

Spoils of War

International Newsletter. No. 7. August 2000

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Editorial Note:

The following contributions in this Newsletter deal with all kinds of aspects on looted art. Due to the historical and political sensibility of this topic, and irrespective of our gratitude towards all authors, we allow ourselves to emphasise the fact that all contributions reflect exclusively the authors' personal opinion.

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Spoils of War

International Newsletter. No. 7 (August 2000)

Editorial

As always, you will find also in this seventh issue of "Spoils of War" numerous of interesting contributions dealing with all kind of questions concerning cultural losses due to World War II. As always too, the publication of this Newsletter would not have been possible without the help, the efforts, and the support of the several authors you will find in this edition. Thanks to all of them.

Up from now, you will find all issues of "Spoils of War" also at the Internet at www.LostArt.de which has been launched in April this year (for details on www.LostArt.de, please see the article by Michael Franz in this issue). The Russian translation can be found at <http://Spoils.libfl.ru>.

The publication of this issue has been made possible only through the help and commitment of Ms Yvonne Sommermeyer and Ms Svea Janner, both working at the Koordinierungsstelle in Magdeburg.

In 1999, Ms Christiane Kienle left the Koordinierungsstelle. The board wishes to thank her for her efforts which contributed a lot to the Newsletter.

Due to a vacancy, it was not possible to print this issue of the Newsletter when we hoped. Some articles included were written some time ago, an update was not always possible. Nevertheless, we feel the present issue contains much information and we take this opportunity to urge all our readers to send their contributions, comments and suggestions, which can be addressed to one of the following editorial board members.

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FRANZ, Michael, Magdeburg
GENIEVA, Ekaterina, Moscow
KOWALSKI, Wojciech, Katowice
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Special Reports

Legal Issues

The Russian Constitutional Court's decisions on the restitution of cultural values

I. Introduction

Since 1998 the Russian Constitutional Court adopted two decisions concerning the Russian law "On Cultural Values removed to the USSR as a result of World War II and located in the Russian Federation". These decisions from April 1998¹ and July 1999¹ clearly showed the political struggle about the law between the Russian President and the two chambers of the Russian Parliament, State Duma and Federation Council. The Constitutional Court served as arbitrator between President and Parliament, just as this is one of the primary tasks of constitutional jurisprudence.

Since translations and articles on both decisions are either already present or to be published in the near future, this article gives only a short description and summary of the most important parts of the decisions; not every detail can be mentioned. A certain knowledge of the Russian law and its contents is also presupposed².

II. The first Decision (April 1998)

The first decision dealt only with aspects of the procedure of the law's adoption. The Russian President was of the opinion that the Parliament disregarded international law and used his veto according to art. 107 of the Russian Constitution. Both chambers of Parliament overruled his veto (art. 107 part. 3 Const.), the President was now obliged to sign the law. But the President argued that State Duma and Federation Council offended against the corresponding rules for adoption of federal laws – the formal procedure of voting – and therefore refused to sign the law so it could not enter in force. In the President's opinion due to the offences the law was not to be considered as adopted and so he need not sign it. State Duma and Federation Council denied any violations of the adoption procedure, took the case to the Constitutional Court and requested the court to order the President to sign the law.

However, under art. 94 part 2 of the constitutional law "On the Constitutional Court of the Russian Federation" the Constitutional Court must not review the procedure of a law's adoption when the court reviews a case in the procedure of litigation between constitutional bodies (art. 125 part 3 Const.), the kind of procedure chosen

here by State Duma and Federation Council from the admissible procedures before the Constitutional Court mentioned in art. 125 Const. The court resolved also that it could not review the procedure of a law's adoption at all before the law has entered in force. But as the President just can not have the power to obstruct the legislative process the court ruled that he had to sign the law and let it enter into force. Only then he may appeal to the Constitutional Court.

III. The second Decision (July 1999)

The Russian President complied with the ruling of the Constitutional Court and signed the law. Then he appealed to the court again³. He emphasized the incompatibility of the law with international law norms. He also pointed out violations of constitutional provisions by the law, especially of art. 8, 35 (protection of property), 10 (separation of powers), 15 (priority of international treaties) of the Russian Constitution. Moreover, he again maintained that State Duma and Federation Council violated the procedure of voting while adopting the law. This would also have been a violation of the Russian Constitution. After 15 months of consultations the Constitutional Court finally decided the case in July 1999. It neither held the law for unconstitutional at all nor confirmed all its provisions. The decision can rather be divided in two parts. In the first, larger part (point 1-12 of the grounds) the Constitutional Court reviewed the decisive and most important provisions of the law. In the second, shorter part (point 13-14 of the grounds) it decided about the constitutionality of the procedure of the law's adoption.

1. Compensatory Restitution as Legal Basis

Legal basis of the law is the principle of compensatory restitution (restitution in kind). It can be doubted if compensatory restitution of cultural values is admissible at all. However, the Constitutional Court took the admissibility of compensatory restitution for granted in so far as it concerned cultural values originating from Germany or its former war allies (Bulgaria, Hungary, Italy, Rumania and Finland). The only reasoning to be found in the decision are some notes about the peace treaties of 1947⁴, and, with regard to Germany, references to the supreme powers of the Allied occupation forces 1945-1949 and the joint declaration of the governments of the Federal Republic of Germany and the German Democratic Republic on undecided property questions of 15 June, 1990⁵ (point 4 of the grounds). Therefore cultural values from Germany or its allies are in principle still to become Russian property and will not be returned (art. 6 of the law).

According to the law, cultural valuables from states which were occupied during the war by Germany or its allies (concerned states) are also to become Russian property if these states do not meet certain requirements (see below) for the return of these valuables within 18 months after the law enters into force (art. 9 of the law). The Constitutional Court held this provision unconstitutional as the concerned states were not enemies of the Soviet Union and must not be punished for German looting

(point 5 of the grounds). In other words: Russia will not become proprietor of cultural valuables originating from concerned states.

2. Procedural Requirements for the Return of Removed Cultural Valuables

Another question is if and how concerned states can demand the return of their cultural valuables from the Russian Federation under the Russian law. Apart from family relics (art. 12 of the law), cultural valuables owned by victims of fascism, religious organizations, private charities (art. 8 par. 2, 3 of the law) or cultural values originating from former Soviet republics (art. 7 of the law), concerned states have to fulfil tough requirements to get their valuables back from Russia. It would have been doubtful if any concerned state would have managed to fulfil these requirements within 18 months. The Constitutional Court thought the same way and argued that many cultural values are still hidden in Russia. If these valuables will be discovered only after expiration of the 18 months, concerned states would not have any possibility to demand their values, this the court considered as unconstitutional (point 10 of the grounds). It also considered as unconstitutional the provision that concerned states must have had claimed the return from Germany or its allies within some years after the war (art. 8 of the law).

Some requirements about the procedure of raising claims against the Russian Federation (negotiations only on government level, return of cultural valuables only after adoption of a special law) the court held as principally constitutional but considered them as not excluding other –easier – ways of raising claims: every proprietor (natural or legal persons of concerned states) of cultural valuables now to be found in the Russian Federation could just sue the Russian Federation before a Russian court. Moreover, in case a court decided that cultural valuables were to be returned, the adoption of a special law was not necessary for the return (point 11 of the grounds). So it should be easier now for concerned states to get their cultural valuables back from Russia, at least if they manage to find a Russian court supporting their views.

3. Adoption of the Law - unconstitutional?

Finally the Constitutional Court had to deal with the procedure of the adoption of the law by State Duma and Federation Council. The Russian President proved that during the voting on the law the necessary number of members of the Parliament's chambers were actually not present in the Parliament buildings. To obtain necessary votes for the adoption of the law, the present's deputies voted not only for themselves but also for their missing colleagues. The Constitutional Court held this common practice for something in principle unconstitutional but decided, not to declare the law as unconstitutional because of this violation: If it had done so, almost all laws adopted in the last years would have been void.

IV. Concluding Remarks

Aside from all difficulties arising from international law, the decisions of the Constitutional Court must be seen with regard to the court's functions in the first line. As mentioned above, an important task of the court is to create and maintain a "state of peace" between the highest constitutional bodies. While in its first decision the court did not really have a chance to establish a certain balance between the President's and the Parliament's positions just because of "technical" difficulties, it is obvious that the court tried to create such a balance in its second decision. And if one can believe the comments of the parties' representatives made immediately after the adoption of the decision, the court was successful: While the President's representative thought the decision was not a defeat of the Kremlin, the Parliament was happy as well and expressed its gratitude.⁷

Tim Schröder,
Student Assistant,
Institute of East European Law, University of Kiel

Notes:

¹ Decision of April 6th 1998, *Sobrainie zakonodatel'stva Rossijskoj Federacii (SZ RF)* 1998, No. 16, Pos. 1879. A German translation by Matthias Hartwig was published in *Europäische Grundrechte Zeitschrift (EuGRZ)* 1998, Pp. 378-380. See also Matthias Hartwig, *Moskau locuta – causa non finita, Das Beutekunst – Gesetz vor dem Verfassungsgericht der Russischen Föderation*, *EuGRZ* 1998, Pp. 369 – 373 and Tim Schröder, *Anmerkung zum Beschluss des Verfassungsgerichts der Russischen Föderation vom 6. April 1998*, *Osteuropa – recht*, Pp. 44 – 48.

² Decision of 20 July 1999, *SZ RF* 1999, No. 30, Pos. 3989. A German translation of the extensive decision and some introductory remarks by Tim Schröder will be published in the journal *Osteuropa-Recht* in late autumn 1999.

³ For comments and notes on the law see e.g. the contributions in *Spoils of War* No. 4 (pp. 19-39) and, especially with regard to international law aspects, Andrea Gattini, *Restitution by Russia of Works of Art Removed from German Territory at the End of the Second World War*, *European Journal of International Law* Vol. 7 (1996), pp. 67-88.

⁴ Appeal of 15 April 1998, *Rossijskaja Gazeta* of 21 April 1998, p. 4. German translation of the President's renewed appeal by Angelika Nußberger in *EuGRZ* 1998, pp. 423-428.

⁵ Some of these peace treaties indeed contained provisions about compensatory restitution, see art. 24 point 3 of the treaty with Hungary, art. 75 point 9 of the treaty with Italy and art. 22 point 3 of the treaty with Bulgaria.

⁶ *Gemeinsame Erklärung der Regierungen der Bundesrepublik Deutschland und der Deutschen Demokratischen Republik vom 15. Juni 1990 über die Regelung offener Vermögensfragen*, *BGBI.* 1990 II, S. 1237.

⁷ See the message of the Russian news agency RIA "NOVOSTI" of 20 July 1999, available in the web: http://www1.infoart.ru/misc/news/99/07/20_208.htm.

of Jewish goods

The study Commission on the destiny of Jewish goods looted or left behind during the second World War was created in July 1997 with a two years mandate which was renewed for another two years in July 1999. July 2001, the Commission has to have its study completed. It is composed of the president (Mr Buysse) and twelve members. Among them are historians, representatives of the Belgian Jewish community, a magistrate and members of the administrations involved (Ministries of Justice, Foreign Office, Economic Affairs, Finance and War Victims). In addition, a team of nine persons (among which five « field researchers ») is working under the direction of Mr Van Doorslaer in order to gather the information needed. A first report to the government was issued in July 1998 and is still available, a second one has to be issued in the fall of 1999.

The Commission's mission is to find out how the «Jewish goods» were looted during World War II and what happened to these goods after the War; it is a study Commission, its mission is to inform the government which will decide what to do. The law establishing the Commission restricts its investigation field to the goods that belonged to members of the Jewish community living in Belgium (regardless of nationality) and were looted (by any means) during the War. However, it is important to understand that it is not the Commission's mission to recuperate or to reconstitute the looted goods.

The major difficulties the Commission had to face until today is the lack of archives (and the lack of knowledge of the existing archives) and the poor knowledge about the Jewish Community that was living in Belgium before and during World War II. So, in addition to an intensive search for archives of all type (public and private), a non-conflictual approach has been favored in order to work with all public and private institutions that were involved in the spoliation of the Jews in Belgium. This approach could be strengthened if needed but the Commission did not have to face any major obstacles that would have required the use of legal instruments.

First the Commission decided to concentrate on the different mechanisms that organized the progressive spoliation of the Jewish community during the War and the mechanisms that ruled the restitution and compensations after the War. The location and identification of the still existing archives was also a priority. The results of these first researches were summarized in the first report to the government.

The Commission itself felt the need to question specialists on specific questions and to meet the representatives of the sectors that were involved in the spoliation (mainly banks and insurance companies), consequently some hearings were held resulting in very fruitful debates. Specific work groups have been created dealing with more precise problems such as the personal requests or the artworks.

In order to face the lack of knowledge about the Jewish community living in Belgium in 1940, the Commission decided to create a database that would contain personal data (identification sheets) on the greatest part of the Jewish population present in Belgium during the War. This incredibly precious information is available thanks to the German bureaucracy which constituted what is known as the «*Fichier Hasselt*» (named after the place where it was discovered when the German army withdrew) which is a complex mix of identification sheets of Jews who declared themselves in October 1940 (obeying to a German regulation) or who were deported through the Malines camp (Belgium). After the War, the Belgian War Victims Administration added to these sheets those of Jews who were prisoners in France, who were deported through the Drancy camp (France) and who, as children, were hidden to escape deportation. The database is almost operational and will allow the researchers to look into personal archives to be more efficient.

As this database contained personal information, it raised some legal problems as it is an intrusion on the law protecting private life. In order to solve this problem, the government proposed a law that Parliament recently approved, empowering the Commission to complete its research.

Now that the historical frame is better known and the necessary research instruments are available, the Commission started to investigate more precisely the sectors that were involved in the spoliation. Three main sectors were chosen to be investigated as a matter of priority, namely the bank, insurance and real estate sectors.

The bank sector was one of the first to be contacted. Indeed, it is a key sector in the spoliation issue not only because of the confiscated bank accounts or the forced safes but also because very often, the financial consequences of a spoliation would leave some banking evidence. For example when the forced sale of a house or a business occurred, the amount was paid on a blocked account under the victim's name. Some important banking archives are still available and were open to the Commission whose researchers are looking into them.

A similar research has been started in the insurance sector which is more difficult to investigate because the German insurance regulations are not very well known yet, consequently it is not easy to understand how the spoliation mechanism worked in this sector.

For real estate, there is a precious source of information at the Ministry of Finance where the mortgages registration keeps records for every sale. As this information is computerized, it will be crossed with the database and the first results of this crossing should be available soon.

In some other sectors the investigations are to start soon. For the diamond sector, a historical study was completed by Mr Laureys working for the Center "War and Society" (SOMA/CEGES) in connection with the Commission. Regarding artworks,

a broad research should be started last fall with the Recuperation of looted goods service at the Ministry of Economic Affairs and another one will investigate the mechanisms and consequences of the *aryanisation* of the Belgian economy, which aimed at eliminating the Jews from the economic activities.

There is still much work to do and the next two years will certainly seem very short to all of those working for the Commission but the first results are very encouraging as they prove that the chosen method is valid.

Finally, let's not forget that these goods we are looking for belonged to persons, to human beings, who have been robbed of everything before they were sent to their death.

The Commission can be reached at the following address:

Commission d'étude sur le sort des biens des membres de la communauté juive de Belgique spoliés ou délaissés pendant la guerre 1940-1945,
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Nicolas Vanhove,
Mission Restitution Looted Goods
Ministry of Economic Affairs, Brussels

www.LostArt.de - A new initiative

1. Introduction

There are many threats to cultural objects worldwide, such as illegal export, theft, robbery, looting, damage, destruction of art and cultural objects in times of war and peace and -recently- "art-napping". In the fight against illicit trade, objectives are e.g. the prevention of collectors, dealers, and museums etc. from selling and buying stolen works of art by making an identification of these objects possible. Thereby, also World War II cultural losses are affected.

Against this background, the "Koordinierungsstelle der Länder für die Rückführung von Kulturgütern" ("Coordination Office of the Federal States for the Return of Cultural Property") in Magdeburg (Germany) has the task to research and to document the fate of art and cultural treasures from public institutions (museums, libraries and archives) moved due to World War II.

Exact documentation and scientific research of these cultural losses is of the utmost importance not only for the return of these objects as a result of past, present and future negotiations on political and professional levels but also in cases in which missing objects turn up on the so-called "grey market" (see e.g. Franz, "Test Case on Looted Art Decided: Painting by Wtewael Returned to Germany", in: Spoils of War, Nr. 6, 1999, pp 7-10). This research still needs to be carried out and intensified not only in Germany and Europe, but also worldwide. For this very purpose, the Koordinierungsstelle keeps close contact with the affected institutions and collects all kind of data available on these missing objects (e.g. the circumstances of the disappearance of the cultural losses) and research results in a data-base especially designed for this purpose. This art loss database has registered until now more than 3.5 million looted art objects; about 32.000 of these objects by 325 public institutions are described in a very highly detailed manner by specialized art-historians.

This database of the Koordinierungsstelle is at present being extended into a public Internet-database.

2. www.LostArt.de

On April 10th, 2000, the first version of this Internet-database titled www.LostArt.de has been launched by Germany's State Minister for Cultural Affairs, Dr. Michael Naumann, and the Minister of Education and the Arts (Sachsen-Anhalt), Dr. Gerd Harms, in Berlin.

WWW.LostArt.de is a collaborative project of both, the Federal Government and its Federal States which have already established the Koordinierungsstelle.

Thereby, www.lostart.de does not only contain data on public losses from museums, libraries and archives but also on cultural goods which were transported or stolen because of persecution, especially of Jewish citizens, as a result of World War II or as a result of National Socialism.

The realization of this project took and takes place in co-operation between the Koordinierungsstelle - done against the difficult technical background by Scientific Researcher Dr. Regine Dehnel (Koordinierungsstelle) - and Professor Dr. Saake and his collaborators from the Institute for Operational and Technical Information Systems of the Otto-von-Guericke-University in Magdeburg.

Although the site is still under construction and further and more detailed data concerning objects and background information is forthcoming, the following website categories are already available on principle: Koordinierungsstelle, Research, Federal Government and Federal States, Sponsors, Contact, References.

A very important part of www.LostArt.de beneath the category of the public losses is formed by the list "Remaining Stock CCP Munich". This category records 2.242 ownerless objects, which are part of the departmental fortunes of the State Ministry of Finances and situated on the basis of loan treaties in several German museums. Inaccurately, this stock is known to the public either as the "Linzer Sammlung" ("Collection of Linz") or as the "Linzer Liste" ("List of Linz"). The data of this remaining stock has been put together by the State Ministry of Finances. The "Commission for Art Recovery" (New York) very kindly added the English version of the data to the German version. Therefore the "Remaining Stock CCP" can be examined and researched in German as well as in English.

3. Advantages of www.LostArt.de

As already stated, there is a great and still growing interest on the part of owners, potential purchasers, etc. for an instrument which provides special information on cultural objects lost due to World War II which is legally valid, can be updated and which is available to everybody worldwide.

The Internet offers the adequate answer to these demands because of its international orientation, its flexibility in terms of updatedness, its almost limitless data-capacity, as well as its limitless opportunities to access no matter what time or place, its documentary function and its legal aspects.

Therefore, the Internet-database www.LostArt.de consists of numerous advantages of a legal, political, art-historical and actual nature such as:

- Documentation, research and world-wide loss-indication of cultural objects lost due to World War II
- Low costs by using a dynamic Internet-database rather than printed, static and therefore out of date art-loss-catalogues
- Legal validity via the announcement of one's claim towards the general public
- Possibility of a person or an institution planning to acquire an object to use the Internet-database within the framework of his research also against the legal background
- Permanent flexibility in terms of extension, modification and updating of the actual stock of data
- Administration and representation of limitless amounts and variety of data
- Intensification of all important contacts to foreign institutions by linking the Internet-database with further registers on lost art

Against this background, www.LostArt.de is not only a new initiative but also a very important step towards further international research concerning cultural objects affected by World War II.

