

Spoils of War

International Newsletter. No. 2. 15.07.1996

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Imprint:

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Editorial

The growing number of contributions and demands for copies of the last edition of „Spoils of War“ is a positive and reassuring signal to the editorial board from the international community. The need for information about the cultural losses of the Second World War, even more than fifty years after the end of the war shows that it has still left deep emotional and intellectual wounds. The positive reaction to the newsletter also shows that openness in sharing information is possible and desired. The editorial board is pleased that so many official institutions and specialists are willing to publish, without too many restraints, their working-methods, their discoveries and even their policies.

From the angle of distribution we are glad to say that the newsletter is now read in more than 30 countries. In our opinion it is very important that the Ministries of Foreign Affairs in several European countries (such as Belgium, Germany, Hungary etc.) passed on the newsletter „Spoils of War“ to their embassies and diplomatic legations in the countries concerned. We indirectly take this development as a compliment for the apolitical and informative character of the newsletter. This gives an extra dimension and an input to further construct this international network of specialists and official institutions.

The newsletter has developed into a link between East and West in the matter of World War II losses. Western as well as more and more Eastern European specialists publish their articles in „Spoils of War“ or ask for extra copies. Although a time barrier of fifty years, years of non-rapprochement, existed between Eastern and Western European colleagues and although the collaborators to „Spoils of War“ are mostly thousands of kilometers apart, these practical obstacles do not stand in the way of a closer cooperation. This led the current editorial board during the meeting in Budapest to propose the enlargement of the redaction committee with two renowned Eastern European colleagues. They will be introduced in the next board meeting and the third number of „Spoils of War“.

The editorial board wants to draw the attention to the Russian law-proposal „about the right of ownership of cultural treasures, which in consequence of the Second World War were brought into the sovereign territory of the Russian Federation“. In this number we give a brief account of it's contents. In the next number there will be extensive coverage of this legal development in the Russian Federation.

We are convinced that next year will be crucial in the field of restitution of cultural losses concerning the Second World War. Whatever policies will be adopted will have an important impact on the future proceedings of the international protection of patrimonies.

Last but not least, we want to thank the Ministry of Culture of Hungary for the organization of the last meeting of the editorial board in Budapest.

Yours sincerely

FODOR, István, Budapest
LEISTRA, Josefina, The Hague
LEMMERMEIER, Doris, Bremen
LUST, Jacques, Brussels

Law Passed Russian Duma

On July 5th the Russian Duma passed in third reading the law „about the right of ownership of cultural treasures, which in consequence of the Second World War were brought into the sovereign territory of the Russian Federation“. To come into force the law first has to be accepted by the House of Federation (a process which can be done in one months time) and then signed by the President of the Russian Federation, Boris Yeltsin.

The regulations of the law are very strict. It declares all cultural treasures, which were brought to the territory of the Russian Federation „in order to ensure the right of compensational restitution“ as federal property of the Russian Federation (article 7). Exceptions are stated in articles 8-11: Cultural treasures which were claimed by so-called affected states (occupied by „troups of the enemy“ during World War II) within a certain period after the end of the war; cultural treasures, owned by religious organizations or private charity institutions and exclusively used to religious or charity purposes; cultural treasures, owned by persons, whose property was confiscated because of their active fight against Nationalist Socialism or because of the participation in the national resistance against the occupation regimes or because of their racial, religious or national affiliation. Affected states and former enemy states have to claim these cultural treasures and to prove the relevance within 18 months after the coming into force of the law. Illegally imported cultural treasures can also be claimed. Illegally imported are considered those cultural treasures, which were not taken at the command of the leadership of the Soviet army or the order of other relevant Soviet institutions, but were taken without authorization by single members of the army or other persons.

Only states can claim cultural treasures. Each return of cultural treasures will take place on the basis of a federal law. The claiming state has to pay for storage, expert assessment, identification and restoration as well as for the costs of transportation.

In the next number of „Spoils of War“ there will be a more detailed comment on the law by different international experts.

Special Reports

Introduction to the International Law on the Restitution of Works of Art Looted During Armed Conflicts. Part I

This is the first part of a series of articles on the history of the international law on restitution by the same author.

„History was frequently written in booty rather than in books, and the upward surge of nation after nation can still be traced through the remains of wartime plunder.“ D. Rigby

Looking at history shows that wartime looting has always been recognized as a justified ‘part of the game’. Moreover, quite frequently it was the only real reason for the hostilities. The only words of criticism or protest can be found in the Bible and in writings of philosophers and scholars. Polybius says: „One may perhaps have some reason for amassing gold and silver. In fact, it would be impossible to attain universal dominion without appropriating these resources from other peoples in order to weaken them. In the case of every other form of wealth, however, it is more glorious to leave it where it was, together with the envy which it inspired, and to base our country’s glory not on the abundance and beauty of its paintings and statues but on its sober customs and noble sentiments. Moreover, I hope that future conquerors will learn from these thoughts not to plunder the cities subjugated by them, and not to make the misfortune of other peoples the adornments of their own glory“.

Plundering was unrestricted in Antiquity. Under Roman Law, the enemy’s wealth, including what is nowadays called cultural property, was considered „res nullius“ - ownerless - from the very beginning of war. It became the victor’s property when it came into his possession according to ancient „ius praedae“ - law of booty. Legal consequences of this rule were so far-reaching, that the former owner could not automatically get his title restituted even if he managed to regain his possession.

For the first time in history, this severe law was restricted by the medieval doctrine of a just war. The idea was that only the belligerent party which had a justified right to wage war had the right to unlimited looting. According to one of the contemporary lawyers of that day, „if one wages war on the guilty because of unavoidable necessity, as in defence of motherland or to reclaim property, whatever is conquered from the enemy is his, and he is not obliged to return it“. The prize deriving from unjust war consequently had to be returned, „as the sin cannot be remitted until the loot is given back“. Chronicles of the time confirm, that these principles were not only a part of theory but also existed in practice. For example, „injusta possessa“ objects had to be given back to the King of Poland according to the Avignon papal adjudication of 1321 against the Teutonic Knights. The Peace Treaty of 1441 also ordered the return to Venice of „omnes et singulares terras, Castra, Villas et Loca, (...) possessiones et res“ by the Duke of Milan.

The described limitation constituted a great step forward in the evolution of the Law of Nations but was of a general character and did not differentiate the booty as such. The only exceptions were ecclesiastical objects, which were particularly protected on religious grounds. A Polish chronicler gives us some details on the case of the Gniezno Cathedral pillaged by the Prince of Bohemia in 1039. The booty of war included relics of saints, sculptures, liturgical vessels and bells. Pope Benedict IX listened to both parties. The Bohemians claimed, that „our Prince Bretislav and the Bohemian people were deeply convinced that it was justified for them to pillage by the right of war they waged against Poles“. Hearing that, as the chronicler writes further on, the Pope „scolded the envoys and concluded that their excuse had no sense and was groundless. It is not proper to loot God’s churches from their sanctities and articles devoted to God in any war, even if it is a just war. (...) Since wars are waged only against people, not against objects related to the Heavens and worship. Therefore, they should return all relics looted from the Gniezno Cathedral and other Polish churches, or they must be aware of the fact that the Holy See, with all severity, will excommunicate Bretislav and the Prague bishop, Sewerus.“

Gradually, the concept of just and unjust wars lost its importance and the discussion turned to the question of the legality of booty itself. Theories of „*praeda licita*“ - licit prize - and „*praeda illicita*“ - illicit prize - aimed at distinguishing between the justified taking of the enemy’s property and ordinary theft.

The substantial change in the analyzed doctrine came with the Renaissance and its admiration for Reason and Beauty according to which works of art were appreciated for their own sake. Consequently, Jakub Przymusiński formulated a rule that not only sacred objects, but also works of art and literature had to be protected during war. Although in Latin his most important statement can easily be understood without translation. He argued, that during hostilities „*sacra, literarum et artificum nobilium monumenta conservabit integra, cunctis ab injuriis defensa*“. Being fully a man of his epoch, he even suggested an additional extent of this protection: the lives of men renowned for their virtues and knowledge should also be spared. As good examples of such practice certain facts from Ancient history were given, e.g. the case of the Consul Marcellus who spared Archimedes’ life after the conquest of Syracuse.

The history of the Renaissance does not give us evidence of such far-reaching practice but in peace treaties we can find clauses stipulating the restitution of looted cultural objects. In this context it will be sufficient to refer to the well-known return of Raphael’s tapestries to Pope Julius III in 1553 by Constable Montmorency. The Pope lost them during the Sacco di Roma in 1527.

In the course of time the obligation to restitution could be better explained with the help of new arguments produced by the emerging Law of Nature. Summarizing the whole doctrine developed by his predecessors, Hugo Grotius says: „If the reason for the war is unjust, all activities resulting from this war are unjust because of their intrinsic injustice, even if the war is waged in the way a formal war should be waged. (...) The obligation to restitution lies with the persons who perpetrated the war, either by starting it, being rulers themselves, or by giving advice to rulers. This obligation extends to all wrongdoings that usually result from war, and even to other

misdeeds these people ordered to be done or did not prevent when it was possible. (...) A person who did not do any wrong or did it without guilt, and holds an object that has been taken by someone else in an unjust war, is obliged to give it back, because, according to the Law of Nature, no just reason exists for another person to be deprived of the objects, has he not agreed to this or deserved such punishment, nor is there a need to fulfill any obligation.“

Wojciech Kowalski, Department of Intellectual and Cultural Property Law, Faculty of Law and Administration, University of Silesia, Katowice

Recent Legal Developments in the United States

Three recent California cases highlight the growing opportunities in the United States for World War II theft victims to recover their stolen and looted works of art if they can be located.

On December 1st, 1995 the University of California recovered a Stradivari violin missing for 27 years. It was either stolen or misplaced in 1967. The University reported the loss to the missing property registry operated by the American Federation of Violin and Bow Makers. In 1994 the University learned of the violin's location and made demand for its return. In late October 1994, the University obtained an order requiring the current possessor to deposit the violin in a vault at the University pending a court ruling on title. On December 1st, the University paid \$ 11,500 for the Stradivari valued at \$ 800,000 to \$ 2,000,000. Although there was no judicial ruling, the University clearly prevailed.

On February 1st, 1996 the California Court of Appeals, Second Appellate District, decided *Naftzger v. The American Numismatic Society*, 1996 Cal. App. Lexis 192. In *Naftzger* the court held that a theft victim's claim to recover stolen art does not accrue until he „actually“ discovers the identity of the missing property's possessor. *Naftzger* in good faith and for fair value had purchased 129 valuable coins in 1973 which had been stolen from the American Numismatic Society prior to 1970. *Naftzger* claimed the Society could not recover because the right to sue arose when the coins were stolen 25 years earlier and thus the applicable statute of limitations - three years - precluded recovery. The court rejected this argument and ruled that the three year period did not commence until the Society learned of *Naftzger's* possession of the stolen coins.

Finally, on March 15th, 1996, the California Court of Appeals, First Appellate District, decided *The Society of California Pioneers v. Baker*, 1996 Cal. App. Lexis 240. *Baker* had acquired a stolen gold and quartz cane handle in 1991. The Society from which it had been stolen in 1978 thereafter learned of *Baker's* purchase and sought recovery.

The Court ruled that the statute of limitations - three years - began to run as to *Baker* when *Baker* purchased the cane handle in 1991 and not when it was stolen in 1978. Although finding for the theft victim, the Court warned that constructive notice of

the loss and the diligence of the theft victim in making the loss known was material (like the laches defence available under New York law where the test is whether the current possessor suffered prejudice as a result of the theft victim's failure to provide notice of the loss). The Court echoed other state and federal decisions in warning that „the steps a party should take to recover stolen art objects vary according to the facts of each case ...“.

The three cases from the most populous state in the United States reflect the New York rule that statutes of limitations generally will not prohibit recovery in the United States by a prior theft victim - whether the theft was 25, 50 or 100 years ago. What can preclude recovery - whether in New York, California or elsewhere - is the ability of the current possessor to show prejudice as a result of the failure of the theft victim to give notice of the loss.

Lloyd Goldenberg, TransArt International,
Willi A. Korte, Historian, Washington D.C.

Restitution of Stolen Cultural Objects and Statute of Limitations

The newly enacted UNIDROIT Convention of June 25th, 1995 on Stolen or Illegally Exported Cultural Objects⁽¹⁾ excludes any bona fide purchase of stolen cultural objects. Stolen objects have to be returned to the owner and the bona fide possessor is entitled to „payment of fair and reasonable compensation“ [Articles 3 (1) and 4].

Another peculiarity of the Convention is the fact that such a claim for restitution is subject to statutes of limitations. The rather complicated provisions of Article 3 (3) to (8) can be summarized as follows:

1. General Rule: Article 3 (3):

- Relative time limit: Claim shall be brought within a period of three years from the time when the claimant knew the location of the cultural object and the identity of the possessor.
- Absolute time limit: No claim after a period of fifty years from the time of theft even if the owner learnt about the possessor and the location after the lapse of this absolute time limit. If this time period is unilaterally extended by national legislation for objects not covered by the exceptions mentioned infra under no. 2, the other Contracting States are not bound by this unilateral extension.

2. Exception for cultural objects forming an integral part of an identified monument or archaeological site or belonging to a public collection as defined in Article 3 (7) and (8):

- Relative time limit: Three years as under Article 3 (3).
- Absolute time limit:
 - If Contracting State made no declaration as to a shorter period: restitution is not subject to time limitation except the relative one: Article 3 (4).

-- If Contracting State declared that a claim for return is subject to a time limitation of 75 years or such longer period as is provided in its law: claim has to be brought within such period of time: Article 3 (5).

These time limitations have been criticized by several authors. It may not be surprising that these critics evaluated the Convention on the basis of the domestic law of their country of origin. Authors from civil law countries criticize the elimination of any bona fide purchase and the long periods within which a claim for restitution may be brought.⁽²⁾ In common law countries, however, there is no bona fide purchase (England abolished it last year) and therefore the inflexible provisions of Article 3 (3) to (8) on the statute of limitations attracted criticism.⁽³⁾

The UNIDROIT Convention as an international instrument could not codify a national solution. It had to find a proper solution for cultural objects and it also had to make compromises. The Convention codifies four basic principles which should also be copied by national legislation:

- There is no bona fide purchase of cultural objects at all.
- A claim for restitution can be time barred.
- There is a short relative period of time for such a claim and a longer absolute period of time.
- The absolute period of time is very long (50, 75, or even more years) and there may be no time limitation at all if certain precious cultural objects have been stolen.

