

CHRONICLES

(July 1, 1999–December 31, 1999)

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The Federation of Jewish Communities in Austria issued a press release on the establishment of the Holocaust Victims Information and Support Center for Jewish Nazi victims in and from Austria and their heirs: 1 JULY 1999

The status of claims filed by Holocaust survivors has entered into a new phase. With the completion of the distribution of the Mauerbach Fund by fall of this year, the President of the Federation of Jewish Communities in Austria, Dr. Ariel Muzicant, has taken the next step with the establishment of the “Holocaust Victims Information and Support Center for Jewish Holocaust survivors in and of Austria and their heirs.” While the Mauerbach Fund served the immediate purpose of supporting Jewish survivors currently experiencing financial hardship, the Holocaust Victims Information and Support Center will document, examine, and reappraise individual restitution and compensation claims.

The Holocaust Victims Information and Support Center will complement the work of the Commission of Historians and cooperate closely with this institution. This is crucial in so far as the Commission of Historians explicitly does not deal with individual restitution claims. Dr. Muzicant clearly summarizes the objectives of the Holocaust Victims Information and Support Center: “Nazi victims in the past have been given the runaround and have failed on account of bureaucratic obstacles. The Jewish Community now offers Holocaust survivors and their heirs comprehensive institutional support of their claims. We cannot guarantee success in any individual case, but we will do everything in our power to see justice achieved in the end.”

The Holocaust Victims Information and Support Center for Jewish Nazi victims in and from Austria as well as their heirs opens

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immediately. The office is located just minutes away from the main synagogue and the offices of the Jewish Community at Desider Friedmann-Platz 1, 1010 Vienna
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INDIVIDUAL RESTITUTION AND COMPENSATION CLAIMS REMAIN UNSATISFIED

The Jewish community has received a huge number of inquiries from former Austrian survivors or their heirs regarding the possibility of compensation payments for or the restitution of Holocaust-era assets. The fact that Austrian legislation currently does not provide for compensation payments is unacceptable for Holocaust victims and the Jewish community alike. It is with this in mind that the Holocaust Victims Information and Support Center for Jewish Nazi victims in and from Austria was conceived.

The Holocaust Victims Information and Support Center will document individual claims filed by Jewish Nazi victims in and from Austria or their heirs. Documentation will be based on historical source material and will be used to build a premise for the future restitution or compensation of Jewish assets. On the basis of individual cases, the Holocaust Victims Information and Support Center will ultimately be in a position to retrace the mechanisms of Nazi expropriation and to identify those institutions that seized Jewish assets. The Holocaust Victims Information and Support Center thus complements the Commission of Historians appointed by the Republic of Austria, which explicitly will not deal with individual restitution claims.

The Holocaust Victims Information and Support Center will focus on issues concerning the restitution of commercial and business assets, real estate, cash or bank assets, stocks and shares, insurance policies, and movable property—particularly art objects and cultural assets—as well as compensation for the termination of tenancy rights, employment rights, copyrights, and education, and the resultant loss of legal title or pension rights. Compensation for unjustly levied taxes will be dealt with concurrently.

The Holocaust Victims Information and Support Center represents the interests of Jewish Holocaust survivors in and from Austria and will build a premise for the modification of legislation in Austria. The Holocaust Victims Information and Support Center

will not, however, handle the distribution of compensation payments, meaning that any such payments that have been pledged by national or international institutions must be delegated to a separate entity.

The valuable experiences acquired during the course of the Mauerbach Fund distribution of financial assistance to needy Jewish Holocaust survivors provide the basis of the Holocaust Victims Information and Support Center, including a comprehensive database comprising the names, addresses, and claims of former Austrians and their heirs.

All data will be examined by experts to ascertain its historical validity. For this purpose, the Holocaust Victims Information and Support Center will commission research in all important archives in Austria, including the Austrian National Archives, provincial and municipal archives, financial archives, and the archives of the Jewish Community.

This careful research will build the basis for the assessment of legal titles and their representation against the Austrian state, municipalities, public institutions as well as private institutions, companies and persons. At this point at the latest, it will be the task of the Austrian government to provide for the necessary legal framework to resolve the frustrating situation at hand. The Jewish Community has declared that it will not assume individual or global legal representation of Holocaust survivors or their heirs and that it will not distribute future compensation payments. Both should be dealt with by a separate entity.