Michael M. Franz,
Project Director,
Koordinierungsstelle der Länder für die Rückführung von Kulturgütern,
Magdeburg

Notes:

On the start of www.LostArt.de on April 10th, 2000, several articles have been published, such as "Website soll Suche nach geraubter Kunst erleichtern", in: Berliner Morgenpost v. 11.04.2000, "www.LostArt.de", in: Der Tagesspiegel v. 11.04.2000, "Raubkunst der Nazis im Internet", in: Süddeutsche Zeitung v. 11.04.2000, "Internet-Suche nach Opfern des Nazi-Kunstraubs", in: Süddeutsche Zeitung v. 11.04.2000, "Internet-Suche nach Raubkunst", in: Hamburger Abendblatt v. 11.04.2000, "Hitlers Monstrum im globalen Schaufenster", in: Frankfurter Allgemeine Zeitung v. 13.04.2000, "Gestohlene Werke aus der Nazi-Zeit", in: Westdeutsche Allgemeine Zeitung v. 13.04.2000, "Net sleuths track art stolen by Nazis", in: USA today v. 13.04.2000, "Diplomatie", in: Die Zeit v. 19.04.2000.

Museum Losses

**Location of cultural values removed from Ostrogozhsk
Museum is unknown**

The Ostrogozhsk Art Museum, located in the old Russian region of Voronezh, and closely associated with the works of an outstanding Russian artist, Ivan N. Kramskoi, is one of 26 Russian Art Museums, which suffered during World War II (in the USSR there were 57 museums of the Committee on Arts by the Council of Ministers of the USSR)¹. During World War II, the museum lost a considerable amount of art objects and historical monuments. The museum's collection included works of art such as paintings, drawings, sculptures, unique articles from the Regional Studies Department and many other exhibits. Part of this collection was evacuated to Omsk (Siberia)².

On July 4th, 1942, the building of the museum was destroyed by a direct hit of high-explosive and incendiary bombs and many valuables were burnt down. During the fire, the museum staff managed to save some collections and hid them in the basement of the destroyed building.

According to an archival document - act of the 25th September, 1944, issued by the Head keeper of the museum G.N. Jakovlev and his colleagues and certified by local soviet authorities, miraculously saved collections were confiscated by Hungarian troops. On the 9th July, 1942, fascists forced the door of the basement, loaded the

trophies on three lorries and brought it then to the camp of the Hungarian detachment, located in a village called Novaja Sotnya, 3 kilometers from Ostrogozhsk. Among the trophies were paintings, bronze and marble sculptures and applied art articles. Witnesses say that many china and glass works were broken while loading³. Since inventories, descriptions and catalogs were removed, it is very difficult to define the total sum of the damage. It is necessary to mention here, that Hungarian military divisions fought at the Eastern front together with Wehrmacht forces, participated in requisitions and punitive expeditions against partisans and citizens. Archival documents prove it.

Using archival sources and taking modern realities into consideration, researchers and experts, propagating the return of removed cultural valuables, located on the territory of Russia, should follow the historical method.

During World War II, the I.N Kramskoy Art Museum in Ostrogozhsk lost more than 3 thousands items either confiscated, damaged or completely destroyed. Among the most valuable articles are a bronze sculpture by P.K. Klodt "A fallen horse and a wolf", four paintings by Kramskoy such as "Christ Crucified on the Cross", "An Angel of Death", "An Angel with a Candle" and "The Portrait of the Artist's Wife", as well as the Grand Duke's collection of coins, numbering 2 000 items⁴.

In 1994 Ostrogozhsk Museum (now – District Museum of Regional Studies) compiled and sent a list of museum valuables removed in 1942, and never returned to its rightful owner to the Ministry of Culture. The list includes 127 items. Their location is still unknown.

Dr Margarita Zinich
Ph.D. researcher,
Institute of Russian History, Moscow

Notes:

¹ Russian State Archive for Literature and Arts (RGALI) col. 962, description 3, document 2119, P. 1-5.

² Ibid., coll. 2075, description 7, doc. 141, P. 98.

³ Ibid., doc. 158, P. 20-21: Maksakova L.V. Saving cultural valuables during World War II. Moscow, 1990, P. 19.

⁴ State Archive of the Russian Federation (GARF), coll. 7021, description 116, doc. 298, P. 69.

Library Losses

History of one collection

In 1952 the All Union State Library for Foreign Literature (now All Russia State Library for Foreign Literature, named after M. I. Rudomino), received several loads

of books from the USSR Ministry of Foreign Affairs, from the Institute of Foreign Affairs and from the Central Military Marine Library of St. Petersburg. Altogether about 3000 items. Among these books there were editions with well preserved owner's stamp – Bibliotheca C. P. Esterhazy; N Inv..., book-plates, and some books also contained owner's remarks, for example, Paul Esterhazy. Librarians were also interested by the collection's structure: several incunabula, editions from the 16th and 17th centuries and a small number of the 18th century editions.

Nowadays the Library for Foreign Literature has in its possession about 500 books from the Esterhazy library. The value of the "collection" is very high, which is proved by the fact that some of the editions are included in a classical bibliographic reference book of J.-Ch. Brunet, containing information only about rare and especially valuable books. The "collection" presents editions of such famous publishers as Koberger, Plantin, Foshauer. The books were arriving at the Library during the whole of 1952 and were never kept as one "collection". In 1974, after the creation in the Library of Rare Books Research Department, all editions of this "collection" were moved from the general Library collection to the Rare Books collection and were distributed there among other books in chronological order.

In 1997 we applied to the National Library of Hungary for a consultation concerning this collection. Mr Gedeon Borsha, a well-known book historian, informed us that, according to his knowledge, these books came from the library of Princes Esterhazy Castle, located in the town of Eisenstadt, not far from the Hungarian Border.

Studying various materials about the history of Esterhazy library in Eisenstadt, we managed to find out that book collecting was mostly connected with the names of Prince Nicholas and Prince Paul I. There was a special room in the castle, allocated especially for the Library, but, unfortunately, we were unable to find more specific information about the Library: its body, number of items, etc. That is why our knowledge of Esterhazy Library is based on the study of that part of the books which is being kept in our Library.

Books from private libraries always show their owners' intellectual life, characterize their interests. The Esterhazy "collection" is no exception. Well-known politicians, talented commanders, diplomats, who played leading roles in history of both Austria and Hungary, collected a unique Library, which, like a mirror, reflected tastes, interests and affections of many generations of the Esterhazy family.

The "collection" consists of editions on theology, astronomy, history, philosophy, medicine, natural sciences, arts, law, linguistics in Latin, Greek, German, French and Hungarian languages.

An edition of Antonius Florentinus "Summa Theologica", unique for its art value, printed in A. Koberger's printing house in 1477 (the oldest edition of our Library), is of great interest, as well as numerous convolutes - so called convolutes Esterhazy.

For example, works of Martin Luther and other founders of the German Reformation (93 books in three bindings). Among editions of the 16th century we could mark out: "Thesaurus Ciceronianus" compiled by Mario Mizzoli (the copy with owner's remark: From the books of Count Ladislav Esterhazy, 1649); numerous works of Philip Melanchton, Martin Luther; various theological researches, comments, sermons of famous authors. Among books, of the 17th century, special attention could be attracted by "Mennyei Korona az az Az egesz vilagon levo Csudalatos..." with comments in Hungarian, compiled by one of the founders of the library of Prince Paul; the first catholic version of the Bible in Hungarian; "Historia Coelestis" by Tycho Brahe; "...Opera..." by Lullius Raymundus; and "...Observationum medicinalium libri tres..." by Jodocus Lommius. Books of the 18th century include "...Epistolarum Familiarum..." by Marcus Tullius Cicero, published in Hungarian Kingdom in 1734 and also a popular in Germany French grammar textbook "Des Pepliers", Leipzig, 1767.

As a binding material you could see Latin manuscripts of the 15th century, parchment and pig skin on boards. Time and the complicated life of all the editions inevitably influenced the physical state of both pages and bindings. That is why we would like to mention the constant work of the Library for Foreign Literature restorers on books from the Esterhazy library. During the last several years alone the following books have been restored: Manlius, Johannes. Locorum... Basel, [1562]; Tarnoczi, Istvan. Rex admirabilis... Wien, [1683]. In the process of restoration all peculiarities of original binding are preserved and all losses are filled up.

Further research of the Library for Foreign Literature Esterhazy collection is going on. We hope that this process will enable us to open new pages in history of this rich book collection.

In December 1998, the Rudomino All Russia State Library for Foreign Literature held an exhibition « Books from Princes Esterhazy Library in the Library for Foreign Literature Book Collections ». The exhibition was created and mounted by the Research Rare Book Department in cooperation with Exhibition Center of the Rudomino Library for Foreign Literature. The exhibition included not only books, which were of great interest to the readers and visitors, but also materials and documents, related to the Library's activities in the sphere of «looted» book collections, removed to the Russian Federation as a result of World War II. Much attention was attracted by a showcase with the books from Esterhazy collection, restored in our Library. A video film, created by B. Dvorkin (AO «Sojuzreklamfilm»), and presented at the opening of the exhibition, reflected not only the history of the problem of removed collections, but also preserved for all of us an amazing atmosphere of creation of the exhibition. The film depicted the work of restorers and bibliographers of the Library on preservation and reconstruction of the history of the Esterhazy collection. All visitors were very interested to hear real stories about the fate of looted cultural valuables, delivered by former lieutenant A.V. Rudomino who directly participated in the process of the removal of book

valuables from Germany after World War II: « The books should not be considered War trophies ». This is not only a result of reflections of a person, who went through the War, but also an appeal to us, librarians, lawyers, diplomats, politicians, to all those, who are working hard on revealing, on the return and reconstruction of looted and lost cultural valuables.

We would like to express our gratitude to Ms Rita Majer, counsellor on Cultural Affairs of the Hungarian Embassy in the Russian Federation, and also to Mr Wolfgang Brett, Counsellor on Cultural Affairs of the German Embassy in the Russian Federation, for their interest and participation in the opening of the exhibition. We hope that our meetings will become a good tradition, which will bring our cultures closer together.

PS: The exhibition was closed and this article written, when the Director General of the Library E. U. Genieva received a letter from the Cultural department of the Embassy of Austria in the Russian Federation, containing the request to meet the representatives of the Board of the Private collection of Princes Esterhazy in Eisenstadt, who would be coming to Moscow to see the books from the Esterhazy collection, kept in the Rare Book department of the library for Foreign Literature. We are glad to inform you that, under mutual agreement, this meeting, takes place in the middle of April, 1999. We are expecting Dr. Thomas Schreiner, Chairman of the Board of Private collection of the Princes Esterhazy in Eisenstadt, and Dr. Gottfried Holzschuh, historian and arts expert, to come to the Library. We plan to inform you about the result of the visit in one of the issues of the Spoils of War newsletter.

Karina Dmitrieva,
Head of Research Department
of Rare Books of the Library for Foreign Literature, Moscow

**Foreign book signs in the Rare Book Collection of the M. I.
Rudomino All-Russia State Library for Foreign Literature:
Database and Catalog**

Identification of owner's features in the library collection has always been an extremely important topic. But it gained a special practical meaning in connection with the problem of restitution of "trophy collections". Regardless of the fact how, in the end, the problem of physical restitution will or will not be solved, it is obvious that "bibliographic" (in many respects, but still partly, an electronic) restitution - reconstruction of book collections removed after the War by their systematic research and description - is necessary.

But to make this possible, we need reference material, registering, among others and if possible, all book signs, identification of which is difficult, regardless of their art or memorial value. Traditional "provenance-catalogs", where the marks are being gathered and described under the names of the owners, allows only to establish the parts of this or that collection, joined to the Library main book collection, but it does not give us the opportunity to identify features. Traditional classification of book signs created for exlibris and mostly used by the collectors is insufficient too. So it is necessary to create a special reference instrument, which would be giving the opportunity to quite easily find any book sign, not knowing its owner. For manuscript remarks this task in general meaning, probably, is impossible to solve. For other book signs a system of indexing was invented in the Rare book department of VGBIL.

A code for any exlibris, superexlibris or stamp is given on the base of classification, which takes into consideration their way of production, form and size. But the practice showed that you could hardly meet the sign with similar code. So you can easily identify an illegible sign with similar ones which have been met before. As the problem of "trophies" was looked at from the practical point of view, we decided to share our experience and knowledge. Thanks to the Netherlands government and Mr Ambassador G.W. De Vos Van Steenwijk, personally, this work was considerably promoted (in the frame work of the International program "Preservation and Making Accessible of Captured and Rare Book Collections") and it became possible to present first results in electronic, and now in printed form as well. Financial conditions of the project dictate a limited time of creation of the database and its limited volume (600 descriptions), which does not allow us to present a full list of foreign or at least of "trophy" book signs in the Rare book collection of the Library for Foreign Literature. But it is sure that we have presented all its most important for quantity or quality of the collection trophy donors. Totally, this database and catalog present 391 signs from 216 items which belonged to 253 owners.

The largest one is Saxon Land (former Dresden Royal) Library: several thousand books are in the Rare book collection of this Library alone. As a part of this collection, the Library for Foreign Literature received books from the libraries of Oels, Braunschweig-Oels and Braunschweig (Braunschweig-Luneburg?), Herzogs, from the collection, presented to the Dresden Library by Bernhard von der Becke, from the collection of Count von Bruhl and Count von Buenau (both in insignificant numbers) etc. Quite noticeable (several hundred items in the Rare book collection alone) are the traces of libraries: Berlin State (former Royal); Lower Saxon Land (Hanover Royal); former Wernigerode; Meiningen City and district (Herzog's), and, possibly, Boytzenburg City. Less noticeable in number but important for history or interesting by content are the following libraries: Bremen State Museum, Magdeburg, Goeritz-Lubeck collection from Berlin City library, German Society of Naturalists (Halle), Saxon Artillery School, Liegnitz and Elbing (now Legnice and Elblag in Poland) schools. Among private collections one of the family Von der

Gabelentz is presented in plenty and is famous both as a great example of a professional book collection (the library was collected by famous linguists Hans Conon and Hans Georg Conon von der Gabelentz), and for its beautiful exlibris. Special place is occupied by the princes Esterhazy's collection: it is enough to say that about half of a small number of the VGBIL incunabula and a noticeable part of the 16th century books collection comes from it. The database is installed on the VGBIL server for free access at <http://www.libfl.ras.ru>. (page "Projects").

Nikolai Zubkov,
Library for Foreign Literature,
Moscow

Some problems of searching for data about the book losses of Russia

As "Spoils of War", the International Newsletter has already informed you, the Russian National Library launched a Bureau on Problems of Removed Book Collections. This Bureau appealed to libraries to create a database of removed collections and to compile the list of losses. However it is too early to talk about the results of this work. The bureau's activities are based on sheer enthusiasm and have no necessary financial support, so we cannot expect to receive the needed data very quickly. It would also be naive to hope the full list of our book losses will be compiled.

Searching for our book losses we need to concentrate our efforts at getting information about our most valuable lost items. This could be done by a targeted collection of information about those rare editions, which were kept in occupied libraries before the War, and then by further comparison of these information with the documents of the German services and organizations, which were relocating these editions.

Analysis of the documents of the Special State Commission, publications, devoted to our book losses, let us think about the necessity of systemization of the book losses of Russia. We would like to remind the readers, that the majority of demolished and robbed libraries were part of the system of the Russian Federation People's Commissariat of Enlightenment (Narkompros). In this kind of libraries the main part of rare editions were kept in Regional libraries. But we are also aware of the fact that the great number of unique manuscripts and printed editions are lost by the libraries, belonging to other systems and departments. Compiling the lists of their losses, these institutions not always paid the necessary attention to the book collections. For example, compiling museum losses, the priority was given to museum exhibits, pictures, sculptures, etc. That is why it is not by chance that regional libraries, answering recent inquiries concerning book losses, are giving

limited and, as a rule, quite known information about the losses of only Narkompros libraries, ignoring the libraries of educational institutions, museums and of various other departments.

In this respect we consider it important to create Regional research centers on the basis of regional libraries, which would have a general program of research.

To create the list of rare editions, lost by the libraries during the War, we need to study publications of the pre-War period, where there is information about this or that library. The objects of research would be local pre-War periodicals, bibliographies, library guide books etc. We also need to find those people, who were working at the libraries before the War, and who probably remember the most valuable editions. The beginning point of research could be personalities, mentioned in German documents. These documents define certain receivers of the books from certain libraries.

I would not exclude the possibility that some unique editions, lost by our country during the War, could be kept in Germany.

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**Bach scores in Kyiv:
The long-lost music of the Berlin Sing-Akademie
surfaces in Ukraine**

(An article based on research for the book: TROPHIES OF WAR AND EMPIRE:
The Archival Heritage of Ukraine, World War II, and the International Politics of
Restitution)

"International Sleuthing Adds Insight About Bach", headed a story in the *New York Times* in mid-August. "Accident and adventure lead to a collection long thought lost: A Bach Score." So read the "Living Arts" section headline in the *Boston Globe* under a photograph of a line from a violin composition by Johann Christian Bach.¹ The priceless music archive from the Sing-Akademie in Berlin, for which scholars have been searching since its disappearance after World War II, was found in Kyiv

in the summer of 1999. It was located and identified by a team from Harvard University in collaboration with a colleague from the National Academy of Sciences of Ukraine. The discovery of the most significant "trophy" collection to have surfaced in Ukraine brought headlines around the world. The *Globe* story appeared the same day that the chief of the Main Archival Administration of Ukraine, Ruslan Pyrih, arrived in Boston to discuss the possibilities of cooperation with the Ukrainian Research Institute at Harvard University to catalog and microfilm the unique collection along with other projects.

Now held in Kyiv in the Central State Archive-Museum of Literature and Art - TsDAMLM (Tsentral'nyi derzhavnyi arkhiv-muzei literatury i mystetstva) - the over 5,100 (predominantly manuscript) scores embrace a major surviving part of the musical estate of the Bach family. The collection also contains compositions of other eighteenth- and early nineteenth-century German composers, including many musicians associated with the Prussian court.

The initial discovery in Kyiv resulted from the collaboration of the present author with Hennadii Boriak, deputy director of the Hrushevs'kyi Institute of Ukrainian Archeography and Source Study of the National Academy of Sciences of Ukraine. The collection was definitively identified at the end of June 1999 by a team led by Christoph Wolff, professor of music and dean of the Graduate School of Arts and Sciences at Harvard University, who had been trying to find the lost Bach music scores for over two decades. The revelation of the Sing-Akademie collection - and the subsequent openness of Ukrainian authorities in allowing the world to see it - brings new optimism to the search for cultural treasures displaced as a result of the war.²

Established in Berlin in 1791, the Sing-Akademie became one of the most prestigious performing institutions in the Prussian capital. Its zenith was reached under the direction of Carl Friedrich Zelter from 1800 to 1832. It was there, in 1829, for example, that the young Felix Mendelssohn, one of Zelter's gifted pupils, directed a celebrated performance of Bach's "St. Matthew's Passion." The Sing-Akademie was always a major repository for original German music scores, related archival materials, and important music publications. The musical estate of John Sebastian Bach's second son, Carl Philipp Emanuel Bach (1714–1788), which has come to be known as the "Old Bach Archive", forms the central part of the archive, coming under Zelter's control soon after C.P.E. Bach's death. These works include the major portion of his own compositions in autograph or authorized copies. Many of his vocal and instrumental works have never been published, including all twenty Passions and more than two-thirds of his fifty keyboard concertos. In addition to the C.P.E. Bach materials, there are scores of his father's ancestors (many in autograph copies in J. S. Bach's hand) and brothers, and over 500 scores of various members of the Bach family. Although most of the original scores of Johann Sebastian Bach were sold to the Prussian Royal Library in 1854 (later the Prussian State Library), the rest of the Bach family legacy remained in the Sing-Akademie.