The present situation, 50 years after World War II, clearly shows that long prescription periods are not at all outrageous. Museums are still missing their treasures and private collectors have still to fight in court for return of their cultural objects.

There are, however, two exceptions missing:

- There should be no time limitation whatsoever for a claim against the thief or his heirs (example: Mr. Meador who had stolen the Quedlinburg treasure).
- A time period does not run as long as a claim cannot be brought because the courts at the defendant's place of residence are not accessible for the plaintiff.

The Convention did not make the last exception because it applies only between Contracting States applying the same principles of the Convention.

Kurt Siehr, Professor at the University of Zurich,
Assistant Editor of the International Journal of Cultural Property

(1) Cp. International Journal of Cultural Property 5 (1996) 155 et seq.; Zeitschrift für Vergleichende Rechtswissenschaft 95 (1996), 203 et seq.

(2) Frank Vischer, Neue Zürcher Zeitung, 10. April 1996, p. 17.

(3) Cp. Discussion Paper of the Delegation of the United States, in: UNIDROIT 1992, Study LXX - Doc. 29, p. 19: Alternative B.

Society to Prevent Trade in Stolen Art

Leaders in art, antiquities, criminal law, and law enforcement have established The Society to Prevent Trade in Stolen Art, Ltd. (S.T.O.P.), a not-for profit organization based in Washington, D.C. Through educational programs and resource services, S.T.O.P. will combat trade in stolen and fraudulent art, assisting individuals and institutions who have been victimized.

At least five billion dollars of art and antiquities are stolen annually. „Unfortunately, museums often have stolen art in their collections“, explains S.T.O.P. founding-member Harry Rand, a senior curator at the Smithsonian Institution. „To make matters worse, museum personnel are too often not trained to deal with the complex issues that stolen art will generate.“ S.T.O.P. intends to organize a lecture series in cities throughout the United States which will educate the public, art collectors, art dealers, museum personnel, and art collectors and dealers in the rights, risks, and remedies involved with stolen, forged, or faked art. S.T.O.P. will also work with the nation’s museums, auction houses, and galleries to inform them of the precautions they should take to avoid purchasing stolen or fraudulent art as well as the legal remedies which are available when confronted with problematic art sales and acquisitions.

S.T.O.P. also plans to provide both national and international assistance in law enforcement, including the creation of training programs for American law enforcement personnel. „Through such programs, S.T.O.P. will familiarize law enforcement personnel with the scope of the problem, the legal implications of the crimes, and the forfeiture provisions available in the law“, states Whitney Adams, a former Assistant to the U. S. Attorney and founding member of S.T.O.P.

On the state and national level, S.T.O.P. intends to assist in drafting a series of model laws which will codify the types of offenses and penalties involved in trafficking stolen and fraudulent art. On an international level, the organization will contribute to the development of an international uniform legal code for art theft. „Currently, art law differs from country to country, creating a legal environment which actually encourages art theft“, says Joshua Kaufman, Esquire, of S.T.O.P. „Once art finds its way into countries with statutes allowing a bona fide purchaser to acquire good title, stolen art can be exported and traded as legitimate.“

S.T.O.P. will publish a newsletter detailing key national and international art law cases; its offices house an extensive library of legal cases, books and articles on the topic of stolen and fraudulent art. In this library, S.T.O.P. will maintain and make available to the public a resource service listing the various organizations which provide information and services to victims of art theft. A special division will focus primarily on assisting war victims, be they individuals or nations, in their quest to recover their looted treasures.

Also in the works for S.T.O.P. are a variety of computer services, including a Web Page on the Internet (the site is presently under construction and should be open by

March 1st, 1996 - <http://www.stop.com>) and an on-line database for pre-1987 auction house records. Such a database will aid individuals wishing to verify the authenticity and provenance of works they intend to or have already purchased.

Joshua Kaufman, Jeff Kleinman,
Art Law Experts, S.T.O.P., Washington D.C.

The Treasure of Troy. Hidden History

This year, Schliemann's gold caused a worldwide media sensation. The „Museum für Vor- und Frühgeschichte der Staatlichen Museen zu Berlin“ (Museum of Pre- and Early History of the State Museums of Berlin) is the owner of the collection of Trojan antiquities since it was given by Schliemann in 1880 to „the German People for eternal ownership and undivided preservation in the capital of the state“ („dem deutschen Volke zu ewigem Besitze und ungetrennter Aufbewahrung in der Reichshauptstadt“).

On April 11th this year, the Heinrich-Schliemann Hall in the Berlin Museum was reopened with its characteristic examples of Heinrich Schliemann's excavation findings in Troy. About 500 exhibits of the approximately 5,000 objects of this unique collection now to be found in Berlin again are on display; they all date back to the time between ca. 3,000 B.C. (layer „Troy 1“) until the Roman epoch. Today an estimated 60% of the original collection are gathered in Berlin, only a small part of it was destroyed in the war. Other objects have not been returned to Berlin; among the latter is the materially most significant „Treasure of Priam“. Since April 17th this year, the „Treasure of Priam“ is on display in the Pushkin Museum as part of an exhibition of trophies.

Little by little Russia begins to open its archives and special magazines and exhibits cultural treasures now which the Red Army found in Germany and carried away into the Soviet Union in the years of 1945 and after. Among those war booties was the Gold of Troy which Heinrich Schliemann in 1873 still referred to as the „Treasure of Priam“ and which today stands symbolically for all the cultural objects which have been held back by Russia until the present day. Equally symbolic is the debate on this part of the inventory of the Museum of Pre- and Early History. Unfortunately some colleagues in and out of the country behave destructively regarding the Schliemann collection at the Pushkin Museum in Moscow and disregard any right of ownership of the German museum. A group of international researchers, presently continuing Schliemann's excavations in Troy, is putting pressure on the director of the Pushkin Museum in Moscow to allow the drilling of holes into the Trojan objects for material analysis. No permission has been given by the owner, i.e. the „Stiftung Preußischer Kulturbesitz“ (the representative of the Museum of Pre- and Early History), and it has never been asked for one either. It is most commendable that Mrs. Antonowa insists to wait with the sampling until the legal situation has been solved.

Archaeology is the science which has to write history for those epochs of which no written tradition exists. Primarily it makes use of the few remains of material culture which have been passed on to posterity. It is dependent upon coherent finds or upon successive layers such as in Troy out of which temporal and cultural conclusions can be drawn by means of contextual comparison. The sum of historical material the archaeologist has to work with could be compared to a history book which is the one and only and is written in an unknown language still to be translated step by step. Through World War II, a few illuminated pages of this sole copy have been moved to Moscow, others to St. Petersburg, and many have stayed at its original place in Berlin or have returned to the city after the war. How can the decipherment, i.e. the historical research, be continued unobstructedly, if, for example, one of the bronze pans of the Treasure of Priam (item no. 1 in the catalogue of the exhibition in Moscow) is spread over three museums? Apart from the pan itself which is at the Moscow exhibition, part of the handle can be found at the exhibition in Berlin and the end part of it is in the Hermitage in St. Petersburg but not (yet) on display. (To our knowledge the Hermitage keeps or kept at least 414 items of Berlin's Trojan collection since 1945.)

The same problem, for example, applies to important grave finds which have been torn apart, such as the graves of the nobility in Weimar from the times of the „Völkerwanderung“ (Migration Period, 4th-6th cent. A.D.). Burial objects made of ceramic, bronze, iron and glass, even some pieces of silver jewelry are available for research in Berlin, but those objects made of gold arrived undamaged at the Pushkin Museum in 1945; the question is whether they are still there. Hiding these historical evidences contradicts the standards of the Hague Convention of 1954 as agreed upon by the USSR in 1956.

It still remains deplorable that further 1,278 objects or groups of irreplaceable objects of archaeological finds from ancient Europe are not accessible until today - with the exception of the 259 pieces of Schliemann collection of Berlin, shown in Moscow at the moment. The former were all packed into the same boxes, MVF 1 to 3, and were brought to Moscow in 1945; Mrs. Antonowa confirmed the completeness of objects with her signature in July 1945.

A quarter of a century ago, the author began to search systematically for the supposedly missing treasures of ancient Europe from the Museum of Pre- and Early History. At that time some colleagues in East and West believed the venture was doomed to failure. They believed that not a single piece which had not been returned to the then separate museums in East and West Berlin could have survived the war and its aftermath. The preserved lists mention some 3,400 objects which before the war were classified as „irreplaceable“. Only 600 of them can be found in the two Berlin museums today and are available in the reunited collections of the Museum of Pre- and Early History in the Charlottenburg Castle in Berlin.

The Pushkin Museum in Moscow currently exhibits 259 pieces from the Troy collection and probably knows about the destiny of most of the other 1,278 precious metal finds. Additionally, further 1,209 objects classified as „irreplaceable“ before the war are missing in Berlin. All these treasures are now listed in the catalogue

„Dokumentation der Verluste“ (Documentation of Losses), volume IV, published by the „Staatliche Museen zu Berlin - Preußischer Kulturbesitz“ (see bibliography), since there is no longer any reason to assume the destruction of these highly important pieces during the war.

Not only in the common „Europäisches Haus“ (European House), which the nations of the continent try to renovate, but also in a new „Haus der Kulturen der Welt“ (House of Cultures of the World) it is necessary to further an unprejudiced search for the historically valuable cultural treasures, especially the search for those objects considered to be of national significance and which are missing since 1945. This task should be carried out in trustful cooperation among the staff members of all institutions concerned, museums, libraries, and archives; i.e. cooperation on the „middle“ and not on the political level.

Klaus Goldmann, Senior Curator at the
Museum of Pre- and Early History, Berlin

The „Sonderkommando Künsberg“. Looting of Cultural Treasures in the USSR

The „Sonderkommando Künsberg“ (Special Unit Künsberg) was one of numerous national socialist organizations, which systematically and on a large scale looted cultural treasures from the USSR in the course of World War II. Eberhard Freiherr von Künsberg took command of this unit on behalf of the Foreign Ministry („Auswärtiges Amt“) under the foreign minister of the Third Reich, von Ribbentrop. Apart from museum exhibits, posters and records, mainly archival material, magazines and books were confiscated. In March 1942, the academic staff members of the unit organized an exhibition in Berlin under the title „Examples of the objects taken by the Sonderkommando Künsberg of the Foreign Ministry during the action in Russia“. The booty was presented in four categories: 1. regional studies, 2. politics, 3. political files, and 4. valuables saved from destruction.

Detailed catalogues of the exhibition together with written invitations were sent out to selected representatives of highest NS-ministries, such as the „Reichspropagandaministerium“ (Ministry of Propaganda) and the „Führerkanzlei“ (Chancellery of the Führer). Unlike Himmler's organization „Das Ahnenerbe“ (Ancestral Heritage) and unlike the Einsatzstab Reichsleiter Rosenberg, whose confiscations were used for their own scientific purposes (e.g. the installation of the Library East and the „Hohe Schule“), Künsberg took art works for the distribution among interested institutions. During the exhibition numerous agreements were reached with the latter.

The „Publikationsstelle Ost“ (Publication Office East) handed over a list of requests for books to be confiscated to the Geographical Service, one of the subdivisions of the Sonderkommando. The Headquarter of the Wehrmacht („Oberkommando der Wehrmacht“, OKW) and the Security Service („Sicherheitsdienst“, SD) received from Künsberg maps confiscated in the war-zone and other regional geographic information. The Foreign Ministry alone received 69,135 maps and 75,608 volumes of

geographical literature. Originally Künsberg's Sonderkommando was ordered to secure buildings of enemy and neutral diplomatic representatives during the invasion of Poland. Before his action in the Soviet Union the unit was also active in Norway, The Netherlands, Belgium, France, in the Balkans, and in Greece.

Künsberg also fulfilled special requests from von Ribbentrop himself. In France he had already confiscated art works for him. In 1941, he was asked to go to Moscow and Leningrad in order to get hold of works of art („Sicherstellung“) not further specified. Künsberg had the impression that this order might put his entire organization at risk. He was afraid that the „Oberkommando des Heeres“ (OKH, Headquarter of the Army) would get knowledge of this operation. The OKH, the Security Service, the Security Police and the Foreign Ministry tried to foil Künsberg's special actions in particular by means of a command given on June 11th, 1941. The action of the Sonderkommando should be limited explicitly to the confiscation of records of the embassies and legations. Eventually von Ribbentrop withdrew his special orders. The exhibition in Berlin showed, however, that the confiscations of the Sonderkommando went far beyond the before mentioned instructions of the OKH order.

Research concerning its financing and its status revealed that the SS-Sonderkommando (Secret Service Special Unit) of the Foreign Ministry Group Künsberg („Gruppe Künsberg“, this was the official title) is a typical example for the Darwinism of authorities in national socialist Germany. Academic institutions, such as the North-East and South-East German Research Community, financed by the Foreign Ministry and the Ministry of the Interior, took charge of Künsberg's academic staff. For the action of the Secret Military Police („Geheime Feldpolizei“, G.F.P) in the West, the Künsberg group was classified by the OKW as „u.k.“ („unabkömmlich“ - indispensable). Despite their reluctance, they were detailed for the attack of the Soviet Union by the SS. The logistic equipment was partly financed by the Waffen-SS.

Comparatively well equipped, the Sonderkommando operated in the front line under the command of the military units North, Centre, and South. With the seizure of the cities the onslaught on cultural institutions began. The entrances of occupied buildings were marked with special seals of the military unit. Already in 1941, different organizations were competing for the confiscation of cultural treasures. In 1942, the situation became more serious after the civil administration had been set up. The trophy actions of the different NS-institutions became absurd. One of the cultural institutions in Tallin was searched through by seven different organizations.

There was no clear line in the confiscation policy of the special unit of the Foreign Ministry. It altered according to the situation on the spot. The officials in charge were uncertain which objects to pack for transport into the Reich. Their instructions alternated between „take all that could be of any use to us“ and „do not take anything which is in stock five times already“. Offices of the Sonderkommando Künsberg, where the war booty was prepared for transport, were spread over the entire region of the Soviet Union, from the Baltic States in the North to the Crimea in the South.