Information kindly provided by Susanne Ogris of the Federation of Jewish Communities in Austria.

Publication of the Italian statute no. 213 of 7 June 1999 approving the Unidroit Convention of 24 June 1995 on Stolen and Illegally Exported Cultural Objects [see 5 *International Journal of Cultural Property* 155 (1996)] and authorizing the ratification of it. *Gazzetta ufficiale* No. 153, July 2, 1999; cf. also *infra* October 11, 1999. 2 JULY 1999

Auction of works of art from the Collection of the Barons Nathaniel and Albert von Rothschild by Christie's of London. On March 10, 1999 Austria had returned 250 art objects to the Vienna Rothschild family [see 8 *International Journal of Cultural Property* 587 (1999)]. These objects were confiscated during the Nazi period; after World War II, they were given by the family 8 JULY 1999



FIGURE 1. H. RIGAUD, *GRAF PH. W. SINZENDORF*. © KUNSTHISTORISCHES MUSEUM, VIENNA, AUSTRIA

to Austrian museums in order to obtain restitution and export permits for other art objects. The present return is provided in the Austrian statute of December 4, 1998, on the return of art objects in Austrian federal museums and collections [8 *International Journal of Cultural Property* 333 (1999)]. The Rothschilds donated the painting of Rigaud, *Graf Sinzendorf*, to the Kunsthistorisches Museum. The returned objects were now auctioned by Christie's.

All 250 items were sold for £57 million. *Frankfurter Allgemeine Zeitung*, July 10, 1999, at 51.

Jordan turned over more than 1,000 smuggled Mesopotamian artifacts to Iraq in what is believed to be the first large-scale handover between two countries in the Middle East. The artifacts included cuneiform tablets, statues, incantation bowls, and cylinder seals and featured a three-foot-high Sumerian stone statue of a man, inscribed in cuneiform. The Sumerian civilization, the first to invent writing, flourished in southern Iraq around 3000 B.C.

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The Second Circuit Court of Appeals affirmed a District Court ruling that the fourth-century B.C. Sicilian bowl purchased by New York collector Michael Steinhardt should be returned to Italy [see case note by Carla Shapreau in this issue].

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The Russian Constitutional Court ruled on the validity of the Federal Law of 13 May 1997 on Cultural Valuables that Have Been Displaced to the USSR as a Result of World War II and Are to Be Found in the Russian Federation Territory [see 7 *International Journal of Cultural Property* 514 (1998)]. The first version of this statute was passed by the Duma (lower house of the Russian Parliament) on July 5, 1996 [see 5 *International Journal of Cultural Property* 335 (1996)]. The Federation Council (the upper house) declined to agree to the bill. On February 5, 1997, the Duma passed a new version and on March 5, 1997, the Federation Council approved it. President Yeltsin exercised his veto. In April 1997 the Duma overruled this veto, and on May 13, 1997, the Federation Council, by written ballot of the council members not present in Moscow, gave its assent. In May 1997 President Yeltsin declined to sign the statute because only the *assembled* Federation Council can pass a statute. The Federation Council disagreed on June 10, 1997, and President Yeltsin asked the Constitutional Court for a decision on this problem. On April 6, 1998, the Russian Constitutional Court decided that President Yeltsin is obliged to sign the heavily debated Federal Law on Cultural Valuables passed by the Russian houses of Parliament and nationalizing German and European art objects taken after World War II by the Soviet Army [6 *International Journal of Cultural Property* 412 (1997)]. President Yeltsin did so but initiated proceedings in the Constitutional Court challenging the constitutionality of the statute [see 7 *International Journal of Cultural Property* 557 (1998)]. Despite this, the Federal Laws entered into force on March 31, 1998. On June 1, 1999, the Russian

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Constitutional Court started the hearing on the Federal Law [see 8 *International Journal of Cultural Property* 596 (1999)]. The court rendered its decision on July 20, 1999, approving the nationalization of “displaced” art objects but disapproving the provisions on the claims for restitution brought by private persons. *Frankfurter Allgemeine Zeitung*, July 21, 1999, at 1; Sylvia Hochfield, *ARTnews*, October 1999, at 78; Nout van Woudenberg, *Nederlands Juristenblad* 1999, at 1806.