The Sing-Akademie collection also contains a major part of the music legacy of Georg Philipp Telemann (over 220 cantatas), Carl Heinrich and Johann Gottlieb Graun (more than 150 vocal and over 420 instrumental scores), Johann Adolf Hasse (ca. 130 vocal and 80 instrumental scores), Franz and Georg Benda (ca. 120 compositions), as well as many other important musicians of the period. There even are some scores by King Frederick II of Prussia, along with compositions of better known musicians such as Franz Josef Haydn and Georg Friedrich Händel. Approximately 80 per cent of the collection consists of original manuscripts, the rest, predominantly limited-edition lithographs or authorized performing copies.

A large part of the collection now held in Kyiv, including the Bach family music archive, had come to the Sing-Akademie during Zelter's directorship. A provisional catalog of the materials collected by Zelter and held in the Sing-Akademie at the time of his death in 1832 was prepared soon thereafter.³ Identification of the TsDAMLM collection can be confirmed by the fact that a large portion of the manuscript scores now in Kyiv bear the penciled numbers of the Zelter catalog among their other later markings.⁴ A provisional card catalog of the library and its rich archival holdings was prepared before World War II, but there had never been a published catalog or even survey description. Since it was maintained privately by the Sing-Akademie in Berlin, the collection had never been publicly available for performance and study before the war. The most complete survey of the archival and printed holdings of the library – based largely on the Zelter catalog – was published in 1966, as part of a commemorative volume honoring the 175th anniversary of the Sing-Akademie in Berlin.⁵

When Allied bombing of Berlin started in 1943, Nazi authorities started wide-scale evacuation of cultural treasures to mines, monasteries, and castles in the countryside. While many German cultural treasures were systematically transported to salt mines in Saxony and other sites that remained part of postwar Germany, others were sent East to remote areas of Silesia, Bohemia, and the Sudetenland. Ninety packets of the Sing-Akademie archive, together with the original card catalog, were secured in fourteen large crates and shipped off for safekeeping to the Ullersdorf Castle near Glatz (*Polish* Klodzko), some eighty kilometers south of Breslau (*Polish* Wrocław) in Silesia.⁶ The 1943 shipment to Ullersdorf also included materials from a number of other predominantly private collections from Berlin, the fate of which is still being investigated.⁷ Silesia was an important evacuation area for Berlin cultural treasures, including major parts of the Prussian State Library, whose Musicalia and Orientalia collections, for example, went first to the elegant Castle of Fürstenstein (*Polish* Książ), somewhat closer to Breslau, but were later transferred to the Benedictine Abbey of Grüssau (*Polish* Krzeszów).⁸

The postwar fate of the evacuated cultural treasures varied widely. Some were rescued from their wartime hiding places by American authorities and taken to the Collection Points in the U.S. Occupation Zone in Germany for restitution to their countries of origin. Some of the evacuated collections were rescued by Polish

authorities, since Silesia became part of Poland after the war. One of the most famous displaced collections in Poland are the Berlin Musicalia and other manuscript treasures from the Prussian State Library, found in the Abbey of Krzeszów (*earlier German Grüssau*), southwest of Wrocław. It was only in 1977, however, after a dramatic search by Western specialists, that they surfaced in the Jagellonian Library in Cracow, where most of them remain today.⁹

The majority of the cultural treasures "rescued" by the Red Army in Silesia went to Moscow, where they remained in hiding for half a century. Information slowly is coming to light. Red Army reports on cultural reconnaissance and seizure are still not open to researchers, although a few copies of them, and reports by other agencies in the field have surfaced in Russian and Ukrainian archives. Reports are available about the Soviet seizures from Schloss Wölfelsdorf (*now Polish Wilkanów*), the baroque castle of Count von Althann, which housed major units of the Seventh Division (Amt VII) of the Reich Security Services Headquarters (*Reichssicherheitshauptamt - RSHA*). The castle was located just twenty kilometers south of Ullersdorf, five kilometers southeast of Habelschwerdt (*Polish Bystrzyca-Kłodzka*). A Ukrainian colonel from the Communist Party school in Kyiv, then with the Fourth Ukrainian Front, uncovered there a major cache of records that had been confiscated by Nazi authorities, including material from Masonic lodges, socialist groups, and Jewish communities from all over the European Continent. Eight freight train wagons of this loot were sent to Kyiv in September 1945, but there is no hint that any of the holdings from near-by Ullersdorf went with that shipment to Kyiv. When Lavrentii Beria, Joseph Stalin's security chief, heard about the Habelschwerdt/ Wölfelsdorf holdings, he personally ordered a special archival team be sent there to insure that all of the materials transferred to Moscow - a total of 28 freight wagons arrived in October 1945, in addition to those rerouted from Kyiv.¹⁰ Recently, it has come to light that the Ukrainian SSR had its own cultural trophy brigades in the field during 1945 and early 1946. However, according to surveys of trophy cultural treasures undertaken by the Ministry of Culture of the USSR in the late 1950s and other earlier documentation, we can ascertain that only a few cultural treasures went to Ukraine. And much of the German and other foreign loot that initially went to Kyiv was later transferred to Moscow.¹¹

No Soviet documentation has surfaced revealing where the Sing-Akademie archive was found after the war, nor how and when it was transported to Kyiv. According to the "legend" still circulating in Kyiv, the collection had been found by a tank driver in an unspecified village beyond the Ukrainian borders to the west in 1945, triumphantly brought back to Kyiv, and delivered to the steps of the Conservatory (the building itself was then in ruins). A major problem with that legend is that such a large collection would have hardly fit in a tank.¹² At the August 1999 press conference in Kyiv, Ukrainian Archival Administration Chief Ruslan Pyrih reported that the collection had been found in the rubble in Berlin after the war, but there is no documentation to support that assertion. Another newspaper correspondent

reported that it had been found in a city dump in Poland, which was undoubtedly a variant of the legend about the tank driver.¹³

Since the collection lay hidden for over half a century, many who knew about it in the West feared it had been destroyed. In the mid-1970s Wolff first heard German suspicions that at least part of the collection might be located in Kyiv. One of the lost works of Bach's son Wilhelm Friedemann Bach - the "Flute Concerto in D Minor", which Bach specialists knew to have been part of the Sing-Akademie collection, had been performed in Kyiv as early as 1969, and later in Leningrad. The score was never published, however, nor was its source ever attributed to the Sing-Akademie or to the collection then still held by the Conservatory in Kyiv. Curiously, however, a copy obtained by the Bach Archive in Leipzig (then East Germany) "from an unknown Russian source" was one of the few clues music specialists had that at least part of the collection had survived the war and might be located in the USSR.¹⁴ Subsequently, my own inquiries about Bach manuscripts in Kyiv in the 1970s and 1980s met only denials. Wolff's inquiries by mail went unanswered, although one of his graduate students received written denial. In connection with my field research for my directory of archival repositories in Ukraine, the Kyiv Conservatory refused to receive me on several occasions, because they reported no manuscript holdings.¹⁵

Christoph Wolff again raised the question of suspected lost Bach manuscripts in Kyiv in the spring of 1998, in connection with what he hoped would be a definitive edition of the extant C.P.E. Bach legacy. When I pursued the matter on his behalf in Kyiv, the existence of Bach manuscripts was still firmly denied by all sources I approached, as well as by those sought out by several Kyiv colleagues.¹⁶ Suspicions were substantiated, however, by the 1996 German-language publication of a 1957 Soviet Ministry of Culture report on trophy cultural treasures held in various Soviet repositories, including several in Kyiv. That report notes that the State Conservatory in Kyiv then held "5,170 items from a Berlin Music Library (Berliner Noten-Bibliothek), including works of early Western European composers with first editions and manuscripts. Inventories have been prepared in the Conservatory."¹⁷

When I forwarded a copy of that German published document to Ukrainian colleagues, an initial answer from Kyiv came back that the Moscow Ministry of Culture report was probably fabricated in Germany in connection with unsuccessful German restitution negotiations with Russia. Ukrainian archivists became more open to the possibility that the report was genuine, however, when they tried themselves unsuccessfully to obtain a copy of the original Russian-language document. The existence of such a document was confirmed from Moscow, but they were informed that the original (and presumably supporting documentation) was still officially classified "secret". The "secret" status was reaffirmed to me, when I later tried to obtain access to the file in the former Communist Party Central Committee archive in Moscow that had been named as the source of the German-published version.¹⁸

In the meantime, in April 1999, a librarian from the Conservatory, in a chance meeting with Boriak in Kyiv, admitted having seen a report about a large collection of foreign music that had been transferred in 1973 to the newly established Central State Archive-Museum of Literature and Art (TsDAMLM). That was the first indication we had of the actual present location of the collection, since the existence of such a German music collection had never been mentioned in any of the available descriptions of that archive. Armed with the librarian's testimony and the German-published document, and with a keen understanding of the delicate diplomatic problems involved, Boriak was able to convince Archival Administration authorities to pursue the matter.

Not long afterwards, confirmation came back from Kyiv that a collection of over 5,000 units of foreign manuscripts earlier held by the Conservatory was held in the Archive-Museum (TsDAMLM) and that it possibly contained some German music, maybe even Bach scores. There were inventory registers for the collection, but Boriak was unable to see them or even determine in what language they had been compiled. No one in TsDAMLM knew the provenance of the collection, nor how it happened to have arrived in Kyiv. I then suggested to Christoph Wolff at the end of April that he should consider packing his bags. Given my own long-standing association with Ukrainian archives and with the Ukrainian Research Institute at Harvard University, the Archival Administration of Ukraine agreed to provide access for Professor Wolff and myself in order to make an official appraisal of the collection.¹⁹ TsDAMLM is currently preparing a comprehensive guide to its holdings, and, now that all secret materials in TsDAMLM have been declassified, proper identification of the collection is necessary. If it did turn out to be a trophy collection, as we suspected, then a professional appraisal would be appropriate.

We were confronted with difficulties and hesitations to reveal the treasure continued even after our arrival in Kyiv. Although the archive building was under renovation and the corridor leading to the reading room was blocked by scaffolding, the authorities there managed to clear a passage for us. In a perplexing turn of events, we were told that the collection had never been fully processed for use by researchers; the manuscripts therefore could not be brought to the reading room. I then remembered the inventories that had reportedly been turned over to the archive with the collection. Could we at least see those for a start, I suggested? We finally were given special permission to view them.

When we were first received by the TsDAMLM director, he proudly escorted us to one of the stack areas, where the collection was being kept in optimal conditions – in proper acid-free archival boxes in a humidity controlled storage area. The first box randomly pulled out as a sample for us to examine contained several thin bound volumes of individual music scores. I spotted a red library stamp with a lyre in the center on the title page of the top manuscript. It was surrounded by the inscription "Sing Akademie zu Berlin". Christoph Wolff had not been able to obtain a picture of

the stamp before our visit, but there it was, and later we found it on many other manuscripts. But Wolff's eyes were initially more struck by the name on the first manuscript, which he recognized as the signature of Carl Friedrich Rungenhagen, a German composer and early director of the Sing Akademie. Our questions about the provenance of the collection were resolved. However, in TsDAMLM, the official listing of the collection in the register of archival fonds, which is also reflected in the labels on the boxes, would have never have led anyone to its contents or provenance: Fond 441 – "Collection of Manuscripts of Representatives of Western European Literature and Art from the 17th through 19th Centuries."

The five volumes of inventories, which we were permitted to examine in considerable detail, further confirmed that the collection was intact in Kyiv. The inventories had actually been prepared as acquisition registers by specialists in the Conservatory Library in Kyiv in the late 1940s. To our surprise, and unusual for Soviet archives, the inventories had been compiled with titles in the original language of the manuscripts themselves. The registers provide no indication of the provenance of the manuscripts, nor do they mention the existence of library stamps from the Sing-Akademie in Berlin. According to those five registers prepared at the Conservatory, which now serve as the official inventories and finding aids (*opysy*) in TsDAMLM, the collection contains 5,157 storage units. We are now convinced that those registers were compiled on the basis of the original German card catalog that had also come to the Conservatory in the same crates with the collection itself.²⁰ The manuscripts had all been stamped with the seal of the Conservatory and numbered consecutively.

Although the collection had been boxed and labeled in TsDAMLM, it had in fact not been further processed as required for communication to researchers.²¹ Nevertheless, the Archival Administration agreed that we could order a few sample manuscripts to examine in the reading room. Thanks to overtime efforts by TsDAMLM archivists in processing the materials requested, we were able to peruse a number of manuscripts during Wolff's remaining two days in Kyiv, chosen on the basis of the relatively thorough inventories. And we were permitted to take sample photographs. Wolff even found C.P.E. Bach's own unpublished catalog of his keyboard compositions.

During our requested visit to the National Academy of Music of Ukraine (as the Kyiv Conservatory has been renamed), the present Rector, apparently unaware of the collection in TsDAMLM, assured us that if the Conservatory had received any "trophy collections" after the war, they were long since returned to Germany. My requested visit to the library of the Academy of Music nevertheless proved rewarding: A few documents about the collection found in the Conservatory archive there included the official transfer order from TsDAMLM for a "collection of manuscript and published music scores (XVII–XIXth cc.) in foreign languages with approximately 5,000 documents, together with the card catalogs and inventory registers describing the collection."²²

The official act of transfer to the archive also records receipt of a card catalog in addition to the five inventory registers. Today, unfortunately, the original German card catalog on the basis of which the inventories had undoubtedly been prepared, could not be found in TsDAMLM. According to the act of transfer, approximately one-fifth of the card catalog was missing at the time of transfer to TsDAMLM, which explains why the description of some of the items is much less thorough than others in the registers. Thirteen manuscript units were also missing from the collection at that time, according to the official transfer papers.²³

We still do not know about the fate of the epistolary collection from the Sing-Akademie - only one folder of Goethe letters are held with the music scores in TsDAMLM, namely his correspondence with the early director of the Sing-Akademie, Carl Friedrich Zelter. All of the early printed books from the library, many with dedicatory autographs and marginal notes, are still missing. But from available documentation, it is not clear how many of the printed books were also evacuated from Berlin to Ullersdorf in 1943.²⁴ Three books from the Sing-Akademie library were returned to Berlin from Moscow in 1957, at the time of the restitution of the Dresden Gallery collections to East Germany. Those three books (now on deposit in the Staatsbibliothek in Berlin) have no Soviet book stamps that might give a clue, and as yet, we have been unable to determine where they were found in the USSR.²⁵

The discovery of the Sing-Akademie collection in Kyiv caused a tremendous sensation in the Ukrainian press, as it did worldwide, particularly after German television crews descended. Perhaps even more so because it was identified by foreigners: "What if Christoph Wolff had never come to Kyiv?" queried a correspondent in one of Kyiv's major papers.²⁶ "Why does it take foreigners to find what is in our archives?" asked another, critical of the Ukrainian archival administration for the great secrecy in which they have operated in the past.²⁷

Nevertheless, since our discovery and identification of the collection, archivists and some others in Kyiv are now insisting the collection was never classified, nor was ever a secret.²⁸ In a similar vein, recent articles in the Kyiv magazine "Politics and Culture" (*Politika i kultura*) and the newspaper "Day" (Den') focus on an Ukrainian chamber orchestra director, Ihor Blazhkov (see fn. 14), who claims that the recent "discovery" by Professor Wolff was actually long since discovered by others, including himself in Kyiv.²⁹ However, none of the compositions Blazhko performed and recorded had been identified as to provenance with the Sing-Akademie Collection, nor had there been any previous published indication of its location. Although Blazhko suggests that the existence of the collection was "an open secret" among musicians in the Soviet Union since the late 1960s, none of the musicians with whom Wolff and his colleagues had been in contact earlier had ever admitted its existence. Even the official listing of the collection in TsDAMLM does not identify it with the Sing-Akademie, and it was never before mentioned in any published description of TsDAMLM holdings.

Wolff made a second trip to Kyiv in early October 1999, together with colleagues from the Bach Archive in Leipzig, to prepare a preliminary musicological analysis of the holdings. While there he offered a symposium at the Academy of Music (attended by only five specialists), and discussed plans for the proposed microfilming and cataloguing project in collaboration with Ukrainian colleagues, so the collection can be made publicly available for study and performance in Ukraine and throughout the world. As of the end of January 2000, negotiations are being finalized for a scholarly project (approved by the Ukrainian government), supported by the Packard Humanities Institute in Los Altos, California, involving TsDAMLM, the State Committee on Archives of Ukraine, the Bach Archive in Leipzig, and the Harvard Ukrainian Research Institute. The project will be closely coordinated with the Sing-Akademie of Berlin (as the original owner), which still exists as a private performing organization and whose directors have already written to the Kyiv archive in appreciation for the preservation of the archive and supporting the project being planned by Professor Wolff. There is hope that the priceless musical sources will eventually be returned to their original home.

Trophy art, library books, and archives from Western Europe transferred to the former USSR after World War II were for the most part kept in hiding throughout the Soviet period. But since its independence, Ukraine has led former Soviet republics in restitution efforts. A German-Ukrainian cultural agreement signed in 1993 provides for the mutual return of wartime cultural trophies. A number of symbolic acts of restitution have taken place in recent years, including the 1996 return to the Dresden Gallery of three valuable albums of drawings and lithographs found in the Museum of Western and Oriental Art in Kyiv and the return of three drawings to the Bremen Kunsthalle from private sources in 1997. Ukraine has simultaneously received some important cultural treasures from Germany that had been seized by the Nazis during the war, including rare books, an icon, a Scythian mirror and other archeological finds, and an extensive photographic collection found in the Bundesarchiv.³⁰

Discussion of possible restitution of the Sing-Akademie collection is already being aired in Kyiv. "I am not the person who decides whether to allow the return, but I do not think the talks would be hopeless," Ukrainian Archival Administration chairman Ruslan Pyrih replied to a press query.³¹ The National Commission on Restitution of Cultural Treasures to Ukraine assured the press that in principle they are quite open to restitution discussion on mutually agreeable terms. Discussions with Germany about the collection were reportedly already broached on a presidential level, but cultural leaders on both sides are proceeding with caution. "Negotiations may take a long time", Pyrih speculated to me during his Harvard visit. Unlike the situation in Russia, where a recent Constitutional Court decision ruled out restitution to Germany, the Ukrainian press and public opinion react favorably to the official Ukrainian government policy of mutual restitution of displaced cultural treasures with Germany.³² "Ukraine should set the standard for the West and return the Bach archive to Berlin's Sing-Akademie. Besides, it is obliged to do this by the treaty with

Germany for the mutual return of wartime cultural trophies" the English-language *Kyiv Post* declared in an editorial in early August.³³

Questions about possible restitution immediately raised high-level legal questions in Kyiv. A law on cultural restitution had been introduced in the legislature a couple of years ago, but lay dormant. Soon after the sensational news of the Bach discovery, the Ukrainian parliament (the Verkhovna Rada) took up discussion and passed a measure intended to provide the legal framework for the restitution of cultural treasures of foreign provenance found in Ukraine under appropriate conditions. "On the Import and Export of Cultural Treasures" was signed into law by President Leonid Kuchma on 21 September 1999, but the Cabinet of Ministers still has three months to introduce amendments, and procedures of implementation are yet to be developed.³⁴ As of this writing, the fate and impact of the law remains unclear, but as written, the law does not involve issues of ownership or nationalization, nor does it impose any restrictions on restitution, such as those involved in the controversial 1998 Russian law "On Cultural Treasures Transferred to the USSR as a Result of the Second World War and Located on the Territory of the Russian Federation."

