). The fourth component is international cooperation. Information exchange, police and customs cooperation, international organisations, diplomatic mechanisms, databases, bilateral arrangements, and mutual assistance connect otherwise separate national enforcement systems (Bouchenaki, 2009; Campbell, 2013).

The fifth component is return and restitution effectiveness. When preventive mechanisms fail, the preceding components collectively determine whether unlawfully transferred cultural property can be identified and recovered (Taşdelen, 2016; Mattez, 2023). Accordingly, the framework is represented as: International Conventions → National Legislative Alignment → Preventive & Institutional Enforcement → International Cooperation → Return & Restitution → Effective Cultural-Property Protection. The model should not be interpreted as entirely linear. Restitution experiences can expose weaknesses in documentation, legislation, enforcement, or cooperation and thereby generate improvements in earlier stages. Likewise, changes in trafficking methods or market practices can require new forms of preventive control.

The UAE case provides support for this integrated interpretation. The country has established legislation corresponding with significant UNESCO principles, including protection, registration, movement controls, and institutional responsibilities. However, the transnational nature of cultural-property trafficking means that national law can reach its full effectiveness only through sustained international cooperation. The principal implication is therefore that the effectiveness of an international convention cannot be evaluated solely by its text or by the number of States Parties. Effectiveness depends on whether international

norms generate domestic legislation, whether that legislation creates operational institutional capabilities, whether national systems cooperate across borders, and whether those mechanisms ultimately prevent trafficking or facilitate restitution (Shyllon, 2014; Iosifidou & Stamatoudi, 2025).



Figure 3. Integrated Cultural-Property Protection Effectiveness Framework

Contributions of the Study

This study makes several legal, theoretical, policy, and practical contributions. First, it contributes to international cultural-heritage law by distinguishing between normative treaty effectiveness and operational treaty effectiveness. UNESCO 1970 can be regarded as normatively influential because it established internationally recognised principles concerning prevention, import and export controls, documentation, cooperation, and restitution. However, operational effectiveness depends on the ability of States Parties to translate those principles into functioning national systems (Bouchenaki, 2009; Shyllon, 2014). Second, the study develops an Integrated Cultural-Property Protection Effectiveness Framework connecting international conventions, national legislative alignment, preventive and institutional enforcement, international cooperation, and restitution. This moves beyond evaluating international conventions primarily through ratification or textual legal analysis. The framework explains effectiveness as a multi-stage legal and institutional process and responds to contemporary concerns regarding continuing enforcement and implementation gaps (Iosifidou & Stamatoudi, 2025).

Third, the study positions national legislation as the mediating legal mechanism between international norms and protection outcomes. International conventions establish obligations, but customs officials, police agencies, museums, cultural authorities, courts, dealers, and other actors generally exercise authority through domestic law. National implementation therefore determines whether international norms become operational

(Shyllon, 2014; Taşdelen, 2016). Fourth, the study contributes to UAE cultural-heritage policy by demonstrating the relationship between UNESCO 1970 and Federal Law No. 11 of 2017. The analysis indicates substantive alignment in areas including protection, registration, movement of antiquities, and institutional authority. This provides an analytical basis for understanding the UAE legal framework as a national implementation mechanism rather than as an isolated domestic statute.

From a practical perspective, the framework demonstrates that investment in inventories, documentation, databases, customs capability, professional training, provenance verification, inter-agency coordination, and international information exchange should be understood as part of legal effectiveness rather than merely administrative support (Shyllon, 2014; Giroud & Boudry, 2015; INTERPOL, 2026). The principal contribution is therefore a shift from asking whether international conventions prohibit illicit trafficking to asking how international conventions become effective in preventing trafficking and facilitating restitution. This provides a stronger analytical basis for evaluating cultural-property protection across different legal systems.

Limitations and Future Research

This study has several limitations. First, it is based primarily on doctrinal, comparative, and documentary legal analysis and therefore does not empirically measure enforcement outcomes. Second, the national analysis focuses on the UAE, limiting direct generalisation to jurisdictions with different legal and institutional systems. Third, the study concentrates principally on UNESCO 1970 while treating the Hague and UNIDROIT Conventions as complementary instruments.

Future research should empirically evaluate the framework through interviews with cultural authorities, customs officials, police agencies, museum professionals, art-market participants, and legal practitioners. Comparative studies across GCC countries could determine whether differences in national implementation influence protection and restitution outcomes. Further research should also examine online trafficking, social-media marketplaces, digital provenance systems, artificial intelligence for object identification, cross-border database interoperability, and the evidentiary challenges created by digitally mediated markets. Recent work on grey and irregularly regulated collecting markets indicates that trafficking practices continue to evolve alongside technological and market change (Mackenzie et al., 2024; Iosifidou & Stamatoudi, 2025).

Conclusion

Illicit trafficking of cultural property represents a transnational threat to cultural heritage, national identity, historical knowledge, and the integrity of archaeological and cultural collections. UNESCO 1970 established an important international framework by connecting preventive regulation, national responsibility, international cooperation, and return and restitution. The analysis demonstrates, however, that international conventions cannot achieve their objectives through formal legal obligations alone. Their effectiveness depends on translation into national legislation, institutional enforcement, documentation systems, border controls, information exchange, due diligence, and international cooperation. The UAE provides an important example through Federal Law No. 11 of 2017, which incorporates mechanisms corresponding with significant preventive and regulatory principles of UNESCO

1970. The study therefore proposes an integrated framework in which international obligations, national legislative alignment, preventive enforcement, international cooperation, and restitution operate as interconnected dimensions of cultural-property protection. Effective protection ultimately depends not simply on the existence of international conventions but on the capacity of states and institutions to convert those conventions into coordinated legal and operational action. Theoretically, this study extends existing knowledge by demonstrating that the effectiveness of UNESCO 1970 depends not only on international legal obligations but also on their integration with national legislation, institutional enforcement, cooperation, and restitution mechanisms. Contextually, the UAE case illustrates how these international principles can be translated into national legal and operational practices through Federal Law No. 11 of 2017. Thus, the study contributes an integrated perspective linking international norms with national implementation for more effective cultural-property protection.

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