22 JULY 1999 The president of the Berlin Stiftung Preussischer Kulturbesitz returned to Italy a Roman marble sculpture *Statua di Venere tipo Capitolina* excavated in Libya and exported to Italy during the Italian occupation of Libya. This piece of art was donated in 1940 to Hermann Göring by Italo Balbo, the Italian governor of Libya, and allegedly illegally exported to Germany. *Frankfurter Allgemeine Zeitung*, July 24, 1999, at 45. The sculpture was identified because it was mentioned and reproduced as lost cultural property in the catalog *L'opera da ritrovare* (1995) at 26, edited by the Italian Ministry of Cultural Property and Environment. This statue was later passed by Italy to Libya in order to “heal the wounds of colonial times.” *Neue Zürcher Zeitung*, December 3, 1999, at 2.

JULY 1999 The Wildenstein family fights accusations that the “Wildenstein art gallery may have done business with the Nazis during World War II despite the family’s Jewish heritage and the fact that its own collection was pilfered by the Nazis during the war.” The Wildensteins won a defamation suit in May against the French weekly magazine *VSD*. The March 1998 article addressed the high-profile divorce of Alec and Jocelyne Wildenstein and brought up suspicions that the family had links to the Nazis during the war. The magazine was ordered to pay damages and print a retraction. But in a decision made just a few weeks later, in late June 1999, the family lost its defamation suit against the journalist Hector Feliciano, who suggested in his book *The Lost Museum: The Nazi Conspiracy to Steal the World’s Greatest Works of Art*, that Daniel Wildenstein’s father, Georges, had been in business with the Nazis in Paris. The claim, in which Daniel Wildenstein, Alec and Guy Wildenstein, and the New York-based Wildenstein and Company charged that Feliciano’s research was faulty and sought \$1 million in damages, was rejected by the three-judge lower court. The court ruled that there was “evidence which permits us to believe . . . that Wildenstein had direct and indirect associations with the German authorities during the occupation.” The Wildensteins appealed the decision. Central to the Paris trial in June was the assertion that Georges Wildenstein maintained contact with Roger Dequoy, a former employee who ran the gallery in Paris, while Wildenstein

was in New York. Dequoy, it was claimed, stayed in close touch with the Berlin dealer Karl Haberstock, a high-ranking Nazi, and was active in searching on behalf of the Nazis for paintings hidden in Vichy France. In the meantime the Wildensteins face litigation from the heirs of Alphonse Kann, a major French collector of Jewish descent, whose collection was looted by the Nazis in 1940. In the suit, filed in New York State Supreme Court in late July 1999, Francis Warin, Kann's great-nephew, is seeking \$15 million from the dealers for the alleged theft of eight rare illuminated manuscripts after they were stolen in occupied France. Warin first heard of the manuscripts in November 1996, when they were put on display at Wildenstein and Company's New York gallery; the suit claims that each manuscript bears the Nazi inventory mark "ka," standing for Alphonse Kann. Guy Wildenstein insists that the works were erroneously labeled by the Nazis and that the confusion may have resulted from the fact that the Wildenstein collection was looted at around the same time. The manuscripts, he argues, had been pillaged from Wildenstein's own art collection, and he claims to have written proof of the way Wildenstein came to acquire several of them. Laurie Attias, *ARTnewsletter*, September 21, 1999, at 6.

The German gas company Ruhrgas AG donated \$3.5 million towards the reconstruction of the Amber Room of the Yekaterinsky Palace in Pushkin outside of St. Petersburg, Russia. The Amber Room was removed by the Nazis in 1941, taken to East Prussia, and since then never seen again; *Art Newspaper*, October 1999, at 47; *Le journal des arts*, October 22–November 4, 1999, at 27; *Frankfurter Allgemeine Zeitung*, July 20, 1999, at 20. Some fragments of the Amber Room have been discovered in Germany [see 7 *International Journal of Cultural Property* 276 (1998)], and these fragments may be returned to Russia in exchange for drawings of the Bremen Art Gallery kept in Russia. *Frankfurter Allgemeine Zeitung*, January 17, 2000, at 41.