Even though the existence of the collection in Kyiv has long been hidden from public eye, it still has symbolic value as a trophy of that war that devastated the country and destroyed millions of its library books and the buildings that house them, to say nothing of archives and art. Major German collections of music are still held hostage in Poland awaiting some significant cultural recompense for the wartime losses and damage brutally caused by the Nazi invasion sixty years ago. One significant music collection was returned from Leningrad to Hamburg in 1990, just before the collapse of the USSR. But other trophy music known to be held in Russia has yet to be revealed. Since independence, Ukraine may be better prepared for restitution than Russia, but it is unlikely that the priceless collection of the Sing-Akademie in Berlin will be returned without considerable debate and without some equivalent compensation from the German side. In the meantime, during the period since our sensational discovery, colleagues in Kyiv report a new under-current of anti-restitution sentiment in some Kyiv cultural circles.

Nevertheless, much more important for culture and scholarship than the politics of restitution, the preservation of the long-lost Berlin Sing-Akademie music archive can at last be made known to the world. No longer held as prisoners of war, the over 5,100 priceless music scores preserved in Kyiv can be described, studied, performed, and appreciated - and at last be restored to their rightful place as a major component of the common European cultural heritage. Whether in Kyiv or Berlin or in the Silesian castle where they survived the war, the most important fact is that they are now safe, that the collection is largely intact, and its location in a public archive is known to scholars for the first time in over half a century. As Michel Rautenberg, one of the Sing-Akademie directors replied to a correspondent from *Le Monde*, "this discovery restores access to more than half of the Bach family archive, and will provide information on large gaps in the history of music of the seventeenth

and eighteenth centuries."³⁵ Despite the otherwise inadequate knowledge of the fate of trophy cultural treasures that came to Ukraine and Russia after the war, the identification of this collection raises new optimism about locating lost and displaced cultural treasures that have survived their wartime and postwar displacements in Eastern Europe.

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Notes:

¹ Joseph P. Kahn, "A Bach Score: Accident and adventure lead to a collection long thought lost," *Boston Globe* 30 September 1999: E1, E7. See, also the account by Sarah Boxer, "International Sleuthing Adds Insight About Bach," *The New York Times* August 16th 1999: B1, B4, which appeared in slightly condensed form as "On the Bach Trail" in *The International Herald Tribune* August 20th 1999. P. 20.

² The discovery of the collection in Kyiv resulted from research for my book, *Trophies of War and Empire: The Archival Heritage of Ukraine, World War II, and the International Politics of Restitution* (Cambridge, MA: Harvard University Press for the Harvard Ukrainian Research Institute, *forthcoming*, winter 1999/2000).

³ "Katalog musikalisch-literarischer und praktischer Werke aus dem Nachlasse des Koenigl. Professors Dr Zelter." A manuscript copy of the Zelter catalog, which established the initial provisional numeration of that portion of the Sing-Akademie holdings, survives in the Staatsbibliothek in Berlin. Christoph Wolff kindly showed me his xerox copy of this catalog, which is organized in several sections by type of materials.

⁴ Although there has not yet been time for a full correlation with this catalog, most of the manuscripts we examined in Kyiv can be matched up with the Zelter catalog. Obviously, when a scholarly catalog is prepared, it will be important to include correlations with these earlier markings. The printed books on music theory covered by the "A" section of the Zelter catalog are not in Kyiv, so far as is known. Additional materials acquired by the Sing-Akademie between 1832 and 1850, and materials acquired earlier from other sources, to be sure, are not included in the catalog of the Zelter collection. The J.S. Bach materials sold to the Royal Library in 1854 were covered by a separate catalog.

⁵ Friedrich Welter, "Die Musikbibliothek der Sing-Akademie zu Berlin," in *Sing-Akademie zu Berlin: Festschrift zum 175 jährigen Bestehen*, ed. Werner Bollert (Berlin: Rembrandt Verlag, 1966). P. 33–47. This posthumous memoir had been prepared before the war by an assistant in the Sing-Akademie, largely based on the Zelter catalog.

⁶ The village of Ullersdorf (*now Polish Oldzzychowiche-Klodzkie*) is 12 kilometers southeast of Klodzko (*German Glatz*) on a tributary of the Nysa (Neisse) River. Confirmation of the shipment there comes from a report – "Eigentum der Berliner-Sing-Akademie" (March 15th, 1945), signed by Georg Schumann, then director of the Sing-Akademie in Berlin. Christoph Wolff received a copy of this document and a 1930 picture of the castle from Berlin. As confirmed during my October 1999 visit, the castle where the collection was stored is now in ruins. Turned over to an agricultural cooperative for storage of machinery after the war, the building was not kept up. Since abandoned, it was seriously flooded in 1997.

⁷ A copy of the shipping list for "Transport XVIII nach Schloss Ullersdorf i/Schlesien" (August 31st, 1943) also came recently from the Sing-Akademie in Berlin. In addition to the 14 crates from the Sing-Akademie other components with more than two crates were: Siemens - 6 wooden crates and 2 packages; v.d. Marwitz - 5 crates; Dr. Simon - 3 crates; Hartmann - 3 crates; Gerd Rosen - 12 crates.

⁸ See the survey of the evacuation operations for the Prussian State Library in *Verlagert, Verschollen, Vernichtet: Das Schicksal der im 2. Weltkrieg ausgelagerten Bestände der Preussischen Staatsbibliothek* (Berlin: Staatsbibliothek zu Berlin- Preussischer Kulturbesitz,

1995). Gudrun Voigt provides capsule reports (with pictures) of all of the known evacuation sites for the Staatsbibliothek, *Die kriegsbedingte Auslagerung von Beständen der Preussischen Staatsbibliothek und ihre Rückführung: Eine historische Skizze auf der Grundlage von Archivmaterialien* (Hannover: Laurentius Verlag, 1995) [Kleine historische Reihe, 8].

⁹ See the latest report on the status of the Musicalia holdings of the Prussian State Library, a large part of which is now held in the Jagellonian Library in Cracow, in *Verlagert, Verschollen, Vernichtet*, especially P. 9, Pp. 19–26. Regarding the thirty-five year search for the German music collections in Poland, see the intriguing account by Nigel Lewis, *Paperchase: Mozart, Beethoven, Bach - : The Search for Their Lost Music* (London: Hamish Hamilton, 1981). See also "Bestände aus der früheren Preussischen Staatsbibliothek in Polen," *Jahrbuch für Preussischen Kulturbesitz* 29 (1995). P. 339–64; and the earlier account by P.J.P Whitehead, "The Lost Berlin Manuscripts", *Notes* 33:1 (September, 1976). P. 7–15.

¹⁰ See more details about this operation in my report, "New Clues in the Records of Archival and Library Plunder: The ERR Ratibor Center and the RSHA VII Amt Operations in Silesia", in *The Return of Looted Collections (1946–1946). An Unfinished Chapter": Proceedings of an International Symposium to mark the 50th Anniversary of the Return of Dutch Collections from Germany*, ed. F.J. Hoogewoud, E.P. Kwaadgras et al. (Amsterdam, 1997). Pp. 52–67. A more detailed version is in preparation. None of the Soviet documentation found so far regarding the Habelschwerdt/Wölfelsdorf cache mentions the Sing-Akademie or other materials from Ullersdorf.

¹¹ See more details about these operations in my *Trophies of War and Empire*.

¹² Efforts to locate additional documentation about the retrieval of the collection from Ullersdorf have hitherto been unsuccessful. Military reports relating to trophy operations remain classified in Russia.

¹³ Viktor Luhovyk, "Ukraine to Study Its Bach Archives", Associated Press file, Kyiv, August 10th, 1999. Olena Diachkova, "Unique Documents Shelved for 54 Years", *Den'/Day Weekly Digest* August 17th, 1999. P. 6.

¹⁴ Following our Harvard press release in August 1999, I received a fax from the conductor Igor Blazhkov, who directs the Perpetuum Mobile Orchestra in Kyiv, claiming that we had not "discovered" the collection, because he was using music scores from the collection already in May, 1969. However, in so far as we have been able to determine, what scores he used and recorded were never identified as to their source. The flute concerto score itself was never published, nor was there ever published mention of the music score collection from the Sing-Akademie in Kyiv. Christoph Wolff mentioned the Leipzig copy in his reply to Blazhkov (August 25th, 1999).

¹⁵ That report was corroborated from other sources in preparation of my directory of archival holdings in Ukraine: Grimsted, *Archives and Manuscript Collections in the USSR: Ukraine and Moldavia* (Princeton: Princeton University Press, 1988). Pp. 400–401. Since one of Christoph Wolff's graduate students had contacted me regarding possible Bach manuscripts in Kyiv, I made numerous inquiries during several visits to Kyiv in the late 1970s and 1980s, but the results were all negative.

¹⁶ In response to inquiries by Boriak and others, as well as my own, the Kyiv Conservatory and other Kyiv music repositories reported no trophy music holdings.

¹⁷ *Die Trophäenkommissionen der Roten Armee: Eine Dokumentensammlung zur Verschleppung von Büchern aus deutschen Bibliotheken*, comp. and ed. Klaus-Dieter Lehmann and Ingo Kolasa (Frankfurt am Main: Vittorio Klostermann, 1996), doc. No. 46, P. 245 [*Zeitschrift für Bibliothekswesen und Bibliographie*, Sonderheft 64]. A large part of one of the documents is also published in Kolassa's earlier article, "Sag mir wo die Bücher sind ...: Ein Beitrag zu 'Beutekulturartefakten' und 'Trophäenkommissionen'" *Zeitschrift für Bibliothekswesen und Bibliographie* 42(4) 1995. P. 357–60.

¹⁸ The German published version identifies the documents as having come from the CP Central Committee Secretariat (fond 4) in TsKhSD (in March 1999 TsKhSD was renamed the Russian State Archive of Contemporary History - RGANI [Rossiiskii gosudarstvennyi arkhiv noveishii istorii]). Kyiv archival officials were refused a copy, when they inquired in April and May of 1999. I was refused access in Moscow in June/ July, 1999. Reportedly, the copies from which the

German translations were prepared had been acquired in TsKhSD, although neither the copies themselves, nor their publication, had been authorized.

¹⁹ The Institute of Ukrainian Archeography sent him a formal invitation, and the Archival Administration took care of the necessary arrangements for his visit. The research party also included his wife Barbara, a music cataloger at Harvard's Houghton Library, and me. (I had arrived earlier from Moscow.)

²⁰ The inventories were prepared after the war by Liubov' Favndovna Fainshtein, one of the only Jewish musicologists to have survived the anti-Semitic purges of the late 1940s and early 1950s, but who is now no longer living. Fainshtein's signature appears on the final page of each of the five bound inventory volumes, only one copy of which are now held in TsDAMLM.

²¹ This meant that, according to Soviet-period rules still in effect in Ukrainian archives, for every file we wanted to see, an archivist had laboriously to add folio numbers in pencil and prepare the necessary accompanying papers, before it could be sent to the reading room.

²² "Doruchennia", July 27th, 1973, and TsDAMLM Director V.P. Koba to Conservatory Rector I.F. Liashenko, July 31st, 1973. Both documents were the official copies held by the Conservatory library, copies of which were kindly furnished me by the librarian in charge.

²³ The official signed and sealed act of transfer clearly indicates that the card catalog had been turned over to the archive with the collection in 1973, although it recorded that 1025 of the 5170 numbered cards were missing. TsDAMLM and the Archival Administration promised to investigate the disappearance of the card catalog, but recently, Boriak reported that it has not yet been found. The official act of transfer also itemizes the 13 missing items from the catalog numbered entries.

²⁴ As of yet, there is no trace of them in any major Kyiv library with music holdings. Some of the early holdings relating to music theory were included in the ca. 1832 Zelter catalog (see fn. 3). There is no evidence that they were delivered to the Kyiv Conservatory after the war, as librarians in the Academy of Music showed us the postwar accession registers for printed books. The only copy of the registers they had prepared covering the manuscripts had been transferred to the archive with the music score collection.

²⁵ In July, 1999, Christoph Wolff was shown the three books returned from Moscow to Berlin, now on deposit in the Staatsbibliothek (State Library). German colleagues suspected the books came from the Glinka Central Museum of Musical Culture in Moscow, but during my October 1999 visit, that museum denied it has any trophy German music publications in its library.

²⁶ Elena Cherednichenko, "V Ukraine 54 goda khranilas' unikal'naia kolleksiia Bakha. Sovetskie tankisty okazalis' smyslennoe nashikh uchenykh: Sensatsiia", *Kyivskie vedomosti* August 12th, 1999. P. 3.

²⁷ Ibid.

²⁸ See for example, the statement at a press conference in Kyiv (August 10th, 1999) by Chief of the Main Archival Administration of Ukraine, Ruslan Pyrih, as quoted by Olena Nikolayenko, "Enigma of Bach's Musical Archive Solved by Harvard Professor in Kyiv", *Kyiv Post* 32 (August 12th, 1999) and an editorial in the same issue (P. 10).

²⁹ Nelia Pasichnyk, "Chy zakhustyt' Ukraïna pravo na beztsinnu kolektsiiu. Amerykans'kyi profesor 'vidkryvae' davno vidkryte v Ukraïni—Skandal" (interview with Ihor Blazhkov, and insert direct comments by Blazhkov), *Politika i kul'tura* 23 (October 1st – 7th, 1999). P. 42–44. Another article along the same line appeared more recently erroneously accusing the Archival Administration of trying to see the rights to the collection – Nataliia Balandiuk, "Komu distanut'sia prava na kolektsiiu syniv Bakha?" *Den* 217 (November 24th, 1999): P. 1, and in the English weekly edition, "Who Will Get Rights to the Collection of Bach's Sons?" *The Day* 44 (November 30th, 1999): P. 6. Wolff since prepared a reply explaining the scholarly purposes of the project, the importance of preservation microfilming and cataloguing, and noting the lack of any published reference to the collection as being held in Kyiv, before the Harvard University press release at the beginning of August.

³⁰ See more details in my forthcoming *Trophies of War and Empire*, Ch. 12.

³¹ As quoted from Reuters by Olena Nikolayenko, "Enigma of Bach's Musical Archive".

32 See the statement by a representative of the National Commission for the Restitution of Cultural Treasures to Ukraine, as quoted in a Kyiv story by Agence France Presse (August 10th, 1999). That point of view was also expressed during our visit to Kyiv when the collection was discovered. See more about the context of Ukrainian restitution policy and recent mutual acts of restitution with Germany in the forthcoming Grimsted study, *Trophies of War and Empire*, Ch. 12. See one immediate Russian reaction signed by Mikhail' Maus (Mickey Mouse?), "Tikhaia restitutsiia? Germaniia pytaetsia vernut' sebe rukopisi Bakha, naidennye na Ukraine, i nadeetsia na uspekhi 'zakulisnykh' peregovorov v Moskve *Nezavisimaia gazeta* August 17th, 1999. P. 7.

33 "Return Bach to Germany", *Kyiv Post* 32 (August 12th, 1999).

34 "Pro vyvezennia, vvezennia ta povnennia kul'turnykh tsinnosti", Law of Ukraine, 1068–14, September 21st, 1999. I cite the text as it appeared on the official website of the Ukrainian Verkhovna Rada (<http://alpha.rada.kyiv.ua/cgi-bin/putfile.cgi>).

35 As quoted by Philippe Ricard, "Des archives Bach retrouvées à Kyiv", *Le Monde* August 9th, 1999. P. 14.

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Review of the Russian press for 1999 on issues of restitution of cultural valuables

The Russian State Duma has been working on the Law "On Cultural Values, Removed to the USSR as a Result of World War II" for nearly 5 years, and all this time the Russian press keeps covering the discussion on the matter. It would be only fair to mention that nowadays "passions ceased" and we could see a reasonable, diplomatic approach to the problem.

1999 was marked by awaiting the verdict of the Constitutional Court in reply to B.N. Eltsin's request to verify that the Law on cultural valuables does not correspond to the Constitution. The Russian President justified his request by the fact that the Law renders all valuables removed to the USSR as Russian property "unilaterally" and it did not allow our country to expect our own valuables to be returned. Beside this argument, the President had some claims concerning the way the Federal Law was passed.

The Majority of central newspapers covered this topic. The possibility of the President's victory over the State Duma, the history of the conflict, pros and cons

were discussed in "Kommersant-daily", "Segodnja", "Nezavisimaja Gazeta", "Izvestija", "Novyje Izvestija", "Moskovskije Novosti", "Kultura" and in many other newspapers and journals. The Verdict of Constitutional Court was issued on the 20th of July and on the 10th of August it was published in "Rossijskaja Gazeta" under the title "Verdict of the Constitutional Court of Russian Federation on the verification of the constitutional character of the Federal Law of the 15th of April, 1998, "On Cultural Values Removed to the USSR as a Result of World War II and located on the Territory of the Russian Federation".

In short, the verdict sounds like this: a number of clauses of the Law do not correspond to the Constitution, but in full, the document does not contradict existing legislation. Only allies of Anti-Hitler coalition and their citizens can hope for a return of cultural valuables. Germany and countries of the Hitler coalition can put forward proposals for exchange of cultural valuables, but these have to be ratified by Duma. The terms of application for countries and individuals was determined – 18 months not from the moment of publication of the Law, but from the moment when the owner found out about the location of his lost property. In this connection Russia is due to describe and publish the list of cultural valuables whose owner is unknown, so that all interested individuals and institutions would be able to find out the fate of their property.

As for the claim of the President against the procedure of State Duma voting (when the deputies were voting not only for themselves but also for those who were absent), the Constitutional Court has issued a "Solomon" verdict. Taking into consideration the fact that practically all Russian laws were issued in the same fashion and could not be cancelled, all legislative acts issued before this verdict would stay legal. But if Russian deputies will proceed with issuing the law in the same fashion and somebody will complain to the Constitutional Court again, the verdict of the Constitutional Court will be against the State Duma. The Verdict of the Constitutional Court was covered by nearly all periodicals. They rendered this verdict as indeterminate and a compromise settlement. Here are some titles: "Decision, satisfying everybody" (Izvestija, July, 21st); "Instigators of World War II do not have the right to ask for cultural valuables to be returned, but our former allies can ask for the return of trophies" (Nezavisimaja Gazeta, July, 21st); "Solomon's decision of the Constitutional Court" (Obschaja Gazeta, July, 22 – 28th); "Pushkin's Museum will open spezhran" (Kommersant-daily, July, 22nd); "The Constitutional Court did not make a sensation" (Novyje Izvestija, July, 21st).

So, the Law is accepted and it is time now to put it into practice, though this seems to be a difficult task. As Mikhail Shvydkoj, former Deputy Minister of Culture, mentioned in one of his interviews: "It doesn't mean that the process of return of cultural valuables will start immediately. It means that the negotiation process can start". In connection with possible negotiations we find the point of view of Ekaterina Degot', correspondent of "Kommersant-daily", quite convincing (ref. Article "Compulsion to Restitution" in the newspaper of July, 21st). This

Correspondent is writing that the problem of restitution nowadays is turning from an ideological one into a property one, that "for our country (where economic mechanisms are receded by the power of symbolic and mythological notions) is rather useful. The more practical and specific character restitution problem would gain, the better".

