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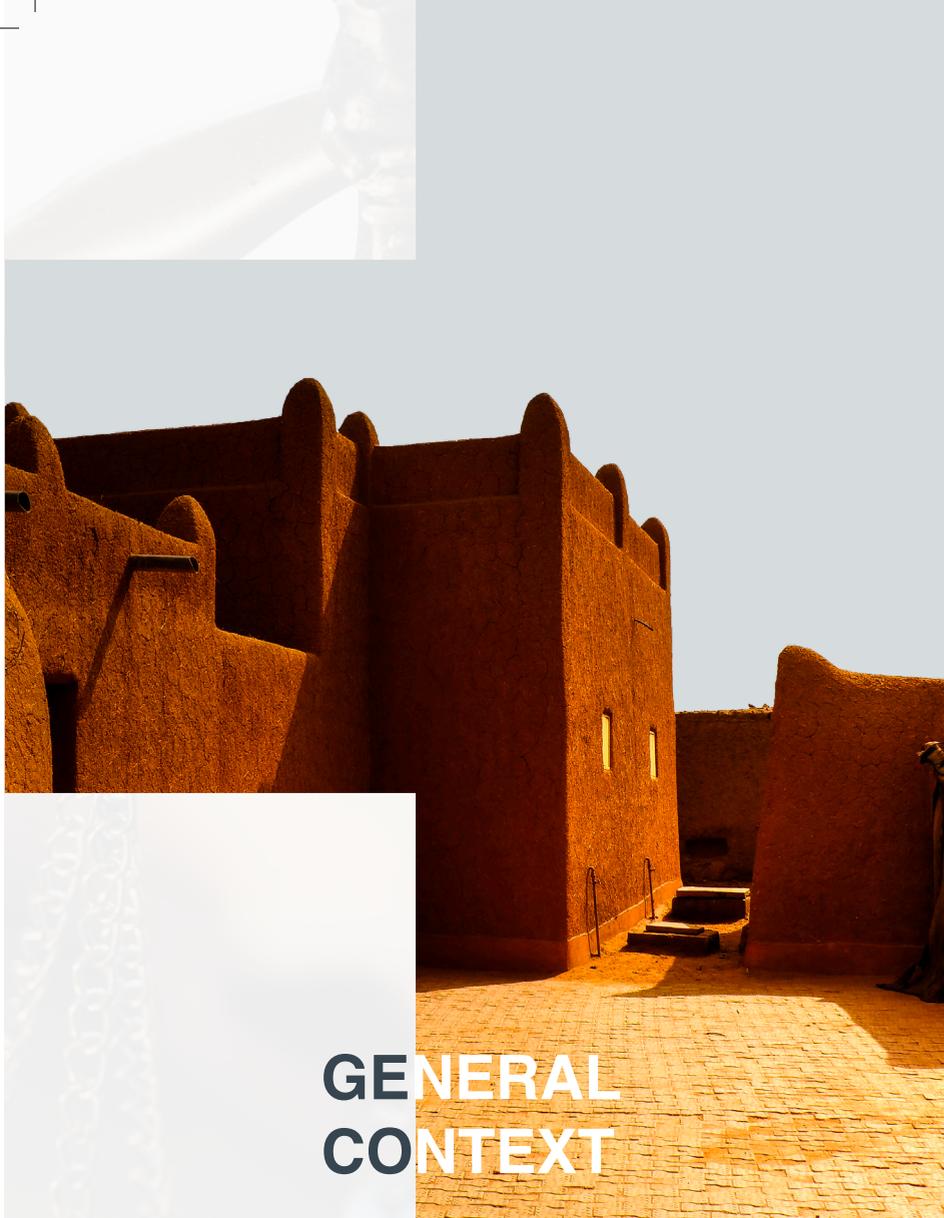
ICESCO Chair for

International Law and Cultural Property





ICESCO Chair for
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and Cultural Property**



GENERAL CONTEXT

The international concern for the protection of cultural heritage began to take shape in the early 20th century, driven by the devastating consequences of the two World Wars, which caused widespread destruction to cultural landmarks and properties in conflict zones. In the aftermath of these catastrophes, the international community realized that cultural heritage is not merely material property, but a reflection of the identity and historical memory of peoples,

warranting the need for international legal protection—especially during armed conflicts.

In this context, the initial legal foundations for the protection of cultural heritage were laid with the 1907 Hague Convention, which included provisions for safeguarding cultural property during wars. However, the interest in this issue deepened significantly after World War II, which resulted in extensive destruction of heritage sites across Europe. This led the international community to adopt the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, which marked a pivotal shift by establishing the principle of collective responsibility among states for heritage protection and introducing international mechanisms for accountability.