On July 4th, 1942, as a result of the exhibition in Berlin, the Sonderkommando received an order from the OKW, which put 20,000 people of the National Socialist Motor Vehicle Corps („Nationalsozialistische Kraftfahrzeugkorpsstaffel“, NSKK) at Künsberg's disposal when required. At the same time the order legitimized a broader spectrum of confiscations. On August 1st, 1942, the Sonderkommando was entirely integrated into the Waffen-SS, and the name was changed to „Batallion der Waffen-SS z.b.V.“ (Batallion of the Waffen-SS at special disposal). Künsberg who had made too many decisions by himself had lost von Ribbentrop's sympathies. After talks between Himmler, Jüttner, and a representative of the Foreign Ministry, he was reprimanded and suspended from his post as battalion commander.

During the winter of 1942, the section in Berlin was closed down. By that time 304,694 pieces of art had already been handed over to other institutions. Apart from different sections of the Foreign Ministry, the main addressee of the objects was Alfred Rosenberg's Reich Ministry for the Occupied Eastern Regions. It was he who received the exceptionally valuable books from the libraries of the Russian Tsar Castles south of Leningrad. This concerned 10,000 volumes from the 18th to the 20th century of Tsarskoe Selo, 11,500 volumes from the library of the Pavlovsk Castle, and another 16,000 books from Gachina. The Rosenberg ministry also received 60,000 books taken from the Hebraica and the Judaica collection of Kiev. These four important collections alone add up to 97,500 books.

By the middle of 1943, the Sonderkommando was completely dissolved. A few staff members now worked on the instructions of the „Reichssicherheitshauptamt“ (Main Office of Reich Security). The expansion of the SS-Sonderkommando of the Foreign Ministry, Group Künsberg would have been unthinkable without Künsberg's diverse initiatives. Today, the letters of thanks, responses to Künsberg's gift parcels (e.g. for the 100 books from the library of the Pavlovsk Castle which went to F.W. Graf von der Schulenburg), reveal the kind of network that existed.

Ulrike Hartung, Research Institute
Eastern Europe, University of Bremen

In sommer/fall this year the complete study will be published by the „Forschungsstelle Osteuropa“: Hartung, Ulrike: Das Sonderkommando Künsberg. Eine Beteiligung des Auswärtigen Amtes am Raub von Kulturgut in der Sowjetunion. Bremen 1996.

„Le Musée disparu“. The Lost Museum

The publication „Le Musée disparu“ appeared at the end of last year in Paris (see Spoils of War. 1. P. 43). This is a short résumé of the book and the reactions to it by the author. An English version of the book is going to be published in the United States in autumn 1996.

„Le Musée disparu“ is an investigative attempt to reconstruct the plundering in France through the Einsatzstab Reichsleiter Rosenberg and how this looting fitted into the Paris art market during the Occupation. It also attempts to track down some of the hundreds of paintings still missing from the 203 French collections officially looted by the Nazis. It should be remembered that France turned out to be the most looted country in Western Europe, with about one third of art in French private hands passing through German hands.

Beginning with Hitler and his own lifelong interest in art (first, as a frustrated Fine Arts student and, later, as an art collector) this book rather tries to show than to explain why Nazi art looting took enormous and unsuspected proportions during the Second World War.

It tries to piece together the precise and concrete way in which the confiscation of some of the most important French-Jewish art collections (the Rothschild's, the Bernheim-Jeune's, the David-Weill's, Paul Rosenberg's and the Schloss') took place in France. Some confiscated libraries, like the 100,000 volume Turgeniev Library and the Paris Freemasons Lodges', are also treated. Moreover, the book makes a first attempt to link and to retrace French art and documents confiscated in Paris which were stocked in the Third Reich territory and are now beginning to turn up in the former Soviet Union.

This book is based upon many unpublished French, American, and British documents from institutions and individuals in several countries. In addition, more than one hundred family members, French art dealers, art historians and Allied Army officers that participated in the retrieval of confiscated art were interviewed.

One of the highlights of this unpublished material recently found is a document known as „The Schenker Papers“, a list of French art dealers and individuals who sold to German museums and intermediaries. This list, compiled by British Army officers, includes important details concerning the Occupation. These new elements throw a new light on the Paris art market during the war: mainly, that it was very active and flourishing and that many French art dealers did direct business with the Germans or served as outright accomplices in confiscations.

At the end of the book, several of the missing paintings, from French looted collections, are traced down to American and European museums and art galleries. The book's last chapter explains the case of over one thousand unclaimed paintings (known under the generic term of „MNR“ for „Musées Nationaux Récupération“) that are still kept at The Louvre, the Orsay, the Pompidou Center and other state museums. No MNR inventory is yet available and even the scarce official information on this subject is hard to find. This chapter reminds the reader that these unclaimed works do not belong to these museums but, nevertheless, state curators have not made any significant effort in the last fifty years to find out who the owners of these paintings are.

The difficulty to obtain documents, archives, or useful information from state institutions and officials in France made me decide to go to the U.S. National Archives and Records in Washington, D.C. to consult the precious documents from the Monuments, Fine Arts & Archives section of the U.S. Army, which are easily available to researchers.

When the book came out in December 1995, media coverage in France and Europe was quite extensive. In France it somehow revived the never-ending and inexhaustible debate on the Second World War and the Collaboration. There was much surprise about the „Schenker Papers“'s lists that included some of the most distinguished names in French art dealing.

Following the book's publication, ongoing research on unclaimed paintings was published in the art magazine „Beaux-Arts“ and in an interview in the French daily „Le Monde“. The specific examples proved to a wide audience that identifying and locating the original owners of the unclaimed MNR paintings did not have to be a difficult matter. Proof of existing MNR provisional inventories, and not shown by museum officials, was also published. The new information also reminded people that not much research had been done by museums since the 50ies.

Reacting to the book's findings and to these newly published statements in the media, the head of the „Direction des Musées de France“ (DMF) publicly announced during a debate with the author in Paris a new series of measures that would make access to the MNR inventory easier for heirs and researchers. Firstly, starting in July a provisional MNR inventory with photographs will be published on the DMF internet site. This virtual list should be finished by the end of 1996. Secondly, a complete and final MNR inventory list will be printed in 1997. Thirdly, an international symposium on the MNR's will be organized by the DMF in the autumn of 1996. Easier access for independent researchers to all provisional MNR inventories was also promised. But another important and satisfying aspect of this research lies in the fact that, based on the new information contained in „Le Musée disparu“, several French heirs and families have filed restitution claims at the „Direction des Musées de France“ to recover what was taken from them by the Nazis.

Hector Feliciano,
Journalist, Paris

Offenbach Reminiscences: The Netherlands' Experiences

This is a summary of the lecture held on April 15th, 1996 during the Amsterdam symposium "The Return of Looted Collections".

During 1945, the Rothschild Library in Frankfurt served as the collecting point for looted books. As the library became overcrowded, the book depot was moved to the IG-Farben building at Offenbach. From July 1945 until February 1946, no restitutions had been made from Offenbach; only six people worked there at that time, although about one million books and other materials had been assembled. In February 1946, I became the first director of the Offenbach Archival Depot (OAD).

The OAD received literally tons of material from Frankfurt, Hirzenhain, Hungen and many other German locations. It dealt with Nazi and Nazi-related materials, with other European country materials (e.g.: France, Belgium, Germany, Italy, Poland, Russia), with the YIVO Institute for Jewish Research (420 crates were seized in Vilna by the Nazis and sent by the US Army to Offenbach. From the OAD they were shipped to the United States in 1947), and with unidentifiables (over 1 million objects, which were distributed to more than 50 institutions worldwide).

By March 25th, 1946, the OAD had received and/or shipped over 1.8 million items contained in 2,351 crates, stacks, packages, and piles. Much thought was given to improve and expedite the identification process. My successor, Captain Isaac Ben-

cowitz, who began to intern at Offenbach in April, developed a somewhat unique system. The unidentified books and other materials were left alone, awaiting further careful study by competent persons like Professor Pinson, Lucy Dawidowicz and volunteers, knowledgeable Displaced Persons. The semi-identified piles were subject to some classification by country and by language, awaiting further processing. The crates and packages that had some country markings were 'spot checked' and simply put aside awaiting restitution claimants. The official liaison representatives came from 11 countries to the OAD. In March 1946 alone, its visitors consisted of 6 liaison representatives and 26 visitors. By that time, the number of employees had been increased to 200 and the first shipment was undertaken consisting of over 500 cases of materials returning to The Netherlands by ship.

Major D.P.M. Graswinckel undoubtedly was the key person in searching, discovering, sorting, and retrieving for restitution library collections and other cultural materials belonging to organizations and individuals of the Netherlands. Major Graswinckel spent much time in and out of Offenbach during 1945, before the OAD was established. Like an itinerant preacher he swung around many sites in Hesse and Bavaria, including Frankfurt, Hirzenhain, Hungen, Sieburg, Staffelstein, Banz, Waisenfeld, Klagenfurt, etc. He was my inspiration to work hard. He had already uncovered and visited many sites from where there would be an estimated 2.5 million more books, archives, and other materials coming to OAD.

Major Graswinckel was dedicated to his mission, and he infected me with a strong desire to carry out mine. Within a few days, by March 8th, 1946, he selected 371 crates of Dutch materials - plus 19 Dutch holy Torah Scrolls. The OAD participated in moving off the floors and loading them onto the Mary Rotterdam barge of skipper W. Huisman. On March 12th, the barge left up the Rhine for the Netherlands. Two days before, on March 10th, Major Graswinckel went to Holland to meet the barge there and to arrange for unloading and distribution. Captain H. Jaffe, Dutch Restitution Officer, was left at the OAD to continue the Major's work. The Mary Rotterdam was the very first major restitution effort of Offenbach.

Major Graswinckel returned to the OAD on March 22nd, 1946. On March 31st, he left for another search and discovery trip to Bavaria, returning from Munich on April 4th, 1946. He and I had discussed the need to broaden the base of operations of Offenbach beyond Land Hesse. His trip to Bavaria reinforced this need. Action was initiated to make Offenbach the depot for entire U.S. Germany. It took me until late April to get this accomplished, after negotiating at Wiesbaden and Berlin - my superior military headquarters. On May 1st, 1946, Offenbach became the Zonal Depot covering all U.S.-occupied Germany: Hesse, Baden-Württemberg, Bavaria, U.S. Berlin and U.S. Bremen enclave. All Jewish, Masonic, Socialist, Nazi, and other books and cultural properties (except monuments and fine arts) were to be sent to OAD for processing and restitution to their country of origin.

Six days after Major Graswinckel's return from Munich, on April 10th, 1946, a second barge arrived at Offenbach: the Buiten Verwachting of skipper C. de Korte. Major Graswinckel had increased his staff by then: April 2nd, Captain L. Nilant; April 9th, Captain H.O. Thomas; April 13th, Captain J.G. Schonau; and May 1st,

Major de Vries. On April 15th, 1946, the Buiten Verwachting was ready for departure. OAD personnel worked to move and load some 539 crates. The barge left on April 16th for the Netherlands.

I was not involved in the third barge expedition of the Allemania with Skipper Rigler. It consisted of 520 crates. The loading and dispatching went off well, with Major Granswinckel directing the effort, fully supported by Isaac Bencowitz. The barge left for Holland July 6th, 1946.

Major Graswinckel continued his search and his discovery activities during 1946 and thereafter. It was estimated that some 70% to 80% of all Dutch books and other materials that had been seized by the Einsatzstab Reichsleiter Rosenberg was restituted to the Netherlands. This is a remarkable achievement.

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Former Director of the Offenbach Archival Depot,
Consultant in Records Management and Archives, New York

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Country Reports

Belgium

As reported in *Spoils of War* No. 1, important archives concerning cultural robberies during the Second World War in Belgium were located in the State Archive of Kiev. This discovery put the losses, especially of Belgian libraries, in a more correct perspective. These valuable documents are reworked and checked. They form the basis of the following three volumes of the Belgian corpus of the losses, which will be published and distributed before the end of 1996. The books are: „Missing Art-Works of Belgium: Part III: Private Collections“, „Missing Libraries of Belgium“, and „Missing Archives of Belgium“.

These publications are the culminating point of a close collaboration between the administrations of the Ministry of Economic Affairs, the Ministry of Foreign

Affairs, the Ministry of Science Policy, Ministries of Culture from the Flemish and French Communities, and institutions and organizations which were spoilt during the Second World War or are concerned with the restitution process: the Royal Museums of Fine Arts of Belgium, the Royal Library, the Royal Museum of the Army and Military Science, the Royal Institute of Patrimony, the Research- and Study-center of the History of the Second World War, the Archive and Museum of the Socialist Labour Movement, the Free University of Brussels, the Jewish Community and the Grand Orient of Belgium. This collaboration is coordinated by the Ministry of Economic Affairs.

The documentation phase, which is crucial for the identification of the cultural goods, took more time than first expected, because this information, which is at present available, had never been updated or checked from the 50ies onwards until the 90ies. Even after the discovery of Belgian archives in the Osoby Archive in Moscow, the cultural losses of Belgium were not always clear or well documented. In the span of forty years no leads were followed or checked in Eastern European countries, in contrast to our neighbouring countries. Belgium was fortunate to learn from their experiences, and an annual meeting of the Benelux countries completes the picture of the undertaking of document-gathering, finding locations of spoilt goods, and adopting policies.

Missing Belgian cultural goods have been located in the Russian Federation, Poland, the Netherlands, and the United States. The policies to be followed will be clarified in the next months to come.

Jacques Lust,
Ministry of Economic Affairs, Brussels

Belorussia

The extent of the World War II losses, including cultural treasures, was roughly estimated by the „Belorussian Republic Commission Contributing to the Work of the Special State Commission of the USSR“ immediately after the war. Only 7 of the 15 museums active in Belorussia in 1941 were taken into account. The same was the case with the losses of books, archival material and historical monuments.