From time to time, during 1999, the Russian press was covering exactly this kind of specific example of practical restitution. In January "Izvestja" informed the readers that Poland and Germany were ready to start an exchange of "trophy art". "Kommersant-daily" twice wrote about the wish of Austria, which was occupied by Germany, to receive from Russia its displaced cultural valuables: from Hermitage – Egyptian papyruses, and from the Library for Foreign Literature - books from the Esterhazy family collection. In the middle of June "Segodnja" and "Novyje Izvestija" informed about the return of a picture by Henry Matisse "Odalisque" to an heir of the French art dealer Paul Rosenberg. This picture was confiscated by the Nazis in Paris in 1941. Also in June, "Moskovskije Novosti", "Kommersant-daily" and "Segodnja" published materials about the results of long-term negotiations between heirs of Kazimir Malevich with the Museum of Modern Arts in New York. The Directorate of the Museum returned to the solicitors of the family of the famous Russian artist his picture "Suprematic composition". Besides, the family will be paid a compensation for five pictures and several drawings of the artist, which will remain exhibited in the Museum. As Mikhail Klychev, correspondent of "Segodnja", fairly mentioned: "Success in "Malevich's issue" became possible also due to the fact that recently the American public opinion was actively taking part in individuals, who lost their art property involuntarily during wars and revolutions". The Russian media also reported quite extensively on the sale of Baron Rothschild's collection at the world known auction Christie's in London in Summer last year. This unique art collection was confiscated by the Nazis and just recently returned to the heirs of bankers' family, who decided to sell it.

Two more important events in the restitution process in Russia took place last year and were covered by the press. At the beginning of 1999, the Russian TV channel "Kultura" has shown the first three of ten documentaries "Following Traces of Lost Collections". The second event, which was expected by specialists for more than fifty years, - the presentation in the Ekaterininskij Palace of Summary Catalog of the Cultural Valuables Stolen and Lost During the Second World War – took place in July last year in St. Petersburg. The First three volumes of the Catalog are devoted to the Ekaterininskij Palace, the Tretyakov Gallery, the Russian Museum and lost Archives of the Russian Federation. Periodical articles were announcing the importance of this edition: "We Started to Count..." (Kultura, July, 15th – 21st); "Summary Catalog – an Unknown Page of Our History" (Nezavisimaja Gazeta, July, 21st); "We Took into Account Our Losses" (Kommersant-daily, July, 14th). All the publications were stressing that, without any doubts, the catalog is the answer of Russia to endless claims of European States, and, first of all, Germany, to Russia.

Summing up the review of the Russian press of last year, we hope that now, that the Law on removed cultural valuables came into effect, the real work will begin. Specialists will start negotiating and try to sort out our past, impartially and lawfully, in order not to harm the present.

Evgenyja Korkmazova,
All Russia State Library for Foreign Literature,
Moscow

Summary on the Russian press coverage concerning looted art (January – June 1999)

The majority of articles were published in the nation-wide magazine "Kommersant" which are mostly orientated on economic information and else in the independent daily press newspapers "Segodnja" and "Njesawisimaja Gaseta". Further articles were published in smaller art-magazines or in the Moscowian press. The two last sources are not to be considered within this summary because they are not available in Germany. The research for articles of the larger newspapers takes much time as well, because these newspapers can only be found in the archives of the press-section of the Berlin State-Library and in the library of the East-Europe-Institute of the Free University. It was not permitted to make any copies of these articles.

"Segodnja", 2nd February 1999, by Alexander Michailov:

"Are the crusaders going to return? Warsaw raises claims against the FRG – Moscow will be the next addressee"

This article takes the state visit of chancellor Gerhard Schröder in Poland as a reason to report about the last stand of the German-Polish negotiations about reciprocal exchange of cultural objects which had been transferred during the Second World War. According to the opinion of the author there is an agreement in most points about the return of cultural property. The Polish side would have been successful in discovering a great part of the systematically ordered cultural property of the German occupying power in the time between 1939 – 1945. Among these discovered cultural properties would also be those which are now located in private collections. The Polish ministry of culture has drawn up a catalog with all Polish losses, the article tells. During the time in which there were two German states, Poland only claimed the return of pieces from the FRG whereas they did not direct such claims to the former brother nation GDR. But during the whole time after the War, the archive of the crusaders would have been in the State-Library of East-Berlin. In a slightly vicious tone, the author goes on about the above-mentioned catalog, which included a clear remark that a part of the lost cultural property would have been transferred by the former Soviet military administration after 1945.

These assertions could not be verified by any concrete facts, so the author. Therefore one could assume that the German-Polish agreement will be signed. Even

the director of the foundation of Prussian Cultural Property in Berlin, Klaus-Dieter Lehmann, would have confirmed that their archives were prepared to receive historic manuscripts. For him the return of cultural property would only be a "question of technique". But this problem could still not be solved at least from the German side. Because of the protection of the right of ownership the German government would have to buy cultural property located in private collections from their present owners. The author concludes that the Polish side would soon direct similar claims to Russia considering the success achieved with the German side. The first step would be taken by publishing the remark in the catalog.

"Segodnja", 1st June 1999, by Interfax:

"The Constitutional Court began controlling the interpellation against the law about the tracing back of looted art"

The article refers to the explanations of the representative of President Mitjukov before the Constitutional Court. He has shown that it would depend on the decision of the Constitutional Court how the Russian state will be looked upon by the West – whether it would be accepted that Russia is able to enter the European Community as a civilized state and to find solutions for questions concerning future Europe in a humanitarian manner, or whether Russia would be seen as a unreliable partner. Below you find a short explanation of the results of the controversial law.

"Kommersant", 2nd June 1999:

"Restitution outside the law"

This contribution takes a critical look at the "Law on Looted Art". Beginning with the conclusion that during this year and since the coming into effect of the law not a single charge had been brought forth to serve the purpose of reimbursement of stolen cultural property to their rightful owners. This is not a matter of missing claims but rather because of the law itself, since it had been invented so that potential sources would not be able to derive claims from it. In the following this problem of missing documentation of Russian losses is being explained by the Russian side. While Western countries would long since have established such registers, Russia could only measure its losses in kilogram and meters and could not name concrete objects besides the "Amber room". Therefore only the way of "gestures of good will" would be open to them, like the director of the Eremitage, Michail Pjotrivski, had suggested for the Otto Krebs Collection. Only the abandonment or at least a change of the present law would serve to lead the process of restitution out of the cul-de-sac. Even if Russia had to return some cultural property in this case, it would still gain enough – above all the reputation of a civilized state.

"Kommersant", 2nd June 1999:

"Duma fights the enemy again – And Boris Jelzin with the restitution law"

This objective article explains the restitution law which ought to be understood as an expression of the contrariness of the parliament against the president and which is now in the decisive phase before the constitutional court. The representative of the Culture Committee, Nikolai Gubenko's words have been quoted: that Jelzin would protect the interests of the enemies of the state and that he would help them to be victorious. Therefore the law would be necessary in order to save some of the national assets which would otherwise be squandered completely. The article also deals with the method of voting of the Duma which had been criticized by the president. Even the representative of the president before the constitutional court, Mitjukov, has been quoted because of his clear opinion that "every member of parliament ought to press the button himself, as well as each of his party members". But at the same time a lack of understanding had been expressed for the gross error of Mitjukov who had criticized the offending of the Washington pact by the restitution law, which on the other side had never been signed by Russia. In the end, reservations were being expressed that the constitutional court should look upon this mistake of method as an offence against the constitution.

"Segodnja", 2nd June 1999, by Denis Babischenko:

"His brightness against their grayness – the legislator asks the president not just to count the members of parliament by their heads"

This ironic and partly sarcastic piece of writing describes the two parties' manners at the hearing on the constitutionality of the restitution law before the constitution court. After the representative of the President before the constitution court, Michail Mitjukov, had defended the interests of the President before this superior house, the observer could not help suspecting that this entrance in this political function of the former driver of the excavator and cable layer from Ust-Udinska might have been his last. Following rumors, it would have already been decided by the administration that they would not work with this specialist again. Mitjukov would represent the president before the constitutional court for the second time, in 1996 he had already represented the president for a couple of months. Mitjukov would have much to carry in his recent position because he would like it much better to represent the interests of the president directly from a bench of a judge from constitutional court than to be his representative. But the members of the Federation Council could not like the idea of seeing this comrade in the rope of the custodian of the law. This way Mitjukov would take his old position to court as well as his reputation as an unlucky person. At the Kremlin, people would have reacted quite indifferently toward the process and all powers had been concentrated on the formulation of the cabinet.

The question of "Segodnja"-correspondent Alexander Woloschin, whether the cabinet was already counting on the victory of the process, is said to be answered by Alexander Stalewitsch in a quite interesting way. At first he said: "Yes, we do count on it", in a very positive manner and then continued that the cabinet would still be thinking about it. While Woloschin would still go on thinking about the process, Mitjukov would stand beside himself within this process. In this way he disliked the questions and in general ... Mitjukov would have been in quite a confused state of

mind when entering the constitution court which had for some exotic reason been called "your brightness" by representatives of the Duma and the Federation-Council. At least Mitjukov had read the text of his undertaking in a clear voice in contrast to the other experts that were heard. But it is said to have become even worse – the way in which Mitjukov answered the question about the USSR's joining the Washington Pact in 1935 was shameful. Truly this pact would permit the export of cultural objects from occupied areas but this pact had only been signed by Latin-American countries. In the breaks in between, even those members of the audience who are familiar with the law began whispering: "Which institute did Mitjukov study at? Did they teach international law at this institute?". Even legal students in beginning semesters who could follow the process over the speakers in the corridor would have started laughing about Mitjukov's answers. But the behavior of the defendants has not been less dramatic. Representatives of the Duma and the Federation Council had evaluated the demand of the President for members of parliament to vote in person in the meeting and not after collected lists as an expression of "totalitarianism of the head of state". The President and the executors could not be trusted because the question of restitution would be decided by them in an exclusively economic and not patriotic position way. Only the director of the legal department of the Duma, Wladimir Isakov, found this method of voting "for himself and for the members of the party" not suitable in order to better the reputation of parliament. One representative of the Federal meeting would have described the position of the parties as laconic and in that sense this law would show the kind of opposition between the Federal meeting and the president. A prognosis about how the court could decide could therefore not be given.

"Njesawisimaja gaseta", 3rd June 1999, by Andrei Kamakin and Lana Moreeva:

"The Constitutional Court decides about the destiny of the restitution law – the President declares the document he has already signed unconstitutional"

This article tries to use symbolic speech for describing the essential points of the genesis of the law concerning looted art. But this article is also missing some of the important facts, so that many connections can only be deduced by those who have read everything about this law.

A long time after being covered the topic of looted art again would arise from the high tides of information on the occasion of hearing before the constitutional court to examine the constitutionality of the restitution law. The history of it is said to be a long one, not to be overcome by more varieties of combinations reminiscent of a mediocre opera. The real problem only developed since the USSR disappeared. Until then nobody ever asked the question about the affiliation of "Culture trophies". All cultural objects from the defeated – Germany and its allies have been looked upon as a sort of compensation for the damage which the Soviet culture had to bear during the time of the War. Therefore, these cultural objects had been looked at as guiltless property of the Soviet Union. But the legal status of the "cultural possessions transported to Russia as a result of the War" was doubted right after the

decay of the Soviet Union and from then on it was particularly doubted outside the frontiers of Russia as well. The greatest interest had of course been expressed by Germany, though Germany never claimed the "return of the stolen art" directly. They would have rather used words to suggest to the Russians, that the War had long been over and therefore one should pull out the last splinters. One of these splinters which would disturb the two states in their rapprochement is said to be the so-called non-regulated issue about transferred cultural possessions.

As the protector of those "trophies" has to be seen the Russian parliament. The lower chamber is said to have developed and passed a law-project in which all questioned cultural possessions are declared property of the Russian Federation. This law would have been confirmed by the upper chamber and now it only has to be confirmed by the president. During these developments the question about the return of stolen cultural property has become a major issue outside Russia and has been a topic of summit meetings in which the Russian president has taken part as well. The arguments of the opponents of this law-project are said to have gained the upper hand and therefore he used his veto and rejected the law because of formal faults without having closely examined it. But the parliament would have proven its character as well by using a 2/3 majority to reject the president's veto and the Federation Council is said to have followed this example. Again, Jelzin would have refused to confirm the law but because of an inquiry of both chambers he had to sign it before the Constitutional Court, on April, 6th 1998. According to the opinion of the judges of constitution, the President would not be authorized to evaluate the legitimacy of a law only to direct his inquiry to the constitution court which had not happened until then. Thereupon the President would have directed his inquiry to the Constitutional Court on April, 15th 1998, in order to let them examine the constitutionality of this law. Following, the article lists the facts which were used by the president to illustrate the unconstitutionality of the law and also the kind of opinion that is approved by the representatives of the Duma.

"Iswestja", 2nd June 1999, by Konstantin Katanjan:

"Cultural possessions as bone of contention – The restitution-law subject of legal evaluation, again"

This objective and extremely competent, even comprehensibly written article describes the past history of the controversial restitution law and the decisive arguments, and above all the President's position in a clear and concise form.

Conclusion

Most articles describe decisive events until the oral negotiation took place on June 2nd, 1999. Most articles are written informatively and objectively but without clearly stating and explaining the real problems of communication difficulties between Russia and the West. Above all, the authors describe the position of the Russian President, only they forget reaching a final conclusion. The arguments of the Western, especially German, side do not really play an important role in this representation. Specialized contemplation is not being made in any of the articles.

They rather convey the impression that the West would have made this issue a problem for Russia. In that respect Germany is seen as the leading force, which is no positive judgement. Now Russia has to cope with this unloved issue, though against its own will. Altogether the articles show a rather undifferentiated picture about the development of the discussion about looted art. Of greater import seems the discussion about the "restitution law" regarding the tense relation between parliament and President, also regarding the reputation of Russia elsewhere as a "civilized" state. The result of this summary becomes even more disappointing because the magazines play a major role in the discussion of social problems in Russia. That is to be explained by the absence of small specialist journals or publications because of lack of funds. In this respect, this summary has to be judged as a representative one.

Claudia Suckau,
Articled Clerk at the Senate Administration for Science,
Research and Culture, Berlin

**Lászlo Mravik: "The Sacco di Budapest" and Depredation of
Hungary 1938 – 1949. Published by the Hungarian National
Gallery, Budapest, 1998**

The appearance of the large-sized book of 468 pages has long been expected by a wide sphere of interested people in Hungary as well as abroad. It could first occur after the first free elections in 1990 that the surviving art objects, removed from Hungary (and carried away, first of all into the earlier Soviet Union) could be demanded back and perhaps brought back to the country, to the former owners. The international public could learn from publications in the last decade that Hungary suffered a major loss of art treasures during the war. The avalanche was started before the war with deprivation laws concerning the Jews, then a series of robberies by the Germans occupying the country in March, 1944 and war damage caused great damages in the art treasure stock of Hungary. The devastation was finally 'crowned' by the Red Army, which drove the Germans out of the country. Their special military units systematically robbed the banks where they took everything: money, gold, and deposited art objects. Houses and flats and country palaces were nearly totally looted and art treasures were not spared either. The choicest part Hungarian art Work and cultural treasure disappeared or was carried off abroad.

The evaluation of the losses started right after the war. Official statements and estimates were made and the responsible leaders of the country did everything in their might to get the art objects back to their original owners. It was partly successful, since a larger part of objects taken to the west were returned to the country (e.g. the collection of the Museum of Fine Arts). What, however, left the country eastwards, resisted every effort. (Now we know: Stalin got jealous about Hitler's collection, and he also wanted to establish a 'super museum' in Moscow

where he would have exhibited the choice items of the loot). Cold war set in at the end of the 40s and the terror dictated by the Rákosi-clique, who wanted to follow the soviet system, repressed even the suggestion.

A computer database was set up at the Hungarian National Gallery following the decision of the Hungarian Restitution Committee in 1992, with László Mravik, art historian at its head, who has been dealing with the history of art collecting in Hungary for several decades. His team carried out the very difficult task of research and documentation of the disappeared art objects. (On the database see: Spoils of War No 4, pp. 84 – 87.) László Mravik collected the material for this book from more than ten thousand data. The selection was certainly not accidental. He listed the data of art objects with the highest artistic qualities. Another aspect of selection was the availability of documents, since many of the objects, most of which had belonged to private collections, were never published, no photographs and exact descriptions were made – or have survived.

The volume starts with László Mravik's qualified introduction, in which he gives a short review of the Hungarian war losses, their historical background, the legal problems concerning their restitution and the efforts to find the art objects that had been carried away. Mravik clearly describes the purpose of the publication of this book at the beginning of the introduction, perhaps it is useful to quote: "This book is the preliminary and shortened edition of a much larger but yet unfinished work. At the same time it constitutes official proof that research is being pursued in Hungary into art works and cultural treasures removed from the country in tempestuous times or taken abroad in some other unlawful manner. These were parts of Hungary's intellectual and cultural heritage, and, in our view, remain so today.

When choosing the title we did not wish to be over-polite, since there was no reason to do so. We did not want to offend anyone, since the facts and events which took place provide no moral basis for offence to be taken, neither by countries, nor by institutions, nor by private persons. What we are addressing here is the fact that what happened in Hungary at the time of the Second World War was nothing short of looting, or to be more exact, the carrying away and the smuggling abroad of art objects. It is important to mention this because everyone by and large has been accustomed to take offence, by not accepting the simple facts, but rather by substituting them with (false) interpretations and (erroneous) ideologies. When on the other hand we say to the culprits that they robbed the banks, looted and despoiled Hungarian country houses, and carried away gold and jewelry belonging to the Jews, they are of course not pleased and we do not expect them to be. We have however, weighed these words and can use no others if we are to be true to history. After more than half a century our hope is that as countries and institutions, if not as private individuals, we can begin to process the idea that we are the heirs to certain crimes. And if I may continue, the main offender was – let us finally say – the Soviet Union, and its unlawful successor."

Following the References, an illuminating selection of the most important documents can be read. The chosen 79 documents draw a clear picture about the vicissitudes art objects suffered during the war. The reader can follow how the art objects of Jewish possession were placed under government supervision, some of them deposited in banks then carried away by Germans and later by the Soviets. The special units of the red army liberating Budapest did not only break into the safes of the banks and robbed them systematically but they did the same, among others, to the building of the Swedish Embassy where large collections were kept. (Although Sweden was a neutral state, the looting of the Embassy in Budapest seems to have been connected with the arrest and deportation of R. Wallenberg, who had saved the lives of hundreds of Jews in Budapest, to the Soviet Union.) Following the war, Hungarian authorities prepared detailed reports about damages on the cultural treasures (see the report by Pál Voigt) and made efforts to regain the removed objects both from the west and the east. They were rather successful from the west and failed from the east. The Hungarian Prime Minister and the Minister of Culture wrote a letter in this matter to Marshal Vorosilov, the President of evil memory, of the Allied Control Commission in Hungary – to no avail, Stalin's close friend did not even think them worthy of an answer. The looted banks sent regretful notices to those with deposits in their banks, that their possessions were taken away by the Soviet army from the forced safes. A good illustration to these letter is another letter sent to Mr Andor Ullmann from the Hungarian General Credit Bank:

"Budapest, July 24th, 1945

Enclosure A./

To: Dr. Andor Ullman de Erény,
General manager,
Joint-Stock Company for
Electric Tramway and Public Transportation Firms,
Budapest V., Nádor u. 12.

