

Post WWII restitution of looted art in the Netherlands  
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This presentation discusses the legislation (several Royal decrees) issued by the Dutch government during the Second World War to counter the looting of art works by the German occupier and German nationals. It discusses the various kinds of 'looting' such as expropriation, forced sales and outright theft, each of which asked for a different legal approach. It shows that the term 'looting' does not have a specific technical meaning. After the war legislation implemented by the German occupier aiming at the expropriation of Jews was declared void by the Dutch government with retroactive effect. Forced sales of art works taken to Germany received a different treatment. The sale and transfer to the German buyer made the buyer owner of these art works. Under the 1944 Royal Decree on enemy property the German owner was expropriated by the Dutch State, so that upon return of the art works in the Netherlands the Dutch State could exercise its ownership rights. The victim of a forced sale then had the opportunity under the 1944 Royal Decree on Restoration of Rights to have the sales contract annulled (by a special court: the Council for the Restoration of Rights), so that the seller would regain ownership of the art works involved.