The Belorussian Commission reported to Moscow the loss of 11.641 museum objects due to the war, but this figure does not correspond with the actual losses. In this enumeration the treasures which vanished from the district and regional museums in Grodno, Vitebsk, Mogilev, Orshe, Polotsk, Bobruysk, from the Museum of Revolution in Minsk, from the Anti-Religious Museum in Vitebsk and others are not included. The treasures from the Belorussian churches, synagogues, mosques and manors of Western Belorussia were also not taken into account. It was not possible for them to give their cult objects and their collections to the museums in time (with the exception of the treasures of the Nesvizhskyj Palace). The museum objects, which the Belorussian State Museum and the Belorussian State Art Gallery had received from Leningrad, Moscow and Kiev before the outbreak of the war, are also not included in the number of losses mentioned above. Even those museums, which

managed to evacuate their objects to the museums in Saratov and Volgograd in Russia were affected by losses, because parts of these collections were not returned to Belorussia.

Until today, 50 years after the end of World War II, not one of the institutions in Belorussia has undertaken special research on the lost cultural treasures. Such investigations were only conducted by single employees of the museums and only in the fields of their special interest (e.g. icons). Therefore, to this day, the losses of cultural treasures in Belorussia during World War II has been researched only to approximately 5%. No annotated list has been drawn up of those treasures which returned to Belorussia. For this very reason it is impossible to find out which objects to search for. This work still has to be carried out.

Russian experts conducted the search and return of treasures which were lost by the USSR during World War II and carried off to Western Europe. Head of the first special commission was Professor Bryusov (his file is kept in the Russian State Library). Later, Anatoly Michaylovich Kuchumov, chief curator of the Pavlov Palace-Museum near St. Petersburg, was appointed chairman. Under his direction, a part of the objects belonging to Belorussian museums was brought back from Germany. It is known that some Belorussian treasures came into the possession of various Russian museums in Moscow, Leningrad, Novgorod and other cities. The search in museums of the USSR for Belorussian works lost during World War II was carried out by employees of the State Art Gallery of the Belorussian Soviet Socialist Republic (BSSR), namely by its director A. Aladov.

With joint forces the members of the non-governmental commission „Return“ (Vosvrashchenie) at the Belorussian Cultural Foundation compiled the so-called „Reference Book of the Most Important Cultural Treasures of Belorussia, Lost or Destroyed in the Years 1941-1944“. This reference book includes a small „Catalogue of Treasures from the Fine Arts and Decorative Arts of Belorussia from the 12th to the 20th Century, Lost During World War II“. The catalogue takes into account the icons, which have already been returned. Nadezhda Vysotskaya undertook the research as well as the restoration of these icons. She lists 27 Belorussian icons of the 17th and 18th century, which were transported to Germany during the occupation of Belorussia. It was in 1950 that 14 of them came back to the BSSR. 13 came to the Russian Soviet Federal Socialist Republic (the museums of Novgorod and Pavlovsk), but were handed over to the BSSR (in the context of the return of the prewar property) in the years from 1960 to 1964.

Unfortunately no detailed annotated list of the 11.641 lost objects has been compiled immediately after the war. Today, only incomplete annotations exist for as few as 992 objects. In the catalogue mentioned above even less objects - only 117 - are registered. We are looking for 71 icons which vanished from the Belorussian State Museum between 1941 and 1944.* Some of the icons, which were brought to Germany in 1943, are recorded in the prewar catalogues, others have been photographed before they were taken away. Each of the icons carries the inscription „BGM“ (in Cyrillic letters, „Belorusski gosudarstvennyi musei“). Thus today's National Museum of History and Culture of the Republic of Belorussia is looking for these

71 still missing icons. The list of losses also includes three icons which disappeared from the Mogilev Museum of History and Atheism during the war.* „Troitsa“ (Trinity), number 49 of the lost icons of the Belorussian State Museum, was stolen from the Prechistensky cathedral in Vitebsk.

Among the lost paintings are:

- „Jewish butcher in Prague“, a painting of the 13th century of the Belorussian State Museum. This painting together with many other objects of the European department of the Belorussian State Museum was sent to Austria in 1943.
- Two paintings of Wassily Kandinsky - „Entrance“ and „With the Musicians“ - from the District-Local History Museum in Vitebsk.
- 8 Western European paintings were lost by the State Picture Gallery of the BSSR.* Among the Russian paintings listed in our catalogue one object from the Mogilev Museum of History and Atheism is of special interest: The portrait of a lady-in-waiting of Katharina II from the 18th century painted by V.L. Borovikovsky.

Among the list of eight lost sculptures two wooden candlesticks („Putti“) of the 17th century and the group „Unknown Saints“ of the 16th century are of local origin. They were lost from the State Picture Gallery of the BSSR.

The catalogue lists 23 objects missing from the department of decorative-applied arts. The most valuable of them is the „Cross of Evrosina Polotskaya“, dated 1161, lost from the Mogilev Museum of History and Atheism. The search for this cross is conducted through Interpol.

Some further objects missing are: 10 so-called „Slutsk belts“, made by the local weaving manufactories which operated in the 18th century and at the beginning of the 19th century in the town Slutsk; 4 Western European pieces of furniture; a throne chair from 1780 made by masters from Mogilev; a mirror from the 18th century made by local masters of the mirror manufactories in Urech (a small town today in the region of Minsk). We prepared the „Reference Book“ for publication in 1994, but until today it has not been published. We are not only searching for the lost cultural treasures, but also for a sponsor for our publication.

Maya M. Yanitskaya, Expert, National
Scientific-Educational Centre F. Skaryna, Minsk

* A list of these objects can be obtained from the „Koordinierungsstelle“ (see imprint).

France

The „MNR“ („Musées Nationaux Récupération“ - National Museums Recuperation*) are works of art recuperated from Germany at the end of the Second World War and because no legitimate owners could be traced, were entrusted by the „Office des Biens et Intérêts Privés“ (Office of Private Goods and Interests) to the „Direction des Musées de France“ (Administration of the Museums of France) by a decree of September 30th, 1949.

According to the dispositions of this decree the Administration of the Museums of France (DMF) has organized an exhibition of these 2,000 works of art in the National Museum of Compiègne from 1950 until 1954 in order to allow the rightful claimants to identify their properties. (Approximately 1,000 paintings, as well as sculptures, drawings and art objects.) The decree of 1949 also foresaw that the MNR-works were registered in „Inventaires provisoires“ (provisional inventories), distinct from the inventories of the national collections, which were compiled by the different departments concerned. These inventories remained at the public's disposal. The works of art were distributed among the national museums and a certain number of museums of the provinces. The MNR-works can nonetheless easily be identified in the summary catalogues of the works of art, kept by the national museums and their special status is mentioned on the labels, which accompany them. (e.g. in the „Catalogue sommaire illustré des peintures du Musée du Louvre et du Musée d'Orsay“, the illustrated summary catalogue of paintings of the museums Louvre and d'Orsay, published by „Réunion des musées nationaux“, the Reunion of the National Museums in 1986.)

Concerned with keeping the MNR-works of art at the disposal of the rightful claimants and to answer the interest by the general public for these works of art during the last years, of which some were spoilt and many negotiated on the Parisian art-market during the last World War, the Administration of the Museums of France has decided to publish an illustrated catalogue that will facilitate the research carried out by the Ministry of Foreign Affairs, which is in charge of the claims for restitution. Before this book will be published by the Reunion of the the National Museums the MNR-works will soon be accessible on internet, on the server of the Ministry of Culture of France in the form of technical files, accompanied by photographs, which will progressively appear from the end of the summer of 1996 onwards. This initiative can be situated in the rightful actions undertaken by the DMF during the last World War and the aftermath of the conflict to protect private French collections and to facilitate the restitution of the works of art recuperated in Germany. One must remember that 45,000 were recovered during this era and were restituted to their rightful owners.

The DMF has also taken the initiative to organize a colloquium in the autumn of 1996. This will take place on November 17th, 1996 in the Amphitheatre Rohan of the Ecole du Louvre (Entrance: Palais du Louvre, 99 Rue de Rivoli, 75001 Paris).

For detailed information about the official program, please contact: Mr. Robert Fohr (phone 33/1/40 15 36 00) of the „Direction des musées de France“ (fax: 33/1/40 15 36 25).

Direction des musées de France, Paris

*The notion MNR is only applied to the paintings handed over by the Office of Private Goods and Interests to the DMF. The sculptures are under „RFR“, the objects of art under „OAR“, the drawings under „Rec“. Generally these works of art are called „MNR“.

Germany

There have been no meetings of the joint German-Russian restitution commission since June 1994. The only contacts between the German and Russian side took place in this matter on the expert level. A so-called „round table“ was organized by the Russian side in Moscow on April 25th-26th. The topic of this meeting were the problems concerning the research of the losses which the Russian cultural institutions suffered during World War II. Participants of the „round table“ were: on the Russian side - representatives of the Russian Ministry of Culture, experts of the Russian Restitution Commission; on the German side - representatives of the Research Institute Eastern Europe („Forschungsstelle Osteuropa“) in Bremen and the Federal Archive („Bundesarchiv“) in Koblenz.

During their regular meeting in Moscow on June 11th-12th the members of the joint German-Russian expert commission for libraries signed a memorandum. They emphasized the special character of the library stocks and losses in comparison to archival material and museum objects (existence of duplicats, small number of rarities, special regional stocks etc.). The official negotiations, so they stated, do not adequately take this aspect into consideration. The expert commission asks both restitution commissions to authorize the experts to negotiate directly. Such an authorization should only refer to printed books, not to incunabula, manuscripts or similar objects.

The joint German-Ukrainian restitution commission met on February 27th-29th in Berlin. The Ukrainian side handed over a list of German cultural treasures which are located in the Museum of History of the Ukraine (275) and in the Ukrainian Academy of Arts (14). The Ukrainian side stressed the historical responsibility of Germany. In the last months it became clear that the Ukraine expects a considerable commitment of the German side for the restoration of museums or destroyed cultural monuments. The German side, however, is not willing to take this into consideration without clear agreements and an exact knowledge of the German cultural treasures still in the Ukraine. The next meeting of the joint commission will take place in the Ukraine. Until now no date is fixed. The head of the Ukrainian commission announced the presentation of lists regarding the losses of the Picture Gallery in Lemberg, the Museum of Russian Art in Kiev, the Art Museum in Charkow, the Museum of Local History in Chernygov and the National Museum of the History

of the Ukraine. The greatest part of these transferred objects, however, is now to be found in Poland.

During the last months some objects which were lost during World War II by German institutions turned up in Western countries, namely in the United States. A manuscript by Martin Luther was given back from the Concordia Historical Institute in St. Louis to the Museum of Cultural History in Magdeburg (see the article by Tobias von Elsner in the section restitutions). A painting by Johann Friedrich August Tischbein („Portrait of Elizabeth Harvey“, 1778) of the „Kunstsammlungen zu Weimar“ (Art Collection Weimar) was offered for sale at Sotheby's in New York. The painting was evacuated to Schwarzburg during the war, where in August 1945 American soldiers plundered 11 paintings. There are efforts to achieve an agreement about its return to Germany.

In order to clarify his ownership a citizen of Sherborn, Massachusetts, declared through his lawyer to be in the possession of 7 miniature paintings from the Book of Hours of Duke Johann Albrecht of Mecklenburg. These miniature paintings were lost by the State Library Kassel („Landesbibliothek und Murrharsche Bibliothek Kassel“). This self-declaration probably was inspired by the trial which takes place at present in the United States against the heirs of Joe Meador, who took the Quedlinburg treasure. The State Library Kassel claimed the miniature paintings.

The National Gallery in Berlin („Stiftung Preußischer Kulturbesitz“) detected the painting „In the Palace Zisa at Palermo“ by C.F.H. Werner also in the United States. The painting belongs to the Wagener Collection. During World War II it was evacuated to the anti-aircraft tower Friedrichshain. After 1945 no trace of the painting could be found.

A painting of the Museum of Fine Arts in Leipzig appeared at an auction house in Italy 1995, but was already sold when the museum became aware of this. The painting is by Frederik de Moucheron („Hill Scenery with Waterfall“). The museum will try to get the painting back.

Doris Lemmermeier, Coordination Office of the Federal States for the Return of Cultural Property, Bremen

Hungary

A meeting of the joint Hungarian-Russian working group for restitution was held in Moscow on April 2nd, 1996. The ministers of culture of both countries were present at the meeting. The Hungarian minister Bálint Magyar handed over a new extended list of works of art missing from Hungary due to the events of the Second World War. This list is being continuously updated as a result of László Mravik's ongoing research.

In 1995 Hungarian librarian experts found and identified a large part of the collection of the Library of Sárospatak. This library is the property of the Hungarian

Reformed Church, the books were seized from banks in Budapest by the Red Army in 1945.

The Hungarian Minister of Culture asked Minister Sidorov to return these books and incunabula in 1996 as this year marks the millicentenary of the settling of Hungarians and the millenium of the beginning of the education in Hungary.

Books originating from other sources such as the private library of Baron Móric Kornfeld and books that are still under identification were found in the library of Nizhni Novgorod.

In April 1996, Hungarian experts (Miklós Mojzer, László Mravik, István Fodor) were given the opportunity to enter the Grabar Conservation Institute (Moscow) for the first time to search for and identify paintings and sculptures of Hungarian origin. During this occasion they found some 40 pieces of art, amongst them medieval wooden sculptures from the collection of Kornfeld. Further fine pieces from famous Hungarian private collections may be seen at the permanent exhibition of the Pushkin Museum in Moscow.

At the meeting in April, the two sides agreed to begin the search for the films taken from Hungary as well. The next meeting of the joint Hungarian-Russian working group is planned to be held in Budapest this October.

Mária Mihály,
Secretary of the Hungarian Committee,
Ministry of Culture, Budapest

Italy

Since the fall of the Roman Empire, Italy has experienced losses of art treasures, be it through wartime destruction and looting or through more or less legal acquisitions by foreigners. Today crime, both organized and petty, is the main enemy of the preservation of art-works in their original settings or at least within the culture which produced them.

Pope Pius VII was the first to impose limits on the sale of works of art through the famous Bulla of Cardinal Pacca. The first law of the Italian State for the preservation of its cultural heritage, regulating also the sale and exports of art treasures, dates from 1909 while the basic law on the matter was issued in 1939 and is still in force.

In 1970 a special body of the Carabinieri Police Force, the „Nucleo Tutela Patrimonio Artistico“, was established with the specific task of protecting the cultural heritage and of recovering stolen works of art.