With reference to your letter dated the 21st of this month addressed to Director Károly Rubner, we should like to inform you that

1 sewn-up sack (13347) and

2 locked chests (13355 and 13371)

held in deposit were – together with other valuables deposited with us – taken away by the Russian Economic Officers' Commission which appeared at the Bank, with the result that these are no longer in our custody.

We also inform you that the commission sent out to our Bank by the Russian military authorities forcibly opened all the strongroom compartments, including the 1036/V. and 1862/V. compartments rented by you, and took away their contents, with the result that the compartments in question are now completely empty.

Yours very faithfully,
Hungarian General Credit Bank
(signatures)"

We can read letters, still bearing the label "top secret" that were written by high Ranking Party and government leaders when the Soviet Union returned 15 paintings in 1972. The series of the documents is closed by an agreement signed on May 21st, 1993 by the ministers of culture of the two countries regulating the restitution works and committees.

The volume is closed with the Provisional Catalog, the bulkiest part of the volume. The chapters start with the short histories of private collections followed by the most significant data of the objects that disappeared. There is reference here to the place where the object might have got to during the years of the war, and it is also noted, if that is known, where it can be found.

István Fodor,
Director of the Magyar Nemzeti Múzeum,
Budapest

Country Reports

Estonia

The most significant event since the last report was the 1st plenary session of the Intergovernmental Estonian – Russian Commission, held December 2nd – 4th, 1998 in Tallinn. The plenary session resulted in the signing of an agreement between the Government of the Estonian Republic and the Government of the Russian Federation to co-operate in the preservation of cultural property. The cultural properties covered under the agreement include historic or artistic objects and archives with cultural or legal ties to one signatory country but held on the territory of the other. Three general principals in regards to such objects were agreed to. First, the citizens of both countries have free access to these objects. Second, both governments agreed to aid in the identification, cataloguing and preservation of such cultural objects. Third, each government will assist in the recovery and the restitution to the legal owners of cultural objects that are illicitly held on their territory or are illicitly exported or imported. An Estonian – Russian Mixed Commission was to be appointed by the respective ministers of culture to oversee the implementation of the agreement. What was really heartening from the

Commission's December session was not that yet another agreement on co-operation had been signed, but some practical steps toward implementing co-operation, however small, followed.

In the plenary session it was agreed that two expert commissions, one Estonian and one Russian, would meet in Voronezh in December 1998. The task of the expert commissions was to formulate specific proposals for dealing with that part of Tartu University's art collection currently held by Voronezh Regional Art Museum.¹ The two commissions met on December 16th – 17th during which time a Protocol of Co-operation between Tartu University Art Museum and Voronezh Regional Art Museum in Voronezh was negotiated and signed. Under the terms of the Protocol, both institutions guarantee free access to researchers to those artifacts and art works whose ownership is under dispute or that hold a special historical or cultural significance for Estonia or Russia. The two Museums also agreed to jointly prepare and publish printed materials based on the collections in question and to organize exhibitions from these collections. A scientific conference to be held in Tartu about the history and disposition of these collections was also agreed to.

The expert groups met again in Voronezh June 1st – 3rd, 1999 by which time the Intergovernmental Agreement had come into force and practical steps could be taken. The Estonian delegation's aim was to examine and photograph a selection of the artifacts that are claimed by Tartu University under the terms of the Tartu Peace Treaty of 1920 but held in the Voronezh Regional Art Museum. Once again the principal of two steps backward for every step forward came into force. The Russian Ministry of Culture had not nominated its members of the Estonian – Russian oversight commission although such nominations were to be made by the 4th of April, 1999. Without authority or leadership from higher levels, local authorities in the Voronezh Region were reluctant to grant access to the members of the Estonian Expert Commission or establish a plan of co-operation for the following year. For example, although Voronezh officials expressed a positive interest in holding the previously agreed to scientific conference which would include an exhibition, they felt that without a functioning oversight commission they lacked the authority to make firm commitments. Also, the Estonian delegation was allowed to see and photograph only a small number of artifacts and only those whose images or photographs had already been published.

Another visit to Voronezh by the Estonian Expert Commission is anticipated in the autumn of this year, but at this point in the negotiations, our best hopes are for full implementation of the principal of free access and for a detailed plan for the conference in Tartu. Realizing these goals would go a long way towards the establishment of a working relationship that leads to practical co-operation rather than more agreements to co-operate.

No concrete progress has been made in the restitution of the Estonian Presidential Regalia.² The items remain in Moscow. The Ministry of Culture of the Russian Federation have prepared the materials for return, and both sides agree that there are

no technical reasons to prevent restitution to Estonia, but the political decision to return the Regalia has not been made.

Anu Laansalu,
Director of the Art Museum of Tartu University,
Member of the Expert Commission on Estonian Cultural Property Situated Abroad,
Tartu

Notes:

¹ The historic art collection of Tartu University was evacuated to Russia during World War I.

² A ceremonial gold chain and emblem in the shape of an eight pointed star with the National Coat of Arms at its center that symbolizes the Office of the President of the Estonian Republic was removed in 1940 to Russia upon the arrest of Konstantin Pats, the last President of the pre-war Estonian Republic.

Hungary

The new Hungarian government formed after the elections in May, 1998, divided the earlier Ministry for Culture and Education into two parts. The two new ministries are the Ministry of Education and the Ministry of the National Cultural Heritage. Monument preservation (the protection of buildings, archaeological, ethnographic and artistic monuments) and affairs related to restitution fall within the authority and are supervised by the latter ministry. The new museum law came into force in the middle of last year, which assigned the transactions concerning affairs related to restitution to the recently founded Inspectorate of Cultural Heritage. The setting up of the Inspectorate, however, took more time than expected and has just started functioning. Its recently nominated leader is Dénes Jankovich, his deputy: Katalin Wollák (Address: H-1053 Budapest, Magyar u. 40. Hungary). In the near future the research center, housed to date in the building of the Hungarian National Gallery, dealing with the collection of cultural treasures lost during the Second World War will also join the Inspectorate.

In 1998, the Hungarian and the Russian restitution committees did not have a joint meeting. The Hungarian side, however, urged in various discussions the restitution of the books of the Sárospatak Library, which have already been identified and which can be found in Nizhny Novgorod. The Russian responsible authorities showed willingness in a way that they would remove this affair from among the restitution affairs and the two governments would sign a separate contract, however, this has not taken place so far and no contract has been drawn.

An Agreement was signed on the meeting of the two committees in 1997 that the Hungarian side would hand in the document with the legal backgrounds of the restitution demands. This document has been prepared and the legally competent members of the two committees will discuss it at the end of February. A joint

session of the two committees is planned for the future either to take place in Budapest or in Moscow. In Budapest a working team prepares the list that contains the art objects, the restitution of which will be demanded from Russia, and the deadline of which will be defined by the Russian law of restitution (October, 1999).

An important result of the Hungarian restitution pursuits is that a lengthy list, compiled by László Mravik, of Hungarian pieces of art lost during the Second World War was published last summer (László Mravik: The "Sacci di Budapest" and depredation of Hungary 1938-1949. Budapest 1998. Published by the Hungarian National Gallery for the Joint Restitution Committee at the Hungarian Ministry of Culture and education.).

István Fodor,
Director of the Magyar Nemzeti Múzeum,
Budapest

Switzerland

The Independent Commission of Experts: Switzerland – Second World War

Legal basis

The Commission was established in December 1996 by a unanimous resolution of the Swiss federal assembly (parliament). Its mandate is to investigate the assets moved to and in transit through Switzerland before, during and immediately after the Second World War from a historical and legal point of view, and to present a final report at the latest by 2001.

Comprehensive mandate

The Commissions' mandate covers gold trading and foreign currency transactions conducted by Swiss banks. The objects of the investigation are all assets moved to Switzerland including insurable valuables and cultural assets, both of the victims of the Nazi regime as well as its perpetrators and collaborators. Another key topic is Swiss refuge policy in connection with Switzerland's economic and financial relations with the Allies and Axis powers. The study also includes the postwar period including government measures for the return of unlawfully acquired assets.

International composition and human resources

The Commission is an international body with a president, four Swiss and four non-Swiss members (Britain, Israel, Poland and USA), all of whom were appointed ad personam on account of their professional expertise. The Commission employs around 30 research assistants in Switzerland. A list of the researchers and detailed information about the general task of the Commission is available on Internet (<http://www.uek.ch>). It also has research teams in the USA and Germany. The Commissions' staff also do research for limited periods in a number of other countries.

Legal access privileges

Special legal provisions apply in Switzerland for the Commissions' work. Various corporate entities must preserve documents and provide access to files and documents. This extends to all files of both individuals or legal entities deemed relevant to the Commissions' research. Legal and contractual obligations to maintain secrecy in these archives were waived for the Commission and its staff.

Looted cultural goods

In Summer 1998 a group directed by Prof. Georg Kreis in Basel and consisting of researchers Esther Tisa / Switzerland and Anja Heuss / Germany started specific research on the subject of looted cultural goods. The task of this group is historical research, not tracing looted art or accepting claims from abroad. It is anticipated that the results of the research will be reported in Summer 2000. This group is trying to find out, how the art trade worked in Germany, the occupied countries and in Switzerland before, during and after the Second World War. There are four main categories of transfer which interest us:

I. Emigration

Jews were under duress in Germany after 1933. Thus many Jews decided quite early to emigrate to Switzerland, especially the wealthy. Some of them were able to take their collections of art objects or other cultural goods to Switzerland with the intention of selling them on the art market. This took place at the very beginning of Nazi rule, because Jewish immigrants were able to transfer their property out of Germany until 1935. Our research concerns the transfer of these collections and their fate in Switzerland.

II. "Aryanisation"

After 1935 and the Nuremberg racial laws, political pressure increased. Jewish art collectors were forced to pay discriminatory taxes; if they couldn't pay they were forced to sell their collections on the German art market (so-called "Jewish auctions") or their collections were confiscated by several German agencies as for example the Finance Departments or the "Reich Cultural Chamber". This occurred from about 1935 to 1940. We are trying to check, if there was any transfer of cultural goods to Switzerland by these German institutions or art dealers, which profited from the "aryanisation" of Jewish art collections in Germany.

III. "Degenerate art"

After 1933 government measures were taken against so-called "degenerate art", which meant modern or abstract art or art that expressed social criticism. About 16,000 objects of art, property of German museums, were confiscated by Goebbels. The minister of propaganda planned to sell these objects on the international art market, especially in Switzerland. A smaller part of it was sold at the notorious auction of Gallery Fischer in Luzern. But "degenerate" art was transferred not only to Swiss museums, but also to Swiss private collections. We are hoping to estimate the total amount of "degenerate" art, that went directly or indirectly to Switzerland.

IV. The occupied countries

Third we will describe the transfer of looted cultural goods taken by various German organizations in the occupied countries after 1940. This seems to have happened especially in west European countries, but we would appreciate it very much, if the east European readers of this article might inform us about the transfer from occupied Eastern Europe to Switzerland. Especially the agents of Hermann Göring seized confiscated art objects in France in order to sell them on the Swiss art market. Thus Hermann Göring tried to get money for new acquisitions of art objects. Last but not least we are trying to give an overview about the extent of transfer of the so-called "degenerate art" to or via Switzerland. Here Switzerland did not only buy "degenerate art" cheaply, but was a center for the international art market.

V. Property of German museums

Even after the Second World War cultural goods were transferred from Germany to Switzerland. We are aware of the problem, for example, art objects stolen from German museum depots turned up on the Swiss market a few years later. Our report will try to establish the continuity of personnel involved in this art market during and after the Second World War. Because of the short time left for research we will concentrate on the 1950s and 1960s.

VI. Restitution policy

Beside the transfer of cultural goods we are interested in the general policy of Switzerland toward the restitution of looted cultural goods after the Second World War. Under Allied pressure Switzerland developed a special law, which gave heirs an opportunity to make claims to Swiss persons or institutions. This law reflected only looting in occupied countries, not looting of Jewish collections in Germany. Thus only a part of the looted cultural goods were part of the restitution process.¹

Methods

The group for cultural assets is doing research at the moment in several German and Swiss archives, especially in Koblenz and Bern. On the basis of the special privileges the Commission has in Switzerland we are checking also the files of several Swiss museums, banks and courts, which are generally not accessible to the public. Special trips to the Public Record Office in London and in the Bundesdenkmalamt in Vienna have been absolved already, further trips are planned

to Paris, Rome and Florence. Additionally we have interviewed several art dealers in Switzerland.

We would appreciate it very much, if any reader of this article could provide us with further information about looted objects of art taken to or via Switzerland.

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Note:

¹ For further details see Kreis, Georg: Die Schweiz und der Kunsthandel 1939-1945. In: Matthias Frehner (Hrsg.): Das Geschäft mit der Raubkunst. Fakten, Thesen, Hintergründe. Zürich (Verlag Neue Zürcher Zeitung) 1998. ISBN 3 85823 705 1, S. 125-134.

The Netherlands

Introduction

In 1940, following a brief but violent conflict and the bombing of Rotterdam, Nazi forces occupied the Netherlands. Over the next five years, they committed outrages of all kinds.

Once the war came to an end, the Netherlands went to great lengths to right the wrongs done by the Nazis, including those relating to the personal possessions of their victims. An extensive system of measures was established to ensure the restitution of rights and - despite the frequently chaotic conditions which prevailed in the years immediately following the war and the occupation - these were applied with considerable care and a large measure of success. Even so, it was impossible at that time - given the chaotic situation in the Netherlands and the far more limited technical search mechanisms then available - to right all the wrongs that had been

committed. Some owners of looted possessions could not be traced, mistakes were undoubtedly made and "loose ends" may have been ignored.

There is good reason, therefore, to re-examine the situation now with a view to correcting the mistakes of the past, focusing on equality before the law and on the rights of individuals. However, this does not mean that the State of the Netherlands can be held financially or otherwise liable for the misdeeds of the occupying forces. There is no question of compensation. The aim is simply to examine whether, given the measures taken to restore legal rights after the end of World War II, it is fair and reasonable that assets which fell into the hands of the State during the war or immediately afterwards should now finally be restored to their rightful owners.

To achieve this aim, five investigating committees are (or have been) working on this issue in the Netherlands. They are known by the names of their chairs: Van Kemenade, Scholten, Kordes, Van Galen and Ekkart. The first four committees have published their reports, the work of the Ekkart Committee is still ongoing. This document details the progress the committees and other researchers have made to date. It also includes the government response to the four committees' reports on World War II assets, published on March 21, 2000.

Research into Assets Kordes Committee

The Kordes committee (LIRO records investigative committee) was responsible for investigations concerning tangible assets. On 29 January 1998, the committee issued its first report, concerning the sale of jewelry and other valuables from the vaults of the Lippman-Rosenthal bank in around 1968. On 9 December 1998, it presented its second report to the Minister of Finance, together with a guide to records of Jewish war victims. The Kordes committee has now been dissolved. For further information see under <http://www.minfin.nl/ttw> – select English language.

Scholten Committee

The Scholten committee investigated WW II financial assets held in the Netherlands and published an initial report on 16 December 1998. This contains details of the committee's inquiries into the restoration of bank accounts, patent rights, copyright and mortgages. It also reports on inquiries into the role of government - in particular that of the State Consignation Fund and the Ministry of Finance's State Property Service - and legislation concerning untraceable and unknown owners.

The final report, presented on December 15, 1999, adds to these: life insurances, annuities, pensions and funeral insurances; social insurances and arrangements for

public servants; and securities (stocks and bonds). Some of the Committee's conclusions and associated policy recommendations are highlighted below.

On the basis of its investigations into *securities*, the committee concludes that the Dutch Stockbrokers' Association and a large proportion of its members - including several banks - behaved improperly in relation to the expropriation of Jewish securities. The association facilitated and legitimated this expropriation, in particular by admitting the firm of Lippmann, Rosenthal & Co. Sarphatistraat (Liro) to its membership and hence to dealings on the Stock Exchange, while a major proportion of its members were actively involved in the trading of securities which had patently been expropriated from Jews. This should never have occurred. In the post-war period, the association exploited at crucial moments the economic importance of the uninterrupted operation of the Stock Exchange to impose arrangements, policies and ownership decisions which were then and are now incompatible with the Dutch sense of justice.

The committee feels that the association (or its successor, Amsterdam Exchanges) should express its regret for the pressure exerted on the government through the threat of strike action and that it should also decide to offer a sum of money to the Jewish community. The committee is not in a position to calculate a figure for such a financial gesture and therefore confines itself to suggesting a sum of several million guilders. Moreover, it emphasizes the symbolic nature of such a sum.

The committee feels that it would likewise be proper for banks which bought their own shares from Liro during the war - whether or not via a front man - and subsequently sold them to third parties to offer financial compensation to the Jewish community if they have not previously done so to the dispossessed as part of the general restitution of rights. Such a payment should be based on a figure of 10% of the highest share price in 1953-1954.

Although no serious failures have been identified in the system of redress regarding *life insurances*, the committee recommends that the Dutch Association of Insurers and others should make a gesture in the direction of the Jewish community in relation to the two gaps which have been identified. One of these relates to the occasional non-reporting of life insurances (especially the so-called 'industrial insurances': smaller funeral insurances) and the subsequent benefit to the relevant insurance company in cases where the policy-holder died during the war and had no heirs to claim the value of the policy. The other relates to the incomplete restitution of rights with regard to funeral insurances. The committee feels that this gesture might in addition conceivably take account of the fact that, under the Veegens agreement, the state accepted an arrangement whereby payments were made on the basis of the surrender value rather than insured value.

The committee finalized its policy recommendations on 2 November 1999. On 9 November it was notified that agreement had been reached between the Central Jewish Board (external interests) and the Dutch Association of Insurers regarding a

final settlement of all claims by policy-holders persecuted during World War II on the grounds of their Jewish origins.

As a result of the post-war system of redress, a number of different *sums accrued to the state*. The final report lists these in full (see number 2 in the list of policy recommendations). The committee feels that this fact should prompt the state to make a gesture of some sort in the direction of the Jewish community. In addition, it recommends the reversal of the 1976 decision by government and parliament to transfer the surplus remaining in the Guarantee Fund (NLG 11.5 million) to the public purse.

The title of the three-volume final report of the Scholten committee is *Eindrapport van de Begeleidingscommissie onderzoek financiële tegoeden WO-II in Nederland* (Final Report of the Committee on the investigation of World War II financial assets). Its ISBN-number is 90-804726-2-x, the full Dutch text (PDF files) can be found on the internet site of the Ministry of Finance, under <http://www.minfin.nl>. The English press release and a 15 page summary of the final report is available on the same internet site – select English language.

Van Kemenade Committee

The Van Kemenade committee investigated assets looted during World War II. It was appointed in March 1997 with the approval of the Minister of Finance, following the allocation of the final tranche of the gold pool by the Tripartite Gold Commission and recent national and international developments in relation to World War II assets. Members of the committee were drawn from banks, insurance companies and the Jewish community. The committee kept track of developments outside the Netherlands (which includes following up on other countries' reports), investigated the possibility of filing Dutch claims to World War II related assets in other countries and advised on the possible allocation of assets returned to the Netherlands. The committee's final report, published on February 27, 2000, includes an overall verdict on the post-war restitution of legal rights and is based partly on the outcome of inquiries made by the Kordes and Scholten committees.

The Committee first examined the research results of the many relevant foreign committees and of the funds established in many countries to which Dutch citizens or Dutch organizations could have recourse. At the request of the Committee, among others, and with the financial support of the Ministry of Finance, the *Centraal Meldpunt Joodse Oorlogsclaims* (Center for Jewish war claims) was established in 1997 to help those who wish to have recourse to one of the funds or are considering filing a claim against a foreign bank.