As part of efforts to strengthen this legal framework, UNESCO adopted the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. This convention serves as a key reference in combating the illicit trafficking of cultural properties, obliging state parties to take legal and regulatory measures to prevent smuggling and facilitate the return of cultural property to their countries of origin.

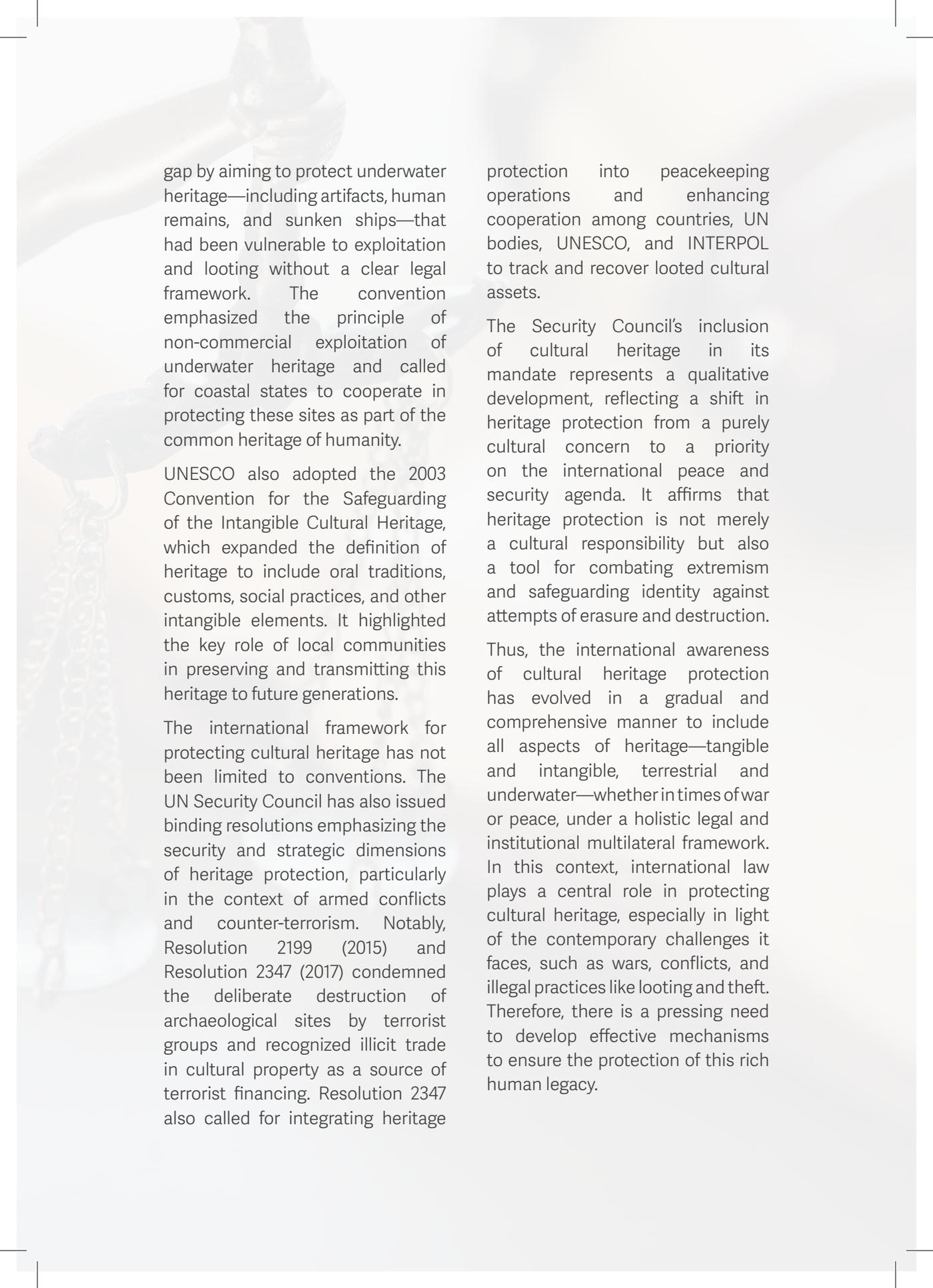
In this context, the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law (UNIDROIT), serves as a complementary and

reinforcing instrument within the international framework for the protection of cultural heritage. This convention filled legal gaps that remained in the 1970 UNESCO Convention, by placing special emphasis on the private dimension of the issue—regulating the return of cultural objects at the level of transactions between individuals and private entities, not only between states.

