

ACADEMIE DE DROIT INTERNATIONAL

FONDÉE EN 1923 AVEC LE CONCOURS DE LA  
DOTATION CARNEGIE POUR LA PAIX INTERNATIONALE

# RECUEIL DES COURS

COLLECTED COURSES OF THE HAGUE  
ACADEMY OF INTERNATIONAL LAW

2001

*Tome 288 de la collection*



2002

MARTINUS NIJHOFF PUBLISHERS  
The Hague/Boston/London

## TABLE OF CONTENTS

Introduction . . . . .	17
Chapter I. Historical background of the concept of restitution of works of art as a legal institution . . . . .	24
A. The concept of restitution . . . . .	24
B. Restitution of stolen property . . . . .	28
1. Earliest beginnings . . . . .	28
2. Roman approach . . . . .	35
3. Through medieval concepts towards modern regulations . . . . .	43
C. Restitution of cultural property looted during wars . . . . .	54
D. Repatriation . . . . .	74
E. Return . . . . .	92
Chapter II. Restitution of stolen cultural objects . . . . .	102
A. Solutions at national level . . . . .	102
1. Relatively unlimited restitution . . . . .	103
2. No restitution . . . . .	119
3. Compromising approach . . . . .	124
B. Efforts towards harmonization . . . . .	132
C. The 1995 UNIDROIT Convention . . . . .	145
Chapter III. Restitution of works of art looted in times of war . . . . .	154
A. Restitution law after World War II . . . . .	154
1. Preparatory measures . . . . .	154
2. Allied restitution law . . . . .	157
(a) General principles of restitution . . . . .	159
(b) Restitution in kind . . . . .	168
(c) Internal restitution . . . . .	173
(d) Other questions . . . . .	176
B. Further developments . . . . .	187
C. Restitution of Holocaust Era looted cultural works of art . . . . .	202
Chapter IV. Private international law aspects of the restitution of works of art . . . . .	212
A. Introductory remarks . . . . .	212
B. Classification . . . . .	213
C. <i>Lex rei sitae</i> rule . . . . .	218
D. Recognition of foreign law . . . . .	225
International instruments . . . . .	229
Table of cases . . . . .	232
Bibliography . . . . .	233