The Committee also commissioned a historical examination into the organization and implementation of the restoration of property rights after the war. The principal findings of that investigation are that the then government carefully planned and organized the restoration of rights, but that the implementation, certainly in the beginning, was wanting in terms of organization and, as a result of this and other factors, lasted far too long. Moreover, particularly in respect of the restoration of securities rights by the securities trade and by the government itself, restoration laws were breached in unacceptable ways. In other words, the restoration of rights was generally lawful, thorough and painstaking, but had various shortcomings and faults.

Finally, the Committee further investigated the extent of the theft and the restitution of the property of Jews in the Netherlands. The report's main conclusions are that the relevant basic material is of such poor quality that it is almost impossible to make reliable statements about the extent of the theft and of the restitution, let alone about any difference between the two. All relevant statements in the report should therefore be regarded as estimates, and not as an exact representation of the facts. Within this margin of uncertainty, it may then be argued that the theft amounted to at least NLG 1 billion and the restitution to at least NLG 900 million, at the then current guilder rate. This should not be interpreted to mean that there is still NLG 100 million to be restituted. This may have been more, but also less, because the theft on the one hand, and the restitution on the other, may have been larger than evidenced by the figures. The statistical-demographic research that was conducted does not provide any further clues either.

The Committee has drawn the following main conclusions:

- a. At the time, society and the government had insufficiently woken up to the horrors inflicted on the Jews, and the necessity, for this reason alone, to come to a swift and efficient restoration of rights;
- b. The restoration of rights, with the exception of the restoration of securities rights, has generally been lawful and painstaking, but was nevertheless characterized by various shortcomings, which have had unreasonable and unfair consequences for many persons concerned. Moreover, some aspects of government action were objectionable;
- c. No reliable statements can be made about any difference between what was stolen and restituted on the basis of the currently available relevant data; and
- d. An insufficient share of the monetary gold stolen was restituted to the Dutch government, but there are no international law provisions on which to base a claim for restitution.

In the light of the above, the Committee recommends to the government:

- a. to freely acknowledge towards the Jewish community that, despite the good intentions of the then government, parts of the restoration of rights and some aspects of government action have had consequences which must be considered unfair and unjust;

- b. that therefore, on moral grounds, it should as yet make a donation to the Jewish community as compensation for the shortcomings in the restoration of rights and other aspects of government action with respect to the Jews and their descendents after the war;
- c. that, because of its nature, such an amount cannot be determined in any conventional manner, but that the Committee is unanimous in its opinion that a donation of NLG 250 million would be fair and reasonable;
- d. that a fund should be established under public law in which to deposit this sum. The actual use, both collectively and individually, of this fund, which is exempt from tax, should be decided by a board, at least the majority of which would be representatives of the Jewish community.

The report text can be found under: <http://www.minfin.nl/ttw>.

Select English for the text of the press release and the eight pages of Chapter six of the report, entitled Conclusions and recommendations.

Van Galen Committee

The committee on the investigation of WW II Indonesian assets was appointed on 3 February 1998. It was chaired by A.G. van Galen and had the task of conducting research in archives and other documentary sources concerning bank accounts and insurance assets owned by private Dutch individuals and confiscated by the Japanese forces occupying the former Dutch East Indies during World War II. In addition, the committee commissioned investigations into the post-war restitution of rights to these financial assets. Since the committee was instituted only to investigate past events, it did not handle individual claims for damages.

Research was conducted in Dutch archives and in 1999, further investigations were carried out in archives in Indonesia, Taiwan and Japan. An initial survey suggested that the original time frame for the study (March 1942 to the end of August 1945) was too narrowly defined. In its initial survey report (*Inventarisatierapport Onderzoek Indische Tegoeden*) published in early July 1998, the committee recommended that it should be extended to include the entire period from 1940 to 1958 in order to ensure careful consideration of the problems surrounding Indonesian assets.

The appointment of the Van Galen committee was accompanied by the simultaneous establishment of a *contact point* for the investigation of Indonesian assets (also on 3 February 1998). This organization had three aims:

- to collect information relevant to the committee's investigations;
- to supply information about the investigations to interested parties and others;
- to provide initial assistance for those emotionally disturbed by the investigations and to refer them elsewhere as appropriate.

Many people reporting information to the contact point were under the impression that they must be able to prove past possession of financial assets in the former

Dutch East Indies. This is definitely not the case; the collection of evidence was not part of the committee's terms of reference.

Few people approaching the contact point possessed information relevant to the investigation; most simply wished to report the loss of property such as houses, cars, jewelry and other valuables.

A frequent question was whether the committee also investigated the loss of goods and assets belonging to companies in the former Dutch East Indies during World War II. Although it is often difficult to distinguish between corporate and private assets, the committee did not in principle investigate goods and assets belonging to companies.

The Van Galen committee published its final report on January 17, 2000. As stated, this was a historical research project. The investigation of claims by people who felt their insurance company treated them incorrectly, was not part of the committee's tasks. The committee's research has, however, made it clear that this will prove to be almost impossible to do as a result of the lack of relevant archival material such as insurance policy papers.

The report can be found under <http://www.minvws.nl/>, select Tegoeden WO II (Dutch only).

The Government response to the conclusions and main recommendations of the reports on World War II assets.

General

The reports have revealed a great deal about attitudes among the people of the Netherlands as a whole, the fate of particular groups of persecutees, and the role of Dutch governments in the years after the war. The reports have also provoked a public debate about what happened to the assets at that time and what should happen now. The government is pleased with this development, for one thing because the reports have shed light on problems which had not hitherto been explored in any great depth. They provide a valuable account of how government and society in the post-war Netherlands dealt with restitution and redress. At the same time, however, it has become clear that the committees' investigations have not been able to answer all the questions.

After the war, efforts were made to restore each individual's legal rights as far as possible. The reports indicate that these efforts were reasonably successful. Nevertheless, it must be admitted that, viewed from today's perspective, the restitution process could and should have been carried out with greater sensitivity. With hindsight, some of the procedures adopted appear formalistic, bureaucratic and even unfeeling. In some respects they contravened legislation then in force. Examples of such cases are given in the reports.

At the outset, the government wishes to make it clear that it is still possible for any title-holder to submit a request for restitution. Subject to certain conditions, the State will examine individual claims from title-holders or their heirs arising from the restitution process. In the interests of fairness no limitation period will apply to such claims.

Jewish-held assets

Redress for those whose property had been looted, and in particular for Jewish victims of persecution, was only one of the many problems to be dealt with amid the disruption of the post-war Netherlands. The first concern of the Dutch government was to rebuild the economy of a country that was nearly bankrupt. From the outset, the government did not consider itself liable for the looting and the damage wrought by the German occupying forces.

The committees are right to conclude that after 1945 the Dutch authorities and society at large were preoccupied more with matters such as the reconstruction of the country and the conflict with Indonesia than with ensuring the speedy restitution of legal rights to those most afflicted by the war. While the war was still going on, the government had devised a policy for granting redress wherever possible to those who had been deprived of their property. No distinction was made between different groups of persecutees. This approach, which enjoyed wide parliamentary support in the 1940s and 1950s, is now the target of criticism in the committees' reports.

General criticisms are accompanied in the reports by specific criticism of some aspects of the restitution of rights, for example in relation to securities. They also point to mistakes and shortcomings in the action taken by the government which had unfair and unreasonable consequences for the groups in question. However, the reports see no reason to repeat the restitution process. Generally speaking, none of the decisions taken by the government was unlawful. In the end, rights were restored in the great majority of cases. Nevertheless, the decisions taken by the Dutch governments of the 1940s and 1950s were excessively legalistic when viewed from a modern perspective, and the procedure was cumbersome, formal and bureaucratic.

The committees point out that the victims of persecution should have been treated with greater sensitivity. They also brand some elements of the restitution process and the behavior of the authorities as inequitable or unjust by today's standards. The committees draw the government's attention to these criticisms and recommend that a sum of money be paid to the groups in question, as a mark of recognition. The government endorses this recommendation, and will go a step further when it comes to the amount of money and the reasons for paying it. The government will be making the payment in recognition of faults identified with hindsight, and as a final acknowledgement of the criticisms of the treatment of persecutees during the restitution of legal rights and of the lasting effect this had on them.

In its talks with the government, the CJO took the view that property and money that cannot be returned to their rightful owners or their heirs should be handed over to

the Jewish community in the Netherlands as the moral heirs of the Dutch holocaust victims. It spoke in terms of restitution, moral law and the final settlement of a debt. While stressing that the assets reverted to the State by legal means, the committees point to a moral dilemma. Under Dutch law (Civil Code, Book 4, article 829, paragraph 2), the State of the Netherlands is designated as the party with title to an estate in the absence of lawful heirs, with no mention of an organization representing the population group to which the deceased belonged. However, the government understands the sentiments expressed by the Jewish community and hopes that the payment of NLG 400 million it intends to make will be seen as adequate recognition of their moral claims. It is intended to cover both amounts that lawfully reverted to the State and specific issues such as the costs of the camps at Westerbork and Vught which are understandably very sensitive issues for the Jewish community. Of this NLG 400 million, at least NLG 50 million will go to projects abroad. The CJO will guarantee that tens of millions will be spent for the benefit of the Jewish community in the Netherlands, in keeping with the government's wishes. The arrangements will be governed by public law.

Sinti and Roma property

The investigation of Sinti and Roma-held assets was hampered by the absence of archival material. It is also clear that virtually nothing was returned to the Sinti and Roma after the war. Because there were hardly any records of the wartime spoliation, the Sinti and Roma were largely overlooked in the post-war restitution of legal rights. In addition, they were treated very unsympathetically by society at large. The government therefore plans to pay them NLG 30 million. The Sinti and Roma communities will put forward proposals as to how the money should be spent, under arrangements governed by public law.

Talks with Sinti and Roma representatives have indicated that more historical material may be available than was originally supposed. This could shed light on the looting in general and on the fate of individual items of property. The representatives argued in favor of further investigations, and the government is happy to comply.

Indonesian assets

As stated above, the investigation into the Council for the Restitution of Legal Rights in Indonesia was extremely brief, since the relevant records are no longer available. Even so, shortcomings came to light. The Van Galen committee points to specific problems relating to life insurance policies and to currency restrictions which made it difficult to withdraw or transfer assets. It is also reasonable to assume that between 1945 and 1949 the restitution process in Indonesia faced the same initial problems and delays as that in the Netherlands.

The shortcomings identified in the restitution process in Indonesia were exacerbated by various other problems encountered by persecutees after the Japanese occupation of the former Dutch East Indies. The committee refers in particular to hostile

treatment from pro-independence Indonesians and the restrictions placed on the restitution of legal rights by developments in the period preceding the transfer of sovereignty. The government therefore thinks it would be appropriate to make a gesture which outweighs the seriousness of the shortcomings identified in the Indonesian restitution process, with its relatively limited scope, and acknowledges the particular circumstances surrounding the process.

For this reason the government plans to make available to the Indonesian community in the Netherlands the sum of NLG 250 million to be used for the benefit of the community. The possibility of individual payments to individual victims was also discussed in talks with the *Indisch Platform*, which represents the community. The *Platform* indicated that this would not be possible, in the interests of ensuring the equal treatment of all Dutch nationals from the former Dutch East Indies, and rejected the idea of drawing a distinction between those who were interned by the Japanese forces and those who were not. It was agreed that the money would be used to benefit the community as a whole.

The *Indisch Platform* is currently drawing up proposals for remembrance, educational, social welfare, research and cultural projects. The Indonesian community will present a proposal on how to spend the money, under arrangements governed by public law.

Specific areas for investigation were raised in the talks between the government and the *Indisch Platform*. In view of the uncertainty about whether records exist and, if so, whether they are accessible, the *Platform* suggested that a study be conducted, in the near future, of the feasibility of carrying out investigations on which a response to individual claims could be based. The government has taken up this suggestion.

The full English text of the government response is available on the website of the Ministry of Finance, together with the Press release on the aforementioned government response and Background information on the subject of financial assets World War II.

See <http://www.minfin.nl/>, select English language, select World War II Assets.

Research into Art

The **Museums Acquisitions 1940-1948 Project**, which was launched in 1998 under the aegis of the Dutch Museums Association (NMV), was described in *Spoils* no. 6 of Febr. 1999 on pages 43-50. The aim of the Project was to find out as much as possible about the provenance of art objects acquired by Dutch museums during and shortly after World War II. Since the project's start, the NMV received 398 contributions from museums. On January 31, 2000 the findings of the research were published in a report entitled *Rapport Museale Verwervingen 1940-1948* (Report Museum Acquisitions 1940-1948), compiled by Eelke Muller for the Museums Association.

The first part of the report describes the aims and methods of the research, the museum world and the Dutch art trade during the German occupation, the workings of the Lipmann Rosenthal Bank etc. The second part presents the reports of the individual museums.

The number of problem cases that emerged was relatively small; however, in the course of research it became clear that a large number of cases would deserve more specific or continuing research. In many other cases the museums were confronted with uncertainties which will remain insoluble for the time being through the scarcity of sources, and which will only be elucidated if new factual material becomes available.

During the year 2000, the museums will report the results of ongoing research to the Committee on Museum Acquisitions.

The 224 pages report is in Dutch with a two-page summary in English. It can be ordered from the Nederlandse Museumvereniging (Dutch Museum Association), P.O.Box 74683, NL-1070 BR Amsterdam, telephone + 31 20 670 1100, fax + 31 20 670 1101, e-mail info@museumvereniging.nl, website www.museumvereniging.nl. The English texts can also be seen under <http://www.museumvereniging.nl/>, select English, then select Current issues.

In 1998, the **Ekkart Committee** (see *Spoils* no. 6) presented its report *Origins Unknown*, describing a pilot study into the provenance of works of art which were mainly recovered from Germany and are currently under the custody of the State of the Netherlands. The report's recommendations regarding further research were adopted by the cabinet and a follow up study was started. Six researchers are currently employed in this project. In October 1999, the Ekkart Committee published its first interim report.

The research presented in this report commenced on 1 September 1998. The first months were, to a large extent, taken up by the development of an efficient research and processing method, a protocol according to which the data would be processed and the production of the tools necessary for further research, including a database for this purpose. Much attention was also devoted to tracking down additional archives which might be relevant, including the archives of art dealers and auctioneers. These efforts provided important new material that was not yet available during the pilot project and which will be used in the research now taking place.

This interim report comprises 530 objects, little more than 12% of the total collection. Following interim reports will comprise larger parts of the total. All the new sources identified and the knowledge recently acquired by the researchers regarding sources available in existing archives, are why the research is now much deeper than before and is also taking longer. Indications are, that a complete processing of the research protocol and checking of all relevant sources now known will require that ten hours be devoted to each of the 4217 objects.

Almost 40% of these items are paintings. In addition, the collection comprises drawings, silverware, ceramics and furniture. Especially for this last category, it has proven to be exceptionally difficult to prove a link between documentation and object because of the limited individuality of the object and the often summary descriptions in sources. The pilot report and the present interim report include texts in English and have been published and made available for perusal at various public locations. It is hoped that this will result in reactions from the public regarding supplementary archive material or other relevant sources and documents.

The interim report *Origins Unknown* can be ordered from the Sdu-servicecentrum
P.O.Box 20014
NL-2500 EA The Hague
tel.+31 70 378 98 30 / fax +31 70 378 97 83.
When ordering please state the report's publication number AOCenW1671.

Information on the report may be obtained from the Ministry of Education, Culture and Science,
Information department/Public information department,
P.O. Box 25000,
NL-2700 LZ Zoetermeer,
tel. +31 79 32 33 270 / fax +31 79 32 33 320,
e-mail: webmaster@minocw.nl

In the course of 2000, an Internet version will be available. The intention is that this will be regularly updated, parallel to following interim reports, with new information regarding objects whose origin is being studied.

Some other investigations and projects

Archives (Netherlands/Germany)

In late 1998, staff of the Dutch National Archives found records in Berlin which had played a role in the damage claims submitted by the Netherlands at the time of the *Wiedergutmachung* (CADSU I). In the spring of 1999, the National Archives and the Ministry of Finance - acting in agreement with the Ministry of Foreign Affairs - held talks with the *Wiedergutmachungsämter* (the judicial body responsible for awarding damages in the post-war period) and the *Oberfinanzdirektion* (which paid out the damages awarded). The file card system giving access to the records of the *Wiedergutmachungsämter* has now been microfilmed. Following individual requests for information, investigations are already underway to see if certain files are held by the relevant German authorities in Berlin. Wherever this is the case, the files will be copied and the data supplied to the inquirer through the Dutch National Archives (ARA).

The National Archives and Ministry of Finance have also contacted the *Landesarchiv* in Berlin, where the *Feindvermögen* archive is kept. This also includes the archive of the *Deutsche Revisions- und Treuhandgesellschaft* (which contains information about Dutch corporate assets and possessions looted by the Nazis and taken to Germany). The National Archives are currently engaged in talks with the relevant German authorities on arrangements for Dutch access to these records.

On 9 December 1998, the Lower House was presented, together with the final Kordes committee report, the archive guide *Onderzoekgids archieven joodse oorlogsgetroffenen* (ISBN 90-800958-5-0; see the Bibliography in *Spoils* no. 6, pp. 62-63). This archive guide contains an overview of the main Dutch archives containing details about looting, recuperation, restitution of legal rights and compensation in respect of financial assets of Jews in the Netherlands in the period 1940-1987. The publication of a supplement is now under consideration.

N.B. The main repositories of Dutch archives are:

- the Ministry of Finance (records concerning reparation claims - CADSU II),
The Hague
- the National Archives (Council for the Restitution of Legal Rights),
The Hague
- Netherlands Institute for War Documentation, Amsterdam
- Jewish Social Work Foundation (JOKOS, CADSU I), Amsterdam

Banks and insurance companies

Banks and insurance companies deal with claims and requests for information in close consultation with the central contact point for Jewish war claims ("Centraal Meldpunt Joodse Oorlogsclaims"). Both insurance companies and the Dutch Association of Insurers are involved in this work. To date, the insurance companies have honored approx. 30 Jewish policies. Further information about the work of the insurance companies is available on the Association's website (www.verzekeraars.org).

The work of the banks is coordinated by the Netherlands Bankers Association, the Nederlandse Vereniging van Banken, Singel 236, NL-1016 AB Amsterdam.

SOTO

Following a recommendation from the Kordes committee, the Cabinet decided to conduct a major inquiry into the return and reception of Jews and other categories of war victims in the Netherlands following WW II. This will be conducted by the independent Center for Research on the Return and Reception of War Victims (SOTO) in Amsterdam.

SOTO's final reports are expected to be ready for publication in early 2001.

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United Kingdom

The Government of the United Kingdom deplores the spoliation of works of art during the Holocaust and World War II and takes this issue very seriously. As such, last year, the Government asked the National Museum Directors' Conference (which represents the national museums, galleries and libraries) to examine their collections with a view to finding out whether any objects may have been looted during World War II and the Nazi period.

In November 1998, the Conference published a Statement of Principles and Proposed Actions. This included guidance about how the necessary research should be taken forward, procedures for future acquisitions and incoming loans, how to deal with inquiries and claims and recommendations for the wider museums community in the UK.

A working group is taking matters forward. This is chaired by the Director of one of the UK's national galleries and includes a representative from the Department for Culture, Media and Sport. An independent Advisory Committee, chaired by a judge, has been formed to oversee the efforts of the working group.

In March 1999, following initial research, the National Gallery in London issued a list of paintings whose provenance is unclear for the War years. This was widely published in the press, including the international *The Art Newspaper*. Research into the provenance of these paintings continues.