It is the first international legal instrument of its kind to grant direct legal mechanisms to rightful owners—whether individuals or institutions—to claim the restitution of their cultural property. It also established key legal principles, such as the unconditional return of stolen cultural objects, and the limitation of the «good faith» defense in the acquisition of such objects, thereby discouraging the black market and illicit trade in cultural property.

The 1995 UNIDROIT Convention thus marked a significant step forward in strengthening the legal protection of cultural property by bridging private international law and public international law, and by opening new avenues for cooperation among states and non-governmental actors, including museums, art dealers, and cultural institutions. Its aim is to curb the trafficking and sale of looted cultural property and to ensure its return to its country of origin.

Later, the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage addressed a legal



gap by aiming to protect underwater heritage—including artifacts, human remains, and sunken ships—that had been vulnerable to exploitation and looting without a clear legal framework. The convention emphasized the principle of non-commercial exploitation of underwater heritage and called for coastal states to cooperate in protecting these sites as part of the common heritage of humanity.

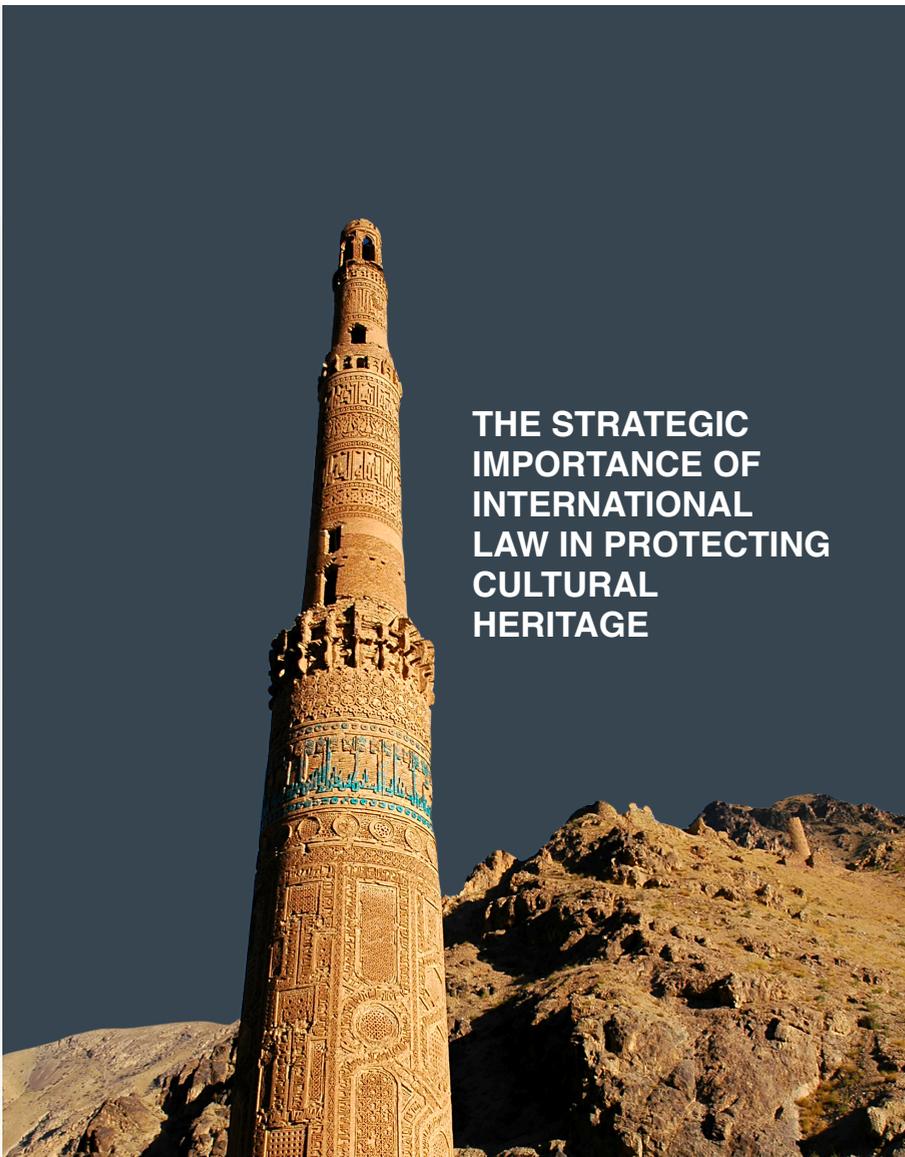
UNESCO also adopted the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, which expanded the definition of heritage to include oral traditions, customs, social practices, and other intangible elements. It highlighted the key role of local communities in preserving and transmitting this heritage to future generations.