The losses suffered by Italy during World War II were horrific despite the Congress of Vienna having established the general principle that spoils of war are not admissible and despite the international agreements signed in The Hague in 1899 and 1907, and in Washington in 1935. While works of art were removed for their pro-

tection from museums and churches, the abodes where they were stored were not safe either. Air-raids before and during the slow fighting march of the Allied Armies from Sicily to the Po Valley destroyed buildings and artifacts.

Not all the fighters were as cultivated as the American officer who, at the moment of ordering the bombing of San Sepolcro, suddenly remembered that the town contained „the most beautiful painting in the world“: the „Resurrezione“ by Piero della Francesca. The whole world owes a perennial debt of gratitude to him and to officers and soldiers of all armies through whose efforts works of art could survive. Obviously the situation required emergency measures, and the German Army established also in Italy a special body, the „Kunstschutz“ (Art Protection), that often overruled the Italian authorities. Under „Kunstschutz“ supervision, the masterpieces of the Florence Uffizi, among many others, were put on their way to safety in Germany, only to be returned to Florence by the similar body established by the Allied Armies: the Monuments and Fine Arts Subcommittee of the Allied Commission in Italy.

In the background of this successful operation was a very remarkable man: Rodolfo Siviero. Connected with the Italian and British Secret Services as well as with the Italian Resistance, Siviero traced the movements of works of art during the war through Italy, Austria, and Germany and in 1946 was put in charge of their recovery under the auspices of the Ministry of Foreign Affairs. As chairman of the „Delegazione per le Restituzioni“ (Delegation for the Restitution), with the diplomatic title of Minister Plenipotentiary, Siviero dealt with the authorities responsible for the return to their legitimate owners of the works of art gathered by the Allies at the Collecting Point in Munich. He was also in charge of the follow up to the Adenauer-De Gasperi agreement of 1953 on the mutual return of cultural property between the Federal Republic of Germany and Italy. Hundreds of works of art were returned from and by Germany to Italy and Siviero's reputation in the eyes of Italian public opinion rose to the stars.

In the framework of the Adenauer-De Gasperi agreement and the subsequent bilateral negotiations, the Wiesbaden „Bundeskriminalamt“ (Federal Crime Office), responsible for tracing the still missing works of art, published a „Suchliste“ (search list) in 1973 containing 265 items. A similar and more comprehensive list should have been published by the „Delegazione per le Restituzioni“. A catalogue with all the pictures available (in black and white, of course) was duly prepared, but its publication became entangled in legal squabbles with the publisher.

Siviero died in 1983 and the quest for the lost spoils of war died with him, only to return to life when the changed political situation in Central and Eastern Europe opened new perspectives and possibilities.

In 1994 in reaction to the new situation, the Ministry of Foreign Affairs set up a Coordinating Committee among its different branches sharing the Siviero inheritance, and in October 1995, the 1,512 items catalogue prepared by Siviero twenty years before was finally published in Italian, under the motivation and supervision of the Ministry of Cultural Heritage. The English edition followed in March 1996 under

the title: „Treasures Untraced - An Inventory of the Italian Art Treasures Lost During the Second World War“. A German edition is due to be printed before the summer.

In December 1995, the Ministry of Cultural Heritage and the Ministry of Foreign Affairs institutionalized their cooperation. The Interministerial Commission for works of art lost during World War II was established by Joint Decree and started working in Palazzo Venezia, in the very rooms where Siviero had worked: the former stables of Cardinal Barbo, Pope Paolus II, the builder of the palace. Under the chairmanship of a diplomat, the Interministerial Commission relies on the expertise of personnel of the Ministry of Cultural Heritage and is connected to the „Nucleo Tutela Patrimonio Artistico“ through a Carabinieri Officer.

The first duty of the Interministerial Commission was to reopen the Siviero files, on whose fabulous contents a legend had been created in the Italian press and the public opinion. Although, as was to be expected, the archives failed to provide hints for recovering the missing treasures, nevertheless they contain documents on which the Italian Government can base its claims of ownership and are undoubtedly the basis from where to start. The first task of the Interministerial Commission is a cultural one. In distributing „Treasures Untraced“ worldwide, the highest priority is given to ascertaining how many of the 1,512 items described in the inventory have survived the war and its aftermath: in locating them we would assure their return to the world of universal culture to whom they belong. The question of their legal status and of their eventual return to Italy can be discussed case by case, when and if deemed appropriate and through the proper channels.

Therefore Italy appeals to the international world of culture for help in tracing these masterpieces, many of which may be somewhere in the international art market or perhaps may also be stored in depots of museums and other public art galleries.

When the Uffizi paintings were returned to Florence, General Clay wrote: „To restore these masterpieces to Italy, of whose culture we are all the children, means to give them back to our common fatherland“. Today we ask to return untraced treasures to the universal world of culture and - if possible - to Italy. Any communication as well as requests for additional copies of „Treasures Untraced“ can be sent to the address noted in the bibliography of this issue (see: books and articles on specific countries, Italy).

Mario Bondioli-Osio, President of the
Interministerial Commission for Art Works, Rome

Luxembourg

Today the first aim of research in the field of restitution of works of art still is creating a documentation of the losses. We now know that the „Musée national d'histoire et d'art“ (National Museum of History and Art) and the „Bibliothèque nationale“ (National Library) in Luxembourg have suffered no losses during World War II. The explanation for this situation may be that the Germans regarded Luxembourg as

part of Germany and thus there was no reason for displacing works of art or books. If the situation seems clear for the public domain, things seem to be quite different in the private domain. Nevertheless it is not easy to find trustworthy information on the losses in this sector.

In the meantime we have spotted the files of the „Office de Récupération Economique Luxembourgeois“ (O.R.E.L., Office of Economic Restitution) at the „Archives nationales“ (National Archives) in Luxembourg. We hope to get access to these files in the months to come. Meanwhile our documentation was enlarged through the help we got from the „Ministère des Affaires Etrangères“ (Foreign Ministry) in Paris. Copies of documents and photos of lost paintings were of great help to us. The paintings, however, were not taken away from Luxembourg, but disappeared from a castle located in Italy, being at that time the property of Prince Felix of Luxembourg. The case was published in the early 50ies, but the paintings never turned up.

We are, of course, very grateful for any help we can get from our neighbours and we hope that at one time or another we can help them in return. In May 1996 a meeting was held at the Benelux-Secretariat in Brussels where information could be exchanged with the representatives of the Benelux-countries. We think that a regular meeting on this basis is very helpful to get more informal information and to discuss problems in the field of art recuperation.

At the moment we have no new information on works of art or archival documents from Luxembourg that may have been brought to Russia, but we hope that our contacts will be intensified during the next months. Our search for documentation will be extended to German and Austrian archives during the next months, and we hope that we can have a complete documentation by the end of the year.

We would like to congratulate the editors of „Spoils of War“ for the very exceptional work they did and we hope that they will be able to go on.

Paul Dostert, Representative of the
Ministry of Culture, Luxembourg

* Ardelia R. Hall: *The Recovery of Cultural Objects Dispersed During World War II*. In: *The Department of State Bulletin*. Vol. XXV. August 27th, 1951. Pp. 337-345, especially p. 338.

The Netherlands

There have been no meetings of the joint Russian-Dutch Koenigs working group about the Koenigs drawings from Rotterdam which are now in the Pushkin Museum. No progress has been made concerning the return of Dutch material in the Osobyi Archive.

On April 15th and 16th, Amsterdam hosted an international symposium „The Return of Looted Collections (1946-1996), an Unfinished Chapter“. The symposium commemorated the 50th anniversary of the return of books and archives that had

been taken from the Netherlands by the occupying German forces during World War II. Lectures were given on the restitutions from Germany, on recent research of Nazi looting, on recovery work in progress, and on Dutch material in Russia and possibilities for recovery and cooperation. The possibility to publish the proceedings is being looked into. A brief summary is given below.

The symposium was organized by initiator F.J. Hoogewoud (Bibliotheca Rosenthaliana, Amsterdam), E.P. Kwaadgras (Cultural Masonic Center 'Prins Frederik', The Hague), J.E.P. Leistra (Netherlands Office for Fine Arts (RBK), The Hague), P.M. Manasse (International Institute of Social History (IISG), Amsterdam) and H. de Vries (State Institute for War Documentation (RIOD), Amsterdam).

Guests of honour were Colonel Seymour J. Pomrenze and his wife from New York and Madame Madeleine Milhaud from Paris. Col. Pomrenze, as the first director of the Offenbach Archival Depot in March 1946, was responsible for the return of many important Dutch library collections. Madame Milhaud received the first copy of the book by Wim de Vries on the music section of the Einsatzstab Reichsleiter Rosenberg (ERR). During his research, De Vries discovered, among others, the music manuscripts of Henri Cliquet's „Six petites pièces pour Madeleine Milhaud“ (1916), which was played at the end of the first symposium day.

In the opening lecture, Aart J. van der Leeuw, formerly of the RIOD, gave an overview of his work in the years 1957-1962. Under the „Bundesrückerstattungsgesetz“ (Federal Law on Refunding) of July 19th, 1957, compensation could be claimed for household goods which demonstrably were taken from occupied countries to Germany during the war. Aart J. van der Leeuw was charged with finding the necessary documentation for these claims and found important files pertaining to the missing libraries of Jewish institutions, masonic collections, the International Institute of Social History and many more.

In Col. Pomrenze's lecture on the Offenbach Archival Depot, special reference was made to the Netherlands. From July 1945 until February 1946, no restitutions had been made from Offenbach; only six people worked there at the time. Once the Depot's proposed organization had been approved and the staff had been increased to 200 people, work progressed rapidly and at the end of March, 1.8 million items had been handled. Restitutions to the Netherlands were given priority resulting in three major returns by ship in March, April, and July of 1946.

Apart from the masonic lodges and the Jewish organizations, the Belgian unions in 1942 also lost their archives to the ERR. As Wouter Steenhaut and Michel Vermote explained, research is being done to compile detailed lists of losses. The Moscow Osobyi Archive houses 35 Belgian archives containing 20.000 files, mostly of the Belgian Ministry of Defense, but private archives and archives of socialist institutions are present as well. There have been meetings to discuss their return to Belgium, but political circumstances have stopped progress in this matter.

Florence de Lussy lectured on the repression by the French secret police and the German institutions of societies, especially masonic lodges, in France between 1940 and 1945. In August 1940, all possessions of societies were confiscated. The best

material was taken to Germany, the rest of the masonic archives was placed in the Paris „Bibliothèque Nationale“. In September 1944 it was agreed between the Bibliothèque and the Grand Orient lodge that the old archives would stay at the Bibliothèque and that the rest of the material would be returned to the lodge. Much of what had been taken to Germany ended up in Moscow, but there is archival material in Poznan as well. A cooperation and exchange of information has been set up with both cities.

Josefine Leistra presented an overview of art loss and art recovery in the Netherlands, leading up to the case of the Koenigs drawings. The first efforts of the Dutch government to locate the missing drawings date back to December 1945. In October 1992, the presence of 307 drawings in Moscow was officially acknowledged for the first time. They were exhibited in the Pushkin museum in 1995. A counterpart exhibition in Moscow organized by the Dutch government showed thirty drawings from the Koenigs collection in Rotterdam with an art-historical relationship to the drawings now in the Pushkin museum. Negotiations for their return and the search for the still missing 182 Koenigs drawings continue.

Frits Hoogewoud spoke about the background of the restitution to Amsterdam in 1992 of ca. 600 books of the Rudomino Library of Foreign Literature, which had received these books from Minsk in 1982. They are probably part of collections taken by the ERR or in the „M-Aktion“ and came to Minsk through Ratibor. The books had belonged to private owners as well as Dutch organizations, such as theosophic societies and an Esperanto centre.

Hans de Vries spoke about the two research visits the RIOD made in 1992 and 1993 to the Osobyi Archive. The German section includes material taken by the Germans in the Netherlands from Jewish, masonic, and Catholic organizations, as well as the IISG and the International Archive of the Women's Movement (IAV). The Russian-Dutch agreement of 1992 about their return has not yet been carried out, but in March 1995, the IAV in Amsterdam received microfilm copies of its 203 dossiers in Moscow.

E. Bramson-Alperniené lectured on the tragic history of the YIVO Institute for Jewish Research in Vilna. During the war, the book and library collections were transported to Germany. What was found there after the war, was sent to the YIVO in New York. Material found in Vilna after the war was placed in a newly established Jewish museum. In 1949, the museum had to close because of the Stalinist policy and the material is now in the Lithuanian National Library. In 1993, missing documents were found in the Lithuanian State Archives which are now studied by experts.

Patricia Grimsted of the Ukrainian and Russian Research Center at Harvard focused on two Nazi operations particularly involving books and archives, namely the ERR Ratibor Center and the activities of the „Reichssicherheitshauptamt“ (RSHA) in Silesia. A large part of the RSHA library and archives collection was moved from Berlin to Silesia in 1943, ending up in Habelschwerdt (now Poland) in 1944. This material was partly taken by Ukrainian troops, which arrived first in the area, and

was partly taken to Moscow and forms the base of the Osobyi Archive. The Nazi resources now available in Moscow and Kiev demonstrate the need for further research of this material.

According to Ekaterina Genieva of the Rudomino Library, research suggests that a total of 11 million books were taken from Germany to the Soviet Union at the end of the war. They were distributed to several libraries, including university libraries, in the whole of the USSR, but only 4.7 million books from Germany have been identified up until now. One important result of the Russian-German library committee was the agreement on unlimited access to library collections for both sides. Political circumstances recently have prevented progress. Ekaterina Genieva's advocacy for discussions and consultations and an open exchange of information concerning these collections was a fitting closing statement to the symposium.

Josefine Leistra, The Netherlands
Office for Fine Arts, The Hague

Poland

This country report focusses on the publishing activities of the Office of the Government Commissioner for Polish Cultural Heritage Abroad in the years 1995-1996.

The four years ongoing cataloguing of war losses in the field of works of art has already generated information on over 40,000 items unaccounted for. This number will certainly increase by ca. 20-25% since not all material has arrived yet. We have only received a full account in the area of Polish archaeology and antiquities. Therefore we have started our work on the catalogues with these two subjects.