In April 1999, the 23 national museums, galleries and libraries published Action Plans describing how they would be proceeding with their research; and, in May, the Museums and Galleries Commission (the principal advisory body for museums and to the Government about museums) wrote to all Registered Museums in the UK drawing attention to the growing concern about this issue and enclosing a Statement of Principles.

These recommend action to be taken by non-national museums and are similar in content to those issued last year by the National Museums Directors' Conference. The Museums and Galleries Commission will also be having discussions with those

non-national museums which have major art collections about how they might approach this issue of research into provenance.

Meanwhile, the Government Art Collection has also been researching the provenance of works of art owned and/ or administered by the Collection or known to be in government buildings.

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USA

Washington Conference Principles on Nazi-Confiscated Art

"The art world will never be the same". That is the verdict of Philippe de Montebello, the Director of the Metropolitan Museum of Art, when he described one of the key results of the December Washington Conference on Holocaust-era Assets. At that Conference, 44 nations adopted by consensus the Washington Conference Principles on Art [Spoils of War International Newsletter, No. 6, February 1999, pp. 64-65] that address the sale, purchase, possession, and exchange of Nazi-confiscated art. The participants reached consensus on the Washington Principles to guide museums, galleries, auction houses, private collectors and claimants through the complicated history of Nazi-confiscated art and its return.

So, what are these Washington Conference Principles on Nazi-Confiscated Art, which have galvanized an international response to discover lost art and to seek its return to rightful owners? Under Secretary of State Stuart E. Eizenstat began the Washington Conference discussion on the Principles with American hopes for an historical international effort. Through these principles we are working to accomplish many things.

Principles 1 through 3 envision a massive cooperative effort to trace Nazi-confiscated art. We call upon museums to search the provenance of their holdings; on governments to open up their World War II and related archives to private researchers; on commercial galleries and auction houses to seek information, document, and make available what information they have. It is important to locate what was confiscated. It is equally important to know what was not confiscated, or what was restituted to pre-war owners. The taint of "stolen art" should not be applied to works that do not deserve it.

Principle 4 deals with gaps and ambiguities in the provenance of artworks. The vast displacement of art, the destruction of many records, and the furtive nature of the

international market during the War mean there must be some leeway in establishing provenance. Where there is no bill of sale, a diary entry or an insurance listing might be acceptable evidence of pre-war ownership. If a work is not on a Nazi confiscation list, it may be in the archive records of the Monuments, Fine Arts and Archives Units or the secret inventories of the French Resistance, or in other archival collections. Conversely, there may be circumstantial evidence that works were not stolen but sold in the market, or restituted to families and subsequently sold.

Principles 5, 6 and 7 pertain to the publication of information related to works in question, as well as to the resolution of claims. They discuss circulating photos of the art and information about it everywhere in the world, through traditional media and on the Internet. Maximum publicity will tell survivors and their families if their art still exists. It will also tell the international art community if questions still remain about a given work.

The eighth principle calls upon involved parties to be flexible and just in the resolution of claims. Art claims do not have to be winner-take-all propositions, which produce prolonged struggles in the courts, and drain the resources of both parties. In an atmosphere of good will, a wide range of solutions is to be found.

If the original owner is found to have died without heirs, we suggest, in principle 9, that other just and fair solutions must be sought. For example, the art may be sold with proceeds benefiting victims of the Holocaust and Jewish communities around the world. The art could also be displayed in museums and identified in ways that educate the public about the cultural losses sustained by individuals during the Holocaust.

The tenth principle states that to ensure objectivity and to enhance public confidence in their work, national commissions in this field should have members from outside the governments, such as art experts, historians and representatives of communities that were victims of the Holocaust, and, where appropriate, distinguished persons from other countries.

The final, eleventh principle speaks to the need to give other principles vitality. It calls upon nations to take specific measures to apply these principles so they can more quickly accomplish our mutual goals. Nations and organizations should strive to develop internal processes, which allow for the timely restitution of looted property.

The Washington Conference Principles have indeed, as Philippe de Montebello observed, "changed the art world forever". With any significant change there is anxiety. But, we believe that in serving simple justice for Holocaust victims and their heirs, others have also benefited. With the threat of judicial seizure hanging over museum exchange programs, the Washington Conference Principles are now

part of the determination the U.S. Government makes in determining whether the "national interest" applies to a request for immunity from judicial seizure, thus preserving this vital cultural exchange program.

The Principles are helping to stabilize an international art market driven by concerns over "tainted art". While we understand that the celebrated settlement between the Goodman family and Daniel Searle involving a Degas at the Art Institute of Chicago may not yet be implemented, it demonstrated to us that creative solutions are possible. The Principles place a heavy emphasis on alternative dispute resolution mechanisms.

I hope that you share our conclusion that the Washington Conference surpassed our greatest expectations as we reached consensus on a number of substantive issues. I believe we made historic progress on completing the historical record on Holocaust-era assets and advancing the cause of justice --- however, belated – to the victims and survivors of the Holocaust.

J.D. Bindenagel,
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Business and Agricultural Affairs and
Director of the Washington Conference on Holocaust-Era Assets, New York

WASHINGTON CONFERENCE PRINCIPLES ON NAZI-CONFISCATED ART

In developing a consensus on non-binding principles to assist in resolving issues relating to Nazi-confiscated art, the Conference recognizes that among participating nations there are differing legal systems and that countries act within the context of their own laws.

- I. Art that had been confiscated by the Nazis and not subsequently restituted should be identified.
- II. Relevant records and archives should be open and accessible to researchers, in accordance with the guidelines of the International Council on Archives.
- III. Resources and personnel should be made available to facilitate the identification of all art that had been confiscated by the Nazis and not subsequently restituted.
- IV. In establishing that a work of art had been confiscated by the Nazis and not subsequently restituted, consideration should be given to unavoidable gaps or ambiguities in the provenance in light of the passage of time and the circumstances of the Holocaust era.
- V. Every effort should be made to publicize art that is found to have been confiscated by the Nazis and not subsequently restituted in order to locate its pre-War owners or their heirs.
- VI. Efforts should be made to establish a central registry of such information.

- VII.** Pre-War owners and their heirs should be encouraged to come forward and make known their claims to art that was confiscated by the Nazis and not subsequently restituted.
- VIII.** If the pre-War owners of art that is found to have been confiscated by the Nazis and not subsequently restituted, or their heirs, can be identified, steps should be taken expeditiously to achieve a just and fair solution, recognizing this may vary according to the facts and circumstances surrounding a specific case.
- IX.** If the pre-War owners of art that is found to have been confiscated by the Nazis, or their heirs, can not be identified, steps should be taken expeditiously to achieve a just and fair solution.
- X.** Commissions or other bodies established to identify art that was confiscated by the Nazis and to assist in addressing ownership issues should have a balanced membership.
- XI.** Nations are encouraged to develop national processes to implement these principles, particularly as they relate to alternative dispute resolution mechanisms for resolving ownership issues.

Archival Reports

Catalog of archival collections lost in the territory of the Russian Federation during World War II

For the first time in the history of Russian archives, the Federal Archival Service of Russia (Rosarchiv) together with the All-Russia Scientific Research Institute of Documents and Archives (VNIIDAD) made an attempt to collect and generalize in the form of a catalog the list of archival collections lost in the territory of the Russian Federation during World War II. Volume one is devoted to the losses of State Archives only.

This publication has two main aims. The first one is to give archivists, historians, other specialists and the general public the opportunity to find at least some fragments of historical memory of the peoples of our country, the fragments, which were deleted as a result of Nazi aggression and its consequences. The second aim, connected with political and ethical phenomena, is to remind the Russian and foreign public of the colossal losses of Russian archival property during the last World War. So out of 54509 archival collections (15.693.256 items), kept in state archives of the Russian Federation on the eve of the World War II (in its borders of 1930-1940), original damage caused by the Nazis comprised 28360 archival

collections (6.356.079 items). These figures were received by the Department of state archives of NKVD USSR in 1944-1945.

The prepared edition contains data about lost collections of 22 state archives of Russia and the appendix about two state archives of the Crimea. All together, the edition covers data about the loss of 6.347 archival collections. Information contained in cards of the Rosarchiv Central Collection catalog (CFK) about state archives collections of state, republican and regional levels became a source for the edition. In this catalog (CFK) there is no information about archival collections of district and city levels, which suffered most during World War II. On the basis of CFK cards, in 1990, VNIIDAD created a database of losses of state archives during World War II. This database is being supplemented constantly.

The main causes of archival losses were the following: military action and barbaric treatment by occupants, the need to ensure living conditions for the general public; an organized plunder of Russian archives by specialized formations of occupying forces and by individuals; evacuation and re-evacuation of archival documents; and, at last, destruction of archives caused by the threat of capture by the enemy.

The publication in question should be considered as the first stage in making accessible the information about losses of Russian archives in World War II. In 1998, the Rosarchiv together with VNIIDAD and the Russian State Archive of Social and Political history, started working at the second volume of the catalog, devoted to Party archives losses and losses of Party and Komsomol (Young Communist League) local organizations during World War II. In the future, we plan to work at generalization of losses of state district and city archives, departmental archives, including archives of local NKVD branches, and also military detachments and formations of the Red Army.

The edition is equipped with an index of geographic names. It will be helpful to Russian and foreign specialists and to all people interested in the history and archival heritage of our country.

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Something new: Archives from the Einsatzstab Reichsleiter Rosenberg from Kiev have been brought to the Center "War and Society" (SOMA/CEGES) in Brussels.

It is now commonly known that after the occupation of Germany in 1945 tons of German documents from Nazi organizations were taken by the Soviet army and

were brought to the Soviet Union. These documents would be used during the Cold War in campaigns against what was called the reviving neo-fascism in western Germany. They were and are still being kept in the - formerly secret - Osoby-archives in Moscow. Furthermore, among these German documents also Belgian archives - which had already been taken by the Nazi-occupators of our country - had arrived in the USSR.

After the perestrojka and the collapse of the Berlin Wall some Belgian archives institutions have successfully traced both Belgian and German documents regarding the occupation period 1940-1944 in Belgium. These documents are both from official and from private origin. A large part of the *German* documents on Belgium from the *Osoby*-archives have been photocopied after our mission to Moscow in 1994 and the documents are now kept here at SOMA/CEGES. No decision has been taken by Russia on a possible restitution of the *Belgian* documents; the Ministry of Foreign Affairs is closely following this matter.

The Belgian part not only consists of archives but also of libraries and even of works of art, both possessed by the State and from private collections (trade unions, freemasons' lodges, Jewish possessions...). Plenty of this material has been removed from Belgium in 1940-44 by the *Einsatzstab Reichsleiter Rosenberg (ERR)*.

Now an important part of the ERR's internal documents, which have been microfilmed in Kiev are available at the SOMA/CEGES.

It is true indeed that these documents still arrived in the Central States Archives of Ukraine in Kiev during the Soviet period. During our and our colleagues' search in the ex-Soviet archives, Mr Jacques Lust, who was at that time working at the Office for Restitution of Cultural Goods of the Ministry of Economic Affairs, and Mr Wouter Steenhout of the AMSAB found the ERR-archives. As these documents were German, they agreed that SOMA would try to organize the photocopying of an important part of these archives.

In 1997 direct contacts with the Central State Archives did not yield any effects; we then called upon the help of our embassy in Kiev. After long lasting negotiations which were conducted via the ambassador, Mr Vaesen, an agreement was finally reached with Mrs Jakovleva of the State Archives and in May 1999 we could go through the microfilms of the documents which had been forgotten for such a long time.

What is the value of these ERR documents which can be consulted here from today onwards ?

"Reichsleiter" Alfred Rosenberg, the philosopher of the Nazis had been responsible already long before the War for all measures taken to protect the national-socialist *"Weltanschauung"* in its quest for the new German *"Lebensordnung"*. After the *Blitzkrieg* this task was extended to the occupied territories, including Belgium. In that framework the ERR was established. Indeed, on July 5, 1940 the Commander-in-chief

of the *Wehrmacht* told his subordinates in Belgium, Luxemburg, the Netherlands and France that the ERR with the *Gestapo* would become responsible for the tracing and seizure of 1) valuable material in public libraries and archives and 2) of anti-nazi documents and pieces of writing which belonged to clerical authorities and in freemasons' lodges. As Belgium is concerned, shortly afterwards a "*Hauptarbeitsgruppe Belgien*" (HAG) of ERR was established in the Rue du Châtelain 32 in Ixelles. "*Gauhauptstellenleiter*" Prof. Hans Ebeling became the leader.

"HAG Belgien" performed the task which had been officialized on July, 5th with much enthusiasm. They searched intensely for historic sources which were of German origin and for anti-Nazi books, publications, documents and objets or works of art - in one word cultural goods; they searched in institutions or with people who - rightly or wrongly - were considered as dangerous to Nazi-ideology. It should be noted however - from an historical point of view - that the aim was not the pursuit of profit, but to gather a large collection in order to study the ideological enemies of the national socialism, which after the War would be centralized into a kind of nazi super-university (the so-called *Hohe Schule*).

At all events, nearly all "suspicious" addresses in Belgium were visited by the ERR. We have at our disposal the *daily* reports on this action from August 1940 until January 1942. Both official and private institutions, firms and persons were controlled: among others there were lodges, synagogues and Zionist organizations, the socialist party and connected institutions, trade unions, the Order of Jesuits, Museums and music schools, libraries and bookshops, Jewish and left-wing politicians who had fled to France and London, scientific and cultural personalities, in short all institutions and persons representing the pernicious "liberalist-universalist" spirit of Belgium and who could be considered as political enemies of the *Reich*.

Formally, the members of the ERR were very polite; if the door was not opened when they rang, they came back later. But of course finally they took whatever they wanted. They "visited" for example the "Grand-Orient" in Brussels, the lodge "*La parfaite Intelligence*" in Liège, the "Manoir d'Anou" the castle of the French pretender to the throne in Brussels, the Library of the *Vooruit* in Ghent, the Pathé firm, the Royal Music Conservatory, the residence of Minister Soudan, Gutt, Spaak en Van Zeeland and the PEN-club, the *Agence Dechenne*, the *Union Anglo-Belge*, the houses of Theo Fleischmann, of Mr & Mrs Van Buuren and Huysmans, of the Ministry of Colonial Affairs, the "Parti Ouvrier Belge", the liberal magazine "*Le Flambeau*", the "*Ecole des Hautes Etudes*" in Ghent, the lodge "*Les Amis du Commerce*" in Antwerp, the Jesuit library in Enghien. And this is only a small part of all the actions.

As already said, daily reports of the ERR can now be consulted. They show that everything did not go as easily as it seemed. There were complaints about a lack of money, but above all the cooperation with the other German services did not go smoothly, especially the cooperation with the *Quartieramt* of the *Militärverwaltung*

which had to arrange the house searching practically. Furthermore, the results did not always meet the expectations, especially with regard to the works of art.

Anyway, the documents contain names of Belgians who are informing the ERR where still more "suspicious" publications and documents could be found. Among them was the famous Brussels bookshop keeper Mr Bernaerts and also the famous Belgian composer Emiel Hullebroeck but there were also other people who were very helpful during the ERR's house searching in their institution; among them were Ernest Claes in Parliament and Paul Otlet in the Mundaneum. The transport of the material was done by Belgian removal firms.

These documents (not only the reports but also the correspondence, notes and texts) show that the Einsatzstab still had more than one string to its bow, which has not been sufficiently stressed up till now. As the plundering activities occurred less frequently in 1941-42, the ERR's other jobs became more apparent. In the large report on the year 1943 of the new leader of "HAG Belgien", "*Stabseinsatzführer*" Hans Muchow, everything is described clearly; this report can be consulted here.

Of course the seizures went on (at the end of 1943 there were more than 50.000 books in stock), but the *ideological guarding and steering of the occupied country* became more and more important. Contacts were made with the political and social collaboration circles in order to reinforce the influence of the Nazi-"*Weltanschauung*". Of course the organizations "REX" and "VNV" were also focused, but the ERR seemed to prefer the AGRA (*Amis du Grand Reich Allemand - Friends of the Large German Reich*) on the one hand and "DeVlag" on the other hand. These documents show a.o. that any schooling which took place under "DeVlag", was directly steered by the ERR. As a kind of ideological "watch dog" "HAG Belgien" gave its opinion every month on the situation in the country. Unfortunately, these reports have not been found back completely. Anyway, ERR observers did not like the quarrelling among the Belgian collaboration movements. However they had some more fundamental remarks regarding the fact that Berlin did not take any decision on the destiny of Belgium and / or Flanders and Wallonia in the future Europe. Indeed, this allowed the Belgian companies to be integrated in the German War economy but it discouraged the collaboration movements, according to the ERR.

A second activity which became more and more important was the *study and the use of the seized documents for propagandist purposes*, both with respect to the occupied country and to the German services and units in Belgium. Pre-War anti-Semitic and anticommunist non-German publications were for instance evaluated, adapted and passed on to the press. A few of these studies can be consulted here in extenso. Furthermore, articles which were ready for press were distributed, all kind of documents were printed and published under the label of "DeVlag" and of the publishing company *La roue Solaire*, speeches and exhibitions were organized (a.o. the famous exhibition on "*Deutsche Grosse*") and so-called "Wehrmacht courses" were given. Topics were: the philosophic foundations of the national-socialism, the

"Reichsidee", the race problem. Some fifteen assistants of "HAG Belgien" (among which there were 5 Belgians) apparently had a lot of work to do. Some German and Belgian students were also involved in research projects.

To put it briefly, these new microfilms not only give a very interesting survey of the plundering activities of the ERR (except for 1942), but they also give an overview of the specific role of the *Einsatzstab* in the ideological and propagandist manipulation of an occupied country.

Both aspects fitted in the spiritual fight against the "western" ideology. Therefore, a study of it can contribute to a thorough positioning - as regards content - of the actions of ERR in Belgium in the framework of the ideological premises of the Nazi cultural policy in Western Europe.

Notwithstanding the fact that regarding the confiscation of works of art, gold, diamonds and securities, we have to refer mainly to the so-called *Devisenschutzkommando* and the *Brüsseler Treuhandgesellschaft*, the documents remaining here are still a unique source to examine where the written and printed documents had been seized. It should be noted however that the proper working documents (lists, confiscation reports...) are still in Kiev.

From today onwards these microfilms are on disposal of the scientific public. We hope that they will be fully used...

Dirk Martin,
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Brussels

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Letter to the Editors

A short remark on one of the difficulties in the search of the paintings which have been missing since the end of World War II

Great losses of cultural objects have been caused during the Second World War and even in the following years. In the different depots of the museums losses of painting were caused either by destruction, plunder or by confiscation.

The fate of the paintings that are missing is only partly known of because of the evacuation resulting in the War and the transfer which is still taking place. The search for stolen paintings often is very difficult. One of difficulties is that several museums do not have pictures of the missing paintings. Through the partial loss of photographic plates, the museums can only apply to the description of the paintings or to technical details of the paintings. But for a better identification, proof in form of a picture would be very useful and necessary.

The literature about art and paintings, which has been published since 1945, often includes pictures of paintings that today count as spoils of war of the museums. Libraries which today still have this kind of literature at their disposal fulfill the precondition in search of the pictures showing the lost paintings. On most pictures the respective owner is indicated whether it is a museum or a private individual.

Many museums draw up a documentation of the losses in order to find their cultural objects, including the missing paintings. Visual proof makes it easier to identify the paintings looked for.

Therefore it is important to look out for pictures in the literature, showing the individual paintings to include these in the documentaries of the different losses of the museums.

Otto Strauss,
Leinefelde

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