The international framework for protecting cultural heritage has not been limited to conventions. The UN Security Council has also issued binding resolutions emphasizing the security and strategic dimensions of heritage protection, particularly in the context of armed conflicts and counter-terrorism. Notably, Resolution 2199 (2015) and Resolution 2347 (2017) condemned the deliberate destruction of archaeological sites by terrorist groups and recognized illicit trade in cultural property as a source of terrorist financing. Resolution 2347 also called for integrating heritage

protection into peacekeeping operations and enhancing cooperation among countries, UN bodies, UNESCO, and INTERPOL to track and recover looted cultural assets.

The Security Council's inclusion of cultural heritage in its mandate represents a qualitative development, reflecting a shift in heritage protection from a purely cultural concern to a priority on the international peace and security agenda. It affirms that heritage protection is not merely a cultural responsibility but also a tool for combating extremism and safeguarding identity against attempts of erasure and destruction.

Thus, the international awareness of cultural heritage protection has evolved in a gradual and comprehensive manner to include all aspects of heritage—tangible and intangible, terrestrial and underwater—whether in times of war or peace, under a holistic legal and institutional multilateral framework. In this context, international law plays a central role in protecting cultural heritage, especially in light of the contemporary challenges it faces, such as wars, conflicts, and illegal practices like looting and theft. Therefore, there is a pressing need to develop effective mechanisms to ensure the protection of this rich human legacy.



THE STRATEGIC IMPORTANCE OF INTERNATIONAL LAW IN PROTECTING CULTURAL HERITAGE

International law is a cornerstone of the global framework for protecting cultural heritage. It plays a pivotal role in establishing the principles of collective protection, recognizing heritage as part of humanity's shared memory and a core component of cultural identity. Through its legal instruments—multilateral conventions and enforcement mechanisms from international organizations—international law provides the means to safeguard cultural heritage from threats and ensure its continuity as a shared human legacy that transcends borders.

Moreover, international law reinforces the link between heritage protection and sustainable development, supporting social cohesion, promoting cultural diversity, and enabling communities to build their future by drawing from their historical roots.



CURRENT CHALLENGES IN CULTURAL HERITAGE PROTECTION

Despite the advancement of the international legal framework, cultural heritage continues to face several pressing challenges requiring coordinated responses and intensive cooperation among states and relevant organizations. Key challenges include:

1. Armed Conflicts and Deliberate Destruction

Wars and internal conflicts in various parts of the Islamic world cause severe damage to heritage sites—either through deliberate attacks or as collateral damage during military operations. For example:

- In Syria, the Old City of Aleppo and the Temple of Bel in Palmyra were extensively destroyed by shelling and deliberate vandalism.
- In Yemen, historic cities like Sana'a and Shibam Hadramaut were severely affected by armed conflict.
- In Mali, ancient libraries in Timbuktu were destroyed in an effort to erase long-standing cultural identity.

These acts often aim to erase the identity and memory of specific communities, making the protection of cultural heritage in conflict zones a top humanitarian and legal priority requiring urgent international intervention.

2. Illicit Trafficking of Cultural Property

Illicit trade in cultural property is among the most serious threats, with organized transnational smuggling networks transferring artifacts from their countries of origin to the global art market. This practice not only results in the irreparable loss of cultural memory but also sometimes funds extremist groups, amplifying its security and cultural implications.

In the digital age, online platforms have further worsened the issue by facilitating illegal sales and complicating the tracing of item origins. There is a pressing need to enhance international cooperation for the recovery of stolen items and prosecution of trafficking networks to safeguard the world's cultural heritage.

3. Impacts of Climate Change

Natural threats, especially those resulting from climate change, are increasingly threatening heritage sites through rising sea levels, floods, and extreme weather—particularly in coastal or desert areas, or at sites made of fragile traditional materials.

4. Digital Challenges in the Information Age

With accelerating digitization efforts to preserve and share heritage content, new digital threats have emerged:

- Cyberattacks targeting digital archives and heritage databases
- Advanced forgery using technologies like 3D printing to fake artifacts for sale on the black market or unregulated digital platforms
- Legal uncertainties around intellectual property, digital access rights, and balancing protection with access to knowledge

Addressing these requires modern legal frameworks and enhanced state capacities to protect heritage data in digital environments.