The losses in the field of Polish archaeology are enormous, not only because of the disappearance of individual items or collections, but also because the invaders destroyed a large part of the inventories as well as identifying material. As a rule the Germans would separate the most precious items on the basis of their material value, and furthermore they would move part of the collections to locations which seemed to offer more safety. Such actions on the part of the occupying forces caused irreversible damage to numerous objects. As early as the first months of the hostilities, the German authorities decreed that archaeological items from Central Poland should be transferred to Poznan, while the Cracow collections were brought to Wroclaw. Part of these items, especially selected, was destined to serve as research material used to prove that the occupied territories were of Germanic origin. Items which were deemed unfit for such research were simply destroyed.

The preparation of a comprehensive catalogue concerning Polish archaeology was not an easy task. It should be pointed out that it represents the first postwar publication dealing with the subject matter, and it required from the author, archaeologist Marta Bocian, extensive knowledge and many months of work. Considering the necessity of verifying all of the material in order to avoid possible mistakes, it was decided to provide a preliminary publication in a limited edition and to address only readers directly or indirectly involved with the subject matter of archaeology. This

publication has primarily reached museums in order to assure a final check of the presented data and supplementation. Everything leads to believe that by the end of 1996 a complete catalogue will be available to everyone interested.

The preliminary catalogue, aside from the introductory part which acquaints the reader with the question of war losses, has been subdivided into nine sections, namely: Stone Age, Bronze Age, Iron Age, Pre-Roman Period, Period of Roman Influence, Early Middle Ages, Middle Ages and Modern Times. Items of undetermined chronology are dealt with separately. Both chronological and alphabetical orders have been adopted, while the illustrative material - mostly drawings and partly photographs - on account of its considerable wealth has been included in a separate volume (192 tables and 74 photographs).

As the author points out in the introduction, the catalogue altogether contains data on 13,795 lost items from 268 archaeological sources. Numismatics have been left out. A separate catalogue will be devoted to them. It will deal with losses of coins and medals covering the period from Antiquity to the outburst of World War II.

The author of the catalogue also draws the attention of the readers to differences in the presentation of the material received, depending on whether they came from an archaeological museum or from an institution incidentally in the possession of such a type of collection. Therefore there are parts which contain a full description of a given item, a full bibliography, as well as iconographic material, while others appear as so-called mass material. A separate problem lies in the difference in terms of scholarly value between archaeological items originated from a group, from excavations and items taken out of their context. However, in view of our desire to present the full extent of the losses in this field rather than merely providing a list of items suitable for identification, all the data received have been included.

As far as the catalogue of losses in antiquities is concerned, final editing for a preliminary issue is in progress. Similarly it is intended to serve for further verification and supplementation. It will comprise information on 1,300 items subdivided into various categories. Besides museums and governmental agencies, it will cover so-called private collections such as the collection of antiquities of the Czartoryski Museum in Cracow or a similar collection at the Goluchow Castle which belongs to the same princely family. Extensive, illustrative material will supplement the catalogue, thus permitting a full identification of individual items.

While on the subject of archaeology, one should mention a recent and interesting publication by Marian Kwapinski which has been published by the Plenipotentiary of the Government's Office and is easily accessible to the public. It deals with a collection of Pomeranian „kanops“ (funeral urns) from the middle of the 6th to the end of the 4th century B.C. (see bibliography). Their unusual shapes and decorations which were intended to represent a human form caused this collection, already known in the 17th century, to be considered one of the most engrossing in Europe. It suffered the fate of many other collections during the war. Only a small number of items remained, part of the collection was destroyed by the Red Army and part was taken away to Germany to an unknown destination. We only know that three items

have recently surfaced in Thuringia. Therefore there are grounds for hope that the main core of the collection still exists somewhere.

Monika Kuhnke, Office of the Commissioner for
the Polish Cultural Heritage Abroad, Warsaw

Ukraine

How should the Ukrainian-German cooperation with regard to the mutual return of cultural property be appraised in the light of the third round of Ukrainian-German negotiations on restitution of cultural property lost or displaced during and after World War II? Did the negotiating parties achieve progress and mutual understanding in the course of negotiations? Is there hope of developing a program on this important cultural - and at times purely political - issue? These questions have assumed prime importance today, on the eve of German Chancellor Kohl's visit to the Ukraine, although the visit is actually still several months away.

The negotiations laid the foundation for the Ukrainian-German Intergovernmental Agreement of February 15th, 1993 on the Cooperation in the Field of Culture and have become a further important link in the development of Ukrainian-German relations, which were reinforced by the visit of the Ukrainian President Leonid Kuchma to Germany from June 3rd to 5th, 1995.

The restitution process is an important factor in the consolidation of Ukrainian-German relations, and its development is characterized by steady improvement. Without doubt this process was accelerated by the fortunate coincidence that at the Festival of Ukrainian Culture in Bavaria the former Prime Minister of the Ukraine, L. Kuchma, returned 32 of Goethe's documents and art works to the German people to whom the objects belonged until the war.

The exchange of cultural property has progressed further since then: the Ukrainian side has returned to Germany the archeological relics of the „Kablov Find“, and in return the German side has given back the architectural monuments removed in 1944 from the Local History Museum in Kherson. Not long ago over 700 books were returned to the Ukraine from the „Pfahlbau Museum“ in the town of Unteruhldingen, and Bremen received a Hans von Marées portrait. The restitution agreements between the Ukraine and Germany are based on trust and sincerity and this is to be welcomed, though it should be borne in mind that restitution has also attracted the attention of individuals who for whatever reason are in possession of foreign cultural property.

The cooperation between the Ukraine and Germany is clearly constructive and has also produced concrete results. These are reflected in the protocol and give grounds for optimism that the German side will manage to recover German cultural property currently held in the Ukraine, that it will call for the creation of a complete register of these spoils of war, and that it will also demand free access to the mentioned depositories for German experts (which until Ukrainian independence were kept secret). Equally the German side should adequately address the question of returning

Ukrainian cultural property on the basis of agreed conditions. The Ukrainian side is conducting searches for its lost national cultural items, is creating a corresponding data base and at the same time, in keeping with the norms of the protocol, is setting up a register of German cultural items taken as spoils of war, which demands great effort and ultimately creates additional costs. Since gaining independence, the Ukraine began to make estimates of its losses and to systematically formulate state policy with regard to restitution strategy, which European states such as Germany, Poland, or Hungary began almost half a century ago. As early as the late 50ies, 1,375,000 museum exhibits and other cultural items were returned to the GDR, a large proportion of these came from the territory of the Ukraine. The process of returning the cultural property of the German people was thus begun in the first decade after the war.

In the broad context of cooperation in the field of culture, the question of restitution is inseparable from normative moral judgments and obligations. Above all these relate to the Ukraine, whose culture suffered perhaps more than any other during the tragic events of the war, but the right of the Ukraine to corresponding compensation has never been put on the agenda.

The Ukrainian side has begun registering the cultural property lost in the Ukraine and is also establishing a mechanism at governmental level to resolve the numerous problems involved in returning cultural property and fulfilling its obligations under international law while complying with the norms of its own internal legislation. Thus in New York at the international symposium organized in January 1995 by the Soros Foundation the German side received a prepared catalogue of the lost paintings of the Kiev Museum of Western and Eastern Art. The German side reported that it has no information whatsoever on the 475 works of art looted from the museum in Kiev. The Ukraine was subjected to aggression, its cultural works and monuments were destroyed, no trace was left for posterity. The development of the negotiations ought to take into account the moral aspect of recovering the lost cultural property of the Ukraine. This is a fundamental normative element.

In 1995 the Ukrainian side demonstrated propriety in giving its German partners a list of ascertained cultural items removed from Germany to the Ukraine. Of these, 275 are held in the National Historical Museum and 14 in the Ukrainian Academy of the Arts. It made this gesture despite the fact that the Ukraine has no reports on the loss of its own cultural items, their displacement or return. In the process of negotiations at all three meetings of the Ukrainian and German delegations (1994-1996) the Ukrainian side has emphasized that the loss of Ukrainian cultural property as a result of the occupation must be taken into account in the restitution process.

In the deliberations and cooperation during negotiations new and additional problems arise and thus necessitate the undertaking of joint efforts. The Ukraine now proposes to hold an international symposium on international legal aspects of restitution in Kiev. This symposium should make a contribution towards solving contentious questions. Arguments in favour of negotiations on looted cultural property should encompass both the search for and return of Ukrainian cultural treasures on the one hand (which the Ukrainian side is in fact presently working on), and on the

other hand, should involve similar gestures of good will with regard to German cultural property.

As indicated in a project of the German Coordination Office of the Federal States for the Return of Cultural Property (Bremen), „the question of the return of cultural property corresponds to a line of correlation between countries' level of culture and their foreign policy in the field of culture“. The Ukraine has begun compiling a register of cultural losses, which are staggering in scale. Germany has been working on the same kind of register for many years. The current state of opinion gives grounds for hope that the return of cultural property on both sides (or compensation in the restitution process) will become a stable bridge uniting Western and Eastern Europe. Today the tragic conflicts of the war with all its dramatic events should be put aside, as difficult as it is. The facts, however unpleasant they may be, should not be ignored, because they can foster the establishment of the truth on the path to an agreement on the problem of restitution.

An intergovernmental agreement has been signed between the Ukraine and the Republic of Poland regarding the protection and the return of cultural property lost and displaced during World War II. The National Commission is pursuing productive negotiations with Hungarian colleagues. Budapest has officially returned the diary of the scholar Nandor Fettich, which was written in Kiev in 1941-1942 and gives an impression of the period of German occupation. With Russia the restitution process is at a stalemate which the Russian side maintains by evading official round table talks and not responding to corresponding propositions by the National Commission.

Alexander Fedoruk, Head of the National Commission
of the Restitution of Cultural Treasures to Ukraine, Kiev

Archival Reports

Microfilming in Moscow

The Centre for the Preservation of Historico-Documentary Collections (TsKhIDK) or the late secret Osobyi Archive in Moscow has recently published a small brochure⁽¹⁾ on its holdings of Belgian origin. The texts are based on the introductions of the inventories. The introduction of the issue itself provides no further information on the origins and acquisition of these records by the TsKhIDK. In general terms it says that the Belgian documents have been taken away from Wolfelsdorf, near Habelschwerdt (Silesia) by the Red Army in Autumn 1945.

A search on the spot already revealed more fundamental information on the Belgian archives than the introduction in the brochure of the TsKhIDK does⁽²⁾. Still, this partial presentation of its collections - with a modest circulation of 200 copies - is significant. It confirms and makes more explicit a policy of openness which started only a few years ago.

Meanwhile, a number of the archives described in the brochure are being micro-filmed. It was the Archive and Museum of the Socialist Labour Movement (AMSAB) of Ghent that took this initiative last year. This way important material on social history should be available to research in Belgium. Among other things, it concerns the personal papers of the socialist politicians Louis Bertrand and Arthur Wauters, and those of the progressive liberal Ernest Mahaim. There is also the paper patrimony of socialist organizations such as the freethinkers organization „L’Afranchissement“ (1873-1919) and the records of the party newspaper „Le Peuple“. But above all, there are the documents of the National Institute of Social History, which started its activities in 1937, but gathered an important collection in only a few years. Last but not least, we have to mention the records of the Council for the Prosecution (Brussels) with interesting files on anarchist, communist, and socialist organizations and activities during the inter bellum period.

All in all, this microfilm project concerns hardly a tenth of the whole substantial Belgian archive treasure conserved in Moscow. Given the present silence on this matter, it is obvious there is no question of any kind of restitution of the original material in the near future. Reproducing the Belgian archives in order to answer the research questions only emphasizes the historical value of the documents and confirms the necessity of the restitution of the originals.

Wouter Steenhaut, Michel Vermote, Archive
and Museum of the Socialist Labour Movement, Ghent

(1) Fondy Bel’giiskogo Proiskhozhdeniia: Annotirovannyi ukazatel, compiled by T. A. Vasil’eva and A. S. Namazova; edited by M. M. Mukhamedzhanov, Moscow, Rosarkhiv, TsKhIDK, 1995.

(2) AMSAB-Tijdingen, special issue 16 (1992): „Mission to Moscow, Belgische socialistische archieven in Rusland“, Ghent, AMSAB, 1992.

Protecting Cultural Objects through Documentation Standards

The threats to the world’s cultural objects have increased greatly in recent years. They include the pillaging of archaeological sites, the illegal export of objects protected by national legislation, the theft of individual works of art, and looting, damage, and destruction in times of war and civil disorder.

Recent military conflicts have exacted a heavy toll on the cultural heritage. The catalogue of losses includes the museums and monasteries, and religious shrines in Cambodia which were destroyed deliberately by the Khmer Rouge; the National Museum in Kabul, Afghanistan (devastated and looted); the Musée de Beirut, Lebanon (reduced to a burnt-out shell by 15 years of civil war); and the World Heritage Site of the city of Dubrovnik, Croatia (badly damaged by bombardment). In 1992 the Croatian government reported that 470 monuments (121 of which are of national or international importance) had sustained damage in the war with Serbia. Religious buildings were the worst affected category of monuments. Of the 241 churches and monasteries listed as casualties, 61 were destroyed and 75 heavily damaged. The conflict in Bosnia has been even more devastating, with recent reports claiming that

1,470 mosques have been damaged or destroyed in what has been described as a campaign of 'cultural cleansing'. During the Gulf War Kuwait notified UNESCO of the removal of thousands of cultural objects by the occupying Iraqi forces. Iraq, in turn, has circulated lists of objects taken from a number of its regional museums. Fifty years after its end, World War II continues to cast a shadow over the cultural property debate. Recent disclosures that major works of art taken from Germany by the Red Army have been stored in Russian museums - coupled with revelations about the scale of the organized looting carried out by the Nazis in occupied Europe - have brought the impact of war on cultural objects back into the public eye.

Those engaged in combatting the illicit trade in cultural objects point out that an object that has been stolen or illegally exported is not likely to be recovered unless it has been photographed and adequately described. Even assuming that such precautions have been taken, it is then essential to circulate details effectively to organizations that might be able to assist in an object's recovery. Ideally, the information should be able to travel as fast or faster than the object, crossing national borders and circulating to numerous organizations.

