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Manlio Frigo

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La pratique internationale des differends concernant la circulation des biens culturels est devenue tres riche pendant les dernieres annees, grace a la proliferation de normes internationales applicables et a la multiplication de juridictions competentes a saisir les litiges. La recherche des liens entre biens culturels et collectivite humaine et territoriale et de l interet protege a la lumiere de l experience directe en matiere de differends et de negociations, conduisent l auteur a examiner les criteres de rattachement utilises, aussi bien que la question de la loi materielle applicable par rapport a l issue des differends. Les problemes sont abordes soit par rapport a la specificite des biens culturels vis-a-vis des regles ordinaires en matiere de circulation des meubles, soit en fonction de la recherche du rattachement a l ordre juridique d origine des biens concernes. Cet ouvrage evalue les inconvenients decoulant de l application des regles generales edictees par les principaux systemes de droit international prive en matiere de circulation de biens et de constitution de droits reels. L analyse est conduite aussi a l egard de la validite des solutions proposees, sur le plan du droit international prive et du droit uniforme, notamment en cas de revendication, de retour ou de restitution de biens culturels, ainsi que de la verification de l efficacite des reponses donnees par la jurisprudence et la doctrine concernant les regles nationales et internationales applicables."

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