



Universiteit  
Leiden  
The Netherlands

## **Cross-border title claims to cultural objects: property or heritage?**

Campfens, E.

### **Citation**

Campfens, E. (2021, November 11). *Cross-border title claims to cultural objects: property or heritage?*. Meijers-reeks. Eleven. Retrieved from <https://hdl.handle.net/1887/3239199>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/3239199>

**Note:** To cite this publication please use the final published version (if applicable).

# Cross-border claims to cultural objects

Property or heritage?

E. CAMPFENS

Cultural objects have a protected status on account of their intangible value, as symbols of an identity. This has been so since the early days of international law, and today there is an extensive legal framework that ensures this protection. Yet, when it comes to claims by former owners to items such as Nazi-looted art, colonial booty, or more recently looted antiquities, the situation is less straightforward. On the one hand, such claims are often not supported by positive law at all. On the other hand, non-binding regulations urge present possessors to find 'just' solutions to claims – not as a legal obligation but as a matter of morality. This raises a fundamental question: if we believe that the application of the law leads to injustice, is it not time to change the way the law is applied?

This study explores how cross-border claims to cultural objects fit in the wider legal framework, and where blind spots or clashes occur. Its aim is to identify new directions that can help further develop this field, with the ultimate aim of fostering just solutions.

*This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School's research programme 'Exploring the Frontiers of International Law'.*