Recognizing these needs, the Getty Information Institute has initiated a collaborative project - „International Documentation Standards for the Protection of Cultural Objects“ - which encourage the compilation of adequate descriptions of objects in standardized forms. Agreement on the information content of descriptions of objects is an essential precondition to the development of the efficient information networks that are needed to combat the illicit trade. One of the problems is that the information needs of different organizations vary. For instance, police agencies will require different information from museums, but both need descriptions that will enable the object to be identified. Examples of this essential, or 'core' information might include the material an object is made of, its measurements, any distinguishing features, and the date of its creation.

The first step towards building a consensus on the 'core' has been to identify the categories of information regarded as essential by the various communities that have a role to play in the protection of cultural objects (e.g. museums, law-enforcement agencies, the insurance industry, and the art trade). These categories have been identified by a combination of background research, interviews, and, most importantly, by international questionnaire surveys. The first of these surveys was carried out between July and December 1994 by the Getty Information Institute and was endorsed by the Council of Europe, the International Council of Museums, and UNESCO. The respondents from 43 countries included many major museums and galleries, heritage documentation centers, INTERPOL, and a number of national law-enforcement agencies.

The results of the survey demonstrated that there exists a broad consensus on many of the categories of information which are candidates for inclusion in the proposed 'core' standard (the findings of the survey have been published in „Protecting Cultural Objects Through International Documentation Standards“, The Getty Art History Information Program, 1995).

Since then two further questionnaire surveys have been conducted, the first of art insurance specialists (1995) and the second of appraisers of art and antiques (1996). These surveys show that the consensus identified by the 1994 questionnaire also exists in these two key private sector communities.

At an early stage in the project it was recognized that an object's physical condition provides one of the best means of identifying it uniquely. A mutual recognition of the value of condition information led to a collaboration between the Getty Art History Information Program and the Getty Conservation Institute. The two Getty programs organized a Conservation Specialists Working Group that has examined ways in which the recording of physical characteristics can assist the process of identification. One recommendation of this group has been that the proposed 'core' should include a category called 'Distinguishing Features', the purpose of which would be to record information about any features on an object that could uniquely identify it (e.g. damage, repairs, defects introduced in the manufacturing process). Taking this thought a stage further, one member of the group has been commissioned to develop an approach to making visual documentation of distinguishing features.

Visual documentation is of great importance to the process of uniquely identifying cultural objects. Law-enforcement agencies, in particular, assert that, without an image, a stolen object is unlikely to be recovered and returned to its rightful owner. There is general agreement that images of objects should form a part of 'core' records. With this in mind, the Getty Information Institute and the Getty Conservation Institute are collaborating on the preparation of a guide to photographing cultural objects, a publication that will place particular emphasis on the making of images that can be used for the purpose of assisting in uniquely identifying individual objects.

The results of the questionnaire surveys are being used to brief a series of round-table meetings of experts drawn from the communities concerned. The first of these was a meeting of museum documentation experts, held in Edinburgh in November 1995. This was followed by a meeting of specialist art insurers, held at Lloyd's of London in March 1996. Future meetings will consult with law-enforcement agencies, the art trade, and organizations representing appraisers of art and antiques.

There has been a strong agreement on the content of the 'core'. So far, the following categories of information have been agreed upon:

- object type
- medium / material / techniques
- measurements
- inscriptions / markings
- distinguishing features
- subject
- title of object
- date / period / style
- maker's name
- description

image

Having identified the 'core', the next task will be to put it to work. The project has identified a number of ways in which use of the 'core' can be encouraged, including the following:

- implementation of the 'core' categories on existing systems,
- inclusion of the categories in existing standards and codes of practice,
- creation of new standards where appropriate,
- professional training,
- collaborative campaigns to heighten public awareness of the importance of documentation in combatting the illicit trade in cultural objects.

Robin Thornes,
Getty Information Institute, Frome

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Restitutions

The Return of the Luther Manuscript „Wider Hans Worst“ (Against Hans Worst) to Germany

Thinking of spoils of war you may have the idea of destroyed, looted or hidden art treasures or stolen goods. But the recovery and the return of the Luther manuscript „Wider Hans Worst“, written 1541, has nothing to do with anybody's interest in making money with stolen objects. It rather is an example of honesty and a noble attitude towards history.

It was early in June 1995 that the „Kulturhistorisches Museum Magdeburg“ (Museum of Cultural History), the former „Kaiser Friedrich Museum Magdeburg“, received the first hints of a story which has now come to a fairytale ending. The German Ministry of the Interior asked the director of the museum, Matthias Puhle, to prove the ownership of the Luther manuscript „Wider Hans Worst“. As we had been working on a documentation of the Magdeburg spoils of war we could tell the ministry that despite the loss of the inventory we could provide copies of insurance documents. We also had various museum documents and lists of those objects which were brought into a salt mine 30 kilometers south of Magdeburg in order to protect them against air-raids. Each of these files mentions three Luther manuscripts owned by the museum of Magdeburg. The other manuscripts mentioned were „Vom Abendmahl. Christi Bekenntnis“ (About Communion. Confession of Christ), 1528, and „Bericht von beider Gestalt des Sakraments“ (Report on the two Forms of the Sacrament), 1528. When Matthias Puhle was asked to give reasons why the manuscripts should return to Magdeburg he stressed their importance for the Federal State of Sachsen-Anhalt. After decades of censorship Luther's writings would help to remind the citizens of their religious and spiritual roots.

Finally, a government official came to Magdeburg to reveal the fate of the Luther manuscript. We learned that in 1950 Pastor Theodore P. Bornhoeft of the Trinity Lutheran Church had written to the Concordia Historical Institute in St. Louis: „Under separate cover per registered mail, I am sending you a valuable original manuscript written by Martin Luther, entitled ‘Wider Hans Worst’“. Bornhoeft also wrote that it was given to him by a Baptist chaplain who had found it on a factory floor. „I am sending it to you for safekeeping.“ Stating that he would send the manuscript to the Lutheran Research Institute and its archives to keep it in a safe place he suggested to put the following notice into the book: „Presented to the Concordia Historical Institute for safekeeping, by former U.S. Army Chaplain Theo. P. Bornhoeft until the opportunity presents itself when he can safely return and present it to the City of Magdeburg, which is now occupied by the USSR“. Professor Pollock of the Lutheran Research Institute agreed with this by promising that he would follow the instructions. He added: „I pray that nothing will happen to it during the time we hold it for you.“

After the reunification of Germany forty years later, the present director of the Concordia Historical Institute, Reverend Daniel Preus, remembered this promise. He got in contact with the German consulate in Chicago. Meanwhile the museum in Magdeburg also followed the official diplomatic way under direction of the German Ministry of Foreign Affairs. On February 20th, 1996 a solemn return ceremony took place in the exhibit hall of the Concordia Historical Institute. The German government probably was afraid of negatively affecting the friendship of the two countries because of the German claims on spoils of war. The very clear attitude towards ownership rights and moral values, however, led to a common interest in this matter. The speech of the former director of the Institute, Reverend Suelflow, characterized this attitude when he proudly proclaimed: „The privilege is ours, under God’s blessings to return our special friend Luther to his homeland“.

While Preus referred to the theological content, particularly to the difference between the true ancient and the false new church, Puhle underlined the historical meaning of Luther’s response. In his defense of the Protestant Elector Johann Friedrich of Saxony against the Duke Heinrich of Braunschweig and Wolfenbüttel - whom he called „Hans Worst“ („Hans Worst“ was the name of the medieval clown characterized by a sausage around his neck) - Luther articulated the reasons for the War of Schmalkalden. Puhle expressed his gratitude towards the Concordia Historical Institute and the late chaplain Bornhoeft for the return of the manuscript. Mark Scheland, responsible for German affairs within the U.S. State Department, also thanked the institute „for its very admirable contribution to the American-German relations“. The representative of the German government, Consul General Gabriele von Malsen-Tilborch, focused on the heart of the matter: „There were and still are other people in other countries who consider it a quite legitimate punishment and a rightful compensation for their losses to keep for themselves cultural treasures taken away from a country that had started the war“. She continued: „On the other hand, to deprive a country of the better parts of its identity means to deprive it of its

chance to improve, to heal, to become a valuable member of the family of man and to make its contribution to it.“

A few days later the events came to a happy ending in the town hall of Magdeburg. The lord mayor, Willi Polte, presented all three Luther manuscripts to the public. The two other writings had been handed back in connection with an exchange of cultural objects between the Federal Republic of Germany and the German Democratic Republic shortly before the radical change in Europe in 1989. After the fall of the Berlin Wall and the following events they simply had been forgotten. German news reports on the return of „Wider Hans Worst“ reminded a librarian of the other manuscripts so they could return to Magdeburg as well. It underlines the importance of the writings that they were shown in the Luther exhibition organized by the „Berliner Staatsbibliothek“ in March 1996.

We are aware of the fact that the story of these manuscripts is exceptional. However, it certainly is a crucial example to encourage legal and just behaviour. The team of the museum continues the research on the lost picture gallery and other losses of war and resulting damages. More than 350 copies of the war loss catalogue - „Alles verbrannt?“ (All Burnt?) - have therefore been sent out worldwide to museum directors and art dealers. In addition we asked the International Foundation for Art Research (IFAR) and its London based equivalent, the Art Loss Register, for further investigations.

As we know that not everything was burnt we still hope to find witnesses who can give evidence of what had happened to the museum's storeroom in the saltmine Neustaßfurt in April 1945. That is the reason for our article in the newsletters of the U.S. veterans and for our question to the Dutch „Vereniging ex-Dwangarbeiders“ (Union of former compulsory workers) asking them for assistance: „Did the Dutch who were forced to work in Neustaßfurth remember the stored objects?“. Finally, there are clues that German civilians have taken away art objects in the turmoil of the end of the war. We also want to overcome the silence of the old German witnesses. Of course it is uncertain whether more cultural treasures from Magdeburg

will turn up in the future. But we think the research is worth the effort, because it helps us to enlighten and to understand the Magdeburg history.

Tobias von Elsner, Historian,
Museum of Cultural History, Magdeburg

Restitution by the Museum of Pre- and Early History in Berlin. Two Examples

In the 60ies, the Museum for Pre- and Early History (MVF) 'through official channels' received gold finds of the Archaeological Museum in Poznan to be held in trust. These objects were considered missing since 1945, i.e. war losses. On a yearly basis, the former director of the MVF tried - also through official channels - to be granted permission to inform the Polish colleagues, with whom one had closely been working together in many fields, about the existence of the finds - without success. Only after the opening of the borders in 1992, these finds were sent back to Poznan, and thanks to a new publication (see bibliography) they are now accessible for science.

In 1980 and 1985, the Museum of Pre- and Early History acquired a group of historical objects, mainly finds from the Bronze Age in the region of the Black Sea, from a private collection in Berlin. During a guided tour through the museum in 1988, the prehistorian Professor Alexander Leskov identified one of these objects. With joint efforts the MVF and Professor Leskov succeeded in discovering the place where the items originated from, namely the Ukrainian Historical Museum in Cherson at the lower reaches of the Dnepr river. Already in 1989, the author had access to original documents from a Soviet special archive, which prove the confiscation of the group of objects by a special unit of the SS. Only in 1994, the objects could be returned to the original owner during a ceremonial hour by the President of the foundation „Preußischer Kulturbesitz“, Werner Knopp, and in the presence of the Ukrainian Ambassador. Maybe the delay since their identification was crucial for their successful return to the Ukraine. It can also be proved that Ukrainian cultural treasures found in the Soviet and West-Allied Occupation Zones in Germany were returned to the USSR, but until today, a number of objects have still not returned to the Ukrainian museums to which they belong.

In the same ceremony, the „Märkisches Museum Berlin“ (now Townmuseum Berlin) received from the Ukraine finds of the so-called Kablov excavation. This excavation was led by the German museum in the years 1938-1942. The finds were evacuated to Silesia and found by the Soviet army. A part of the objects was given to Riga, the other part to Kiev (Academy of Sciences). The part from Kiev returned to Berlin in 1994.

Klaus Goldmann, Senior Curator at the
Museum of Pre- and Early History, Berlin

Comment on the Soviet Returns of Cultural Treasures

Moved because of the War to the GDR

As far as figures in the context of cultural treasures are meaningful, it should be stressed that during the early 50ies until the late 80ies all in all 1.9 million cultural objects belonging to German owners have been returned by the USSR to the GDR. The beginning of the returns to the GDR was the time just after Stalin's death, a time of political relaxation and the time when, parallel with the transfer of extended foreign sovereignty rights, the GDR was being integrated into the Eastern system of alliances. In 1955, a party decision followed by a government resolution led to the handing over of 1,240 objects of the Picture Gallery in Dresden and of extensive archival material on foreign politics of the German Reich and Prussia (200 tons). According to this decisions in 1956/57 books, e.g. from Gotha, the „Staatsbibliothek Berlin“ and the „Sächsische Landesbibliothek“, were also given back.

Some more detailed comments shall be made on the most extensive and most valuable returns of 1,574,106 cultural objects carried out in 1958/59, which were exemplary for all following restitutions of cultural treasures from the USSR to the GDR. As a result of negotiations conducted by a governmental delegation of the GDR in Moscow (January 3rd-8th 1957), a joint declaration was formulated. Both parties expressed their willingness to „examine all questions arising in the context of mutual returns of cultural treasures (art objects, archival material etc.) in order to bring to an end the resolution - initiated by the government of the Soviet Union - of the specific problems deriving from the war times.“

From May until October 1957, with reference to this declaration, the GDR presented lists of moved cultural treasures of public collections of which „the Soviet organs had taken possession due to conclusions the corresponding organs of the GRD had come to“. These partly quite detailed lists had been drawn up within a short period of time and were the result of comparisons between inventory lists, lists of transferred treasures, and accounts of eyewitnesses. It was even possible to partly use acknowledgments of receipts signed by Soviet officers. According to the instructions of the GDR authorities involved (Ministry of Foreign Affairs, Ministry of Cultural Affairs, and the Office of State for Higher and Special Education) private claims as well as losses „due to war fightings“ were not to be included in these lists of missing cultural treasures. The demands of the GDR tried to take up the Soviet argument of the saving and protection of German cultural treasures; the reports of some museums and collections were altered in this sense by the Ministry of Foreign Affairs of the GDR. Nevertheless, the archival documents show that the GDR quite possibly had the sincere intention to settle the matter once and for all.