5. Globalization and the Threat to Cultural Identity

While globalization facilitates cultural exchange, it can also marginalize local cultures and erode specific cultural identities in favor of dominant global models. Hence, there is a need for legal tools to protect cultural diversity and preserve national and local identities in the face of cultural homogenization.

6. Limited Funding and Institutional Support

Many countries, especially developing ones, suffer from limited financial and human resources for heritage protection, affecting conservation, restoration, and documentation efforts. This necessitates the development of innovative and sustainable funding mechanisms that encourage public-private partnerships and international solidarity.



CURRENT CHALLENGES IN CULTURAL HERITAGE PROTECTION

In light of these intertwined challenges, the Islamic World Educational, Scientific and Cultural Organization (ICESCO), in line with its mission to preserve cultural heritage and promote cooperation among its Member States, has launched a number of initiatives focusing on the legal dimension of cultural property protection.

One such initiative is the ICESCO Strategy to Combat Illicit Trafficking in Cultural Property, which highlighted the need to reform legal frameworks at both the national and international levels.

Building on this, the ICESCO Chair for International Law and Cultural Property was established to serve

as a specialized academic platform aimed at advancing legal knowledge, promoting scientific research, and fostering dialogue and cooperation among experts, universities, and institutions concerned with heritage protection.

This chair was created within the framework of the ICESCO Chairs Programme, adopted by Resolution 4.1 of the 14th General Conference of the Organization (Cairo, December 8–9, 2021). The programme seeks to support higher education and research institutions across the Islamic world by creating specialized academic chairs that respond to current priorities and address contemporary challenges in cultural and scientific development.

WHY THE “ICESCO CHAIR FOR INTERNATIONAL LAW AND CULTURAL PROPERTY”?

Given the accelerating challenges facing cultural heritage both regionally and globally, there is a growing need for academic and scientific tools to reinforce legal protection—especially in the Islamic world, which is rich in historic and cultural treasures.

The ICESCO Chair for International Law and Cultural Property was thus launched as part of ICESCO's broader vision. ICESCO is a leading international organization in cultural heritage protection, aiming to foster inclusive and sustainable cultural development across its Member States, while also adapting to global transformations towards a knowledge economy, scientific innovation, and the use of artificial

intelligence—including in digital heritage protection.

This Chair acts as a multi-functional academic platform, designed to strengthen the capacities of Member States through:

- Supporting scientific research
- Training legal experts in international cultural property law
- Deepening understanding of the legal framework
- Equipping policymakers with effective legal tools to address real-world challenges like looting, destruction, and illicit trade.





MISSION

To enhance legal protection of cultural property in Member States by supporting

scientific research, specialized legal education, and academic cooperation in the field of international cultural heritage law.

STRATEGIC OBJECTIVES

- **Support** research in international law related to the protection of cultural property, both theoretically and practically
- **Build** the capacities of academics, researchers, and students in Member States regarding international legal mechanisms
- **Provide** a legal knowledge base to inform public policies related to cultural heritage preservation
- **Promote** comparative legal studies and adapt international models to national contexts
- **Build** research networks and partnerships among universities, legal institutions, and think tanks
- **Organize** training sessions and workshops for graduate students, professionals, and legal practitioners
- **Contribute** to developing national laws that align with international legal commitments
- **Monitor** and engage in emerging legal debates, such as digital cultural ownership, restitution of looted property, and protection of intangible heritage.

STRATEGIC OBJECTIVES

- **Organizing** scientific conferences, international forums, and legal seminars on challenges related to cultural heritage protection
- **Publishing** studies and reports on legal developments in the field at the regional and international levels
- **Launching** academic exchange programmes among relevant institutions
- **Developing** educational and training programmes targeting youth, students, and professionals working in law, heritage, and culture.
- **Grants** for PhD and Master's theses and research in the Islamic world that focus on topics of interest to the Chair.

The **ICESCO Chair for International Law and Cultural Property** is a pioneering initiative aimed at strengthening cultural governance in Member States and fostering legal awareness on the importance of protecting humanity's shared heritage.

It reflects ICESCO's belief in the power of international law as a tool for cultural justice, enabling nations to defend their identity, memory, and heritage in the face of globalization, conflicts, and digital threats.

ICESCO calls on its Member States to actively engage with this initiative by proposing projects to host the Chair. This represents a valuable opportunity to promote specialized academic training, support national cultural property policies, and generate robust legal knowledge that shapes legislation and strengthens regional and international cooperation in this vital field.





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