Once again in 1957, all public collections of the GDR were asked to check their inventory for cultural treasures transferred from the Soviet Union. The result of this investigation was that despite intensive research „no cultural treasures of the USSR are situated in the GDR“ (GDR note, October 16th, 1957). This conclusion should not have been a surprise for Soviet specialists.

The handing over of the notes was followed by a process of formation of opinion by the Soviet side, which took a couple of months. The return of archival and library

material from April 1957 until March 1958 (ca. 250,000 records and books), however, was not affected by this process. Up until May 1958, the GDR urged its Soviet partners, by means of verbal notes and discussions on various levels, to enter negotiations on the procedures of the return of cultural treasures. The Soviet side declared that a considerable part of the cultural objects searched for were found and a definite handing over was being prepared. Eventually on May 15th, 1958, Chrushchov replied to a letter from the GDR Prime Minister Grotewohl with the announcement of a decision of the Soviet government „to return artistical and historical valuables“ to the GDR.

As a result of government negotiations from June 26th until July 2nd, 1958, conducted by the deputy Ministers of Culture, a mutual report was agreed upon which stated that the handing over was to begin on October 15th and to be completed by January 1959. Before the official handovers in Moscow, Leningrad and Kiev, representative exhibitions were organized at the Hermitage Museum and the Pushkin Museum in Moscow which were received enthusiastically by the public. Between August and December 1958, a group of 26 German experts, staff members from museums, libraries, and archives, obtained objects from 24 museums, authorities, and state institutions in Moscow, Leningrad, and Kiev. All items were registered in Russian lists. Later, copies of these lists were included into the archives of the larger museums in the GDR.

Among the cultural treasures received there also were objects of private ownership as well as isolated objects of West German public collections (they could be returned due to German-German agreements until 1990 or afterwards). The GDR received no information to which extent the Soviets had used their right to produce reproductions, photographs, plaster casts, etc. All costs in connection with the return of the cultural treasures including those for restoration, packing, and transport were calculated by the Soviet Union and added up to 4,193,137 rubels and 28 copecks. They were paid by the GDR. After the returned objects were reintegrated into the museums, libraries, and archives of the GDR, it was noticed that the return obviously had been carried out only partially and that some of the most valuable items still remained in the Soviet Union. No specific criteria could be found by which certain objects were sent to the GDR and others were not. It became more and more apparent that considerable amounts of objects had not been given back. However, the Ministry of Foreign Affairs of the GDR renounced any consultation initially taken into consideration.

Even after a mutual government report, on July 29th, 1960, which states the end of the returns of 1957/58, the Soviets initiated further, though less spectacular, returns during the following years. Those concerned, for example, a botanic collection (1963), archival material (1964), paintings and drawings (1967), as well as a scientific-technical library containing about 24,000 volumes. The notes which announced the handing over of these objects always referred to the return agreements of the USSR government dating back to the 50ies.

The restitution of collections from Leningrad to Leipzig which ended in 1978 was „a masterly performance of logistics and secrecy“. 45,000 ethnographic and pre- and

early historic objects were given back. A linguistic ruling was agreed upon in case of questions arising about the origin of the collections or the time of their return to the GDR which should not allow any conclusion on actual facts such as e.g. the claim of ownership of museums situated in West Germany.

Besides the restitutions organized on a diplomatic level, there were other examples of less complicated returns, e.g. a painting of the school of Rubens which was wrapped in brown paper and was handed over to a representative of the Ministry of Cultural Affairs of the GDR in 1986. Up until the late 80ies the USSR did not consider any reparations or compensations.

Historians, art historians, and librarians received more and more information about valuable German cultural treasures still remaining in the USSR. Also first signs of political changes could be noted. According to this the GDR party leaders agreed by the mid 80ies to the proposal to initiate new talks with the USSR on the subject of cultural treasures moved due to the war, hoping to „achieve the restitution of further objects in the long term“. The GDR went by former experiences that „in correspondence with the interpretation of the law and the practice of the USSR with regard to the treatment of cultural treasures after World War II“ the USSR since 1953 had returned objects successively to the GDR.

However, until the far-reaching changes in the year of 1989, this subject (with the exception of archival material) was tackled quite hesitantly. Only later, during the last months of the existence of the GDR, general and specific claims for restitutions were articulated to the Soviet Ministries of International Relations and Cultural Affairs. Obviously, at the same time also other countries formerly belonging to the Eastern bloc were making similar requests. The head of the cultural department of the Soviet Ministry for Foreign Affairs gave the stalling explanation that existing demands (including the ones of the USSR) could only be resolved to everybody's satisfaction by means of an all-encompassing approach through a group of experts.

Petra Kuhn, Documentation Office for the
Restitution of Cultural Property Moved Due to
World War II (Ministry of the Interior), Berlin

This article is based on documents left by the Ministries of Cultural and Foreign Affairs of the former GDR.

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Staatliche Museen zu Berlin - Preußischer Kulturbesitz: Dokumentation der Verluste. Band IV: Museum für Vor- und Frühgeschichte. Bearbeitet von Klaus Goldmann und Christine Reich. Berlin 1996. (ISBN 3-88609-332-8).

[„State Museum Berlin, Preußischer Kulturbesitz: Documentation of Losses. Vol. IV: Museum of Pre- and Early History“. Catalogue of the objects missing since 1945.]

The Quedlinburg Indictments. In: ARTnews 95. No. 3. March 1996. P. 35.

ITALY

Colasanti, Vania; Mimmo Frassinetti (et al): Dossier - Caccia ai ladri. In: Il Venerdì di Repubblica 3-5-1996, pp. 103-116.

[„Hunting for Thieves“. About Italy's search for missing art and negotiations for the return of located art works.]

Treasures Untraced - An Inventory of the Italian Art Treasures Lost During the Second World War. Rome 1995.

[English version of the catalogue of the Italian losses of works of fine arts of the Second World War. It can be obtained at the following address: Ministero per i Beni Culturali e Ambientali, Commissione Interministeriale per le Opere d'Arte, Mario Bondioli-Osio, Via degli Astalli 3/A, 00186 Roma, Italy. A German version is in preparation.]

THE NETHERLANDS

A Rival Koenigs Collection Shown in Moscow Underlines Dutch Claim. In: The Art Newspaper. Vol. VII. No. 55. January 1996. P. 7.

[About the counterpart exhibition in the Library of Foreign Literature in Moscow.]

Koenigs Conundrum. In: ARTnews. January 1996. P. 58.

[About the Koenigs collection exhibition in the Pushkin Museum.]

POLAND

Chlodnicki, Marek: Skarby Muzeum Archeologicznego w Poznaniu. Historia ich pozyskania, zaginięcia i odzyskania. Die Schätze des Archäologischen Museums in Poznan. Erworben - verloren - wiedergefunden. Poznan 1996. (ISBN 83-900434-4-0)

[„The Treasures of the Archaeological Museum in Poznan. History of Their Acquisition, Loss and Return.“ The catalogue is in Polish and German.]

Kwapinski, Marian: Kolekcja kanop pomorskich w dawnych zbiorach Gdanskich. Warszawa 1996. (ISBN 83-85490-47-7)

[„Collection of Pomeranian Funeral Urns in old collections.“ The catalogue deals with the well known collections of funeral urns („kanopy“) lost during World War II from the museum in Gdansk.]

RUSSIA

Kennedy Grimsted, Patricia: The Odyssey of the Smolensk Archive. Plundered Communist Records for the Service of Anti-Communism. In: The Carl Beck Papers in Russian and East European Studies. No. 1201. Center for Russian and East European Studies. Pittsburgh 1995. (ISSN 0899-275X)

Trofeinoe iskusstvo: Kto chto komu dolzhen? In: Itogi (Newsweek). No. 1. March 14th, 1996. Pp. 63-74.

[„Trophy Art: Who Owns Whom What?“. Several articles on the question of restitution by Konstantin Akinsha, Grigorii Kozlov, Mark Boguslavskii, Wolfgang Eichwede et al. Including an interview with the Russian Deputy Minister of Culture, Michail Shvydkoi.]

Teteriatnikov, Vladimir: Ograbyat li vnov russky narod? In: Prawda. May 22nd, 1996. P. 4.

[„Do They Plunder Again the Russian People?“. This is a list of cultural treasures, which were given away from Russia in the years 1939-1995, including those objects which Russian officials gave or wanted to give abroad or promised to foreigners as well as those objects which were given to other Soviet republics. The list is somewhat biased.]

UKRAINE

Ministerstvo Kul'tury Ukrainy: Katalog proizvedenyj kievskogo muzeya russkogo iskusstva, utrachennykh v gody velikoy otechestvennoy vojny 1941-1945gg. (Zhivopis', Grafika). Sostaviteli E.I. Ladyzhenskaya, L.A. Pel'kina, M.D. Faktorovich. Kiev 1994. (ISBN 5-8238-0316-8).

[„Catalogue of the Works of Art of the Museum of Russian Art in Kiev Lost in the Years of the Great Patriotic War 1941-1945. Paintings, Graphic Arts“. In Russian.]

Latest News

Awarding of the „Bundesverdienstkreuz“ to Walter I. Farmer

On February 9th, 1996, the Minister of Foreign Affairs of the Federal Republic of Germany, Klaus Kinkel, awarded Walter I. Farmer in an official ceremony the highest decoration („Großes Verdienstkreuz“). Walter Farmer was the first director of the Wiesbaden Collecting Point immediately after the war. He initiated the so-called „Wiesbaden Manifesto“ in 1945, protesting against the transport of 202 paintings to the United States of America eventually resulting in their return to Germany.

In his words of thanks Walter Farmer said: „It is with humility that I accept this great honour on behalf of our tiny group - the Monuments, Fine Arts and Archives specialist officers - whose sole mission was the preservation of significant works of art. It was this tiny group that gathered together in my office in Wiesbaden on November 7th, 1945, to protest the order from higher headquarters to ship 202 German owned paintings to the United States. It was the only protest by officers in World War II; it is now called the „Wiesbaden Manifesto“. Consider how few there were on the spot, actually only 35, and then consider the great number of buildings which were saved. (...) I would like to name a few of the key officers: George Stout, James Rorimer, Calvin Hathaway, Mason Hammond, Bancel La Farge, Charles Kuhn, Walker Hancock, Craig Smyth, Edith Standen, Everett Lesley Jr., Leslie Poste. (...) I would also like to recognize the contribution made by German scholars. All the collecting points were staffed by Germans. Again, on behalf of all Monuments, Fine Arts and Archives officers, thank you.“

Trophy Art Exhibitions in the Hermitage

On March 3rd, 1996, the Hermitage Exhibition „Hidden Treasures Revealed“ closed. According to the director of the Hermitage, Michail Piotrovsky, the exhibition was a great success. 1,5 million visitors saw the exhibition, among them 300,000 foreigners. Commercially, however, it caused the Hermitage a deficit of 50,000 US dollars. The pictures are now in the permanent exhibition.

Piotrovsky announced two more exhibitions with trophy art for this year. „Schliemann, Troy, and St. Petersburg“ will open in the second half of 1996. It will combine gold, bronze and ceramic objects from Germany with objects, which have already been in the Hermitage before World War II. At the beginning of December the exhibition „Treasures of the European Art of Drawing“ is going to be opened. It will show 89 drawings and watercolours from the private collections of Gerstenberg, Krebs, Siemens, Graupe, Bechstein and Koehler. Piotrovsky also mentioned the already announced exhibition of objects from the East-Asian Museum in Berlin.

Scientific Symposium „Legal Aspects of the Restitution of Cultural Property: Theory and Practice“ in Kiev

In the last issue we announced an international conference on legal aspects in Ukraine. It will take place on October 24th to 26th, 1996 in Kiev. According to the organizers, the following questions will be dealt with:

1. The practical use of conventions and UNESCO recommendations by the participant states with regard to the protection and return of lost cultural property; the necessity of refining them.
2. The problems of restitution of lost and displaced cultural property.
3. National legislation and its relation to international legal norms with regard to protecting cultural property.
4. Problems of international law and procedures for returning cultural property to countries of origin that have since gained independence.
5. The application of sanctions to countries holding displaced cultural property of other countries on their territory (in case of their refusal to enter negotiations on restitution).
6. The improvement of the international legal institution of liability of states for damage caused to the cultural legacy during armed conflicts.
7. Governmental measures to prevent the destruction of cultural monuments and to stave off dangers affecting them.
8. The problems of returning displaced cultural property from private collections to its rightful owners or their heirs in the context of international obligations.
9. The prospects for establishing an international data base on the most outstanding monuments of culture lost during World War II.

Further information can be obtained from Alexander Fedoruk, Head of the National Commission on the Return of Cultural Treasures to the Ukraine under the Cabinet of Ministers of Ukraine, 252008 Kiev (Fax-No.: + 44-2931 301).

International Symposium in Minsk

On October 14th-15th, 1996, an international symposium about the fate of the Belorussian cultural treasures will take place in Minsk. The symposium will deal with museum objects, books and archival material, lost as a consequence of World War I and II. Questions of the transport into other countries, exchange, return and the legal aspects will be discussed. The symposium is organized by the National Scientific-Educational Center F. Skaryna under the auspices of UNESCO.

Call for papers:

This newsletter depends on your contributions and activities. Please send us your contributions (special reports, archival reports, country reports, bibliographical data, reports on restitutions) for the next number of „Spoils of War“ as soon as possible, not later than by the end of October 1996.

We are also looking forward to your comments on the project, your proposals for the improvement and any further suggestions.

- The third number will appear on December 15th, 1996.

Technical note:

Please send your papers in form of a printout as well as on disk. Possible text processing programmes are: Winword 6.0, Winword 2.0, WordPerfect, Word. Please don't make any special formats, just write the plain text. Indicate any special formats (bold, centering etc.) on the printout. If you have notes, please don't insert them; attach the notes on a separate page. Indicate on the printout where to put them.

The reports should have a size of 2-3 pages maximum. Any longer report will be either shortened by us or must be rejected.

For the bibliography, please give the correct title reference, a translation in English, and a short annotation.

Please send your papers to the address given in the imprint.

**DEADLINE FOR THE 3rd NUMBER OF „SPOILS OF WAR“:
END OF OCTOBER**