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Van Gogh's painting *Le Jardin à Auvers*, the object of the case *Trésor v. Walter* [see Ramier, 6 *International Journal of Cultural Property*, 337 (1997)], has been officially recognized as a genuine work of art by Vincent van Gogh (1853–1890). *Le Journal des arts*, July 2–August 26, 1999, at 2; *Art Newspaper*, October 1999, at 3; *Neue Zürcher Zeitung*, July 3, 1999, at 49. *Le Jardin à Auvers*, formerly owned by Jean-Jacques Walter (who was awarded 145 million French francs by the court as compensation for not being allowed to export the painting), was put on auction on December 10, 1996, by the Paris auction house Jacques Tajan in the name of the estate of Jean-Marc Vernes (who bought the painting in 1992 for 55 million French francs). The painting was not sold because there were doubts as to its authenticity and because only 32

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million French francs (\$6.1 million) was offered. 6 *International Journal of Cultural Property* 166 (1997).

- JULY 1999 Heirs of a Jewish banker asked the Tate Gallery in London to return a painting by Jan Griffier the Elder (1652–1718) that was owned by the family. The family had been forced to sell it in order to survive. This is the first case in which a British museum has been asked to return an art object involuntarily lost during World War II. *Frankfurter Allgemeine Zeitung*, July 31, 1999, at 43.
- JULY 1999 The Austrian government declined to return five paintings by Gustav Klimt (1862–1918) exhibited in the Austrian Gallery of the Obere Belvedere. The paintings were allegedly donated by the former owner, Ferdinand Bloch-Bauer, whose property was expropriated in 1938 and who passed away in exile in 1946. This decision has been criticized by many persons. *Frankfurter Allgemeine Zeitung*, July 1, 1999, at 41, and July 20, 1999, at 43. Now the family of the former owners has started court proceedings against the Republic of Austria and is suing to recover the paintings. *Frankfurter Allgemeine Zeitung*, September 15, 1999, at 51.
- JULY 1999 Russia published the first three volumes of a comprehensive catalog covering all art objects lost during World War II. *Frankfurter Allgemeine Zeitung*, July 15, 1999, at 47, and August 2, 1999, at 39.
- JULY 1999 In Weimar (Germany), at the art exhibition “Aufstieg und Fall der Moderne” [Rise and Fall of Modern Art], the paintings of East German artists were exhibited poorly and, the artists complain, in a degrading manner. The artist Ellena Olsen filed a lawsuit in the Landgericht (district court) of Erfurt and asked to withdraw her paintings or to exhibit them properly. She was successful. After an appeal, the case was settled. Goulanakis, *Frankfurter Allgemeine Zeitung*, July 29, 1999, at 43, and August 11, 1999, at 45. The decision of the Erfurt court is an important contribution to artists’ rights as to the presentation of their creations.
- 9 AUGUST 1999 The Israel Antiquities Authority voiced concern over the recent substantial rise in unauthorized commerce in antiquities. With the year 2000 celebrations approaching, it appears that antiquities shops feel the need to increase their wares in anticipation of the expected increase in tourists, who are the major buyers of antiquities. An unlicensed antiquities dealer was caught recently trying to sell Hellenistic and Roman coins apparently stolen from

Jewish sites in the Jerusalem area and the Judean plain, including a rare bronze coin from the time of the Bar-Kokhba revolt.

The art dealer Leo Castelli (1907–1999) died in New York. “The pioneering dealer was almost fifty before he opened his gallery in New York to promote artists no one had yet heard of. He gave Jasper Johns, Frank Stella, Roy Lichtenstein and Robert Rauschenberg their first solo shows while fostering international acceptance of contemporary American art almost single-handedly. Castelli was born in Trieste, Italy, of a Hungarian father who did well in banking and had then married into the old-established Castelli family. He and his family spent World War I in Vienna. Before moving to New York in 1941, Castelli lived in Bucharest and Paris.” *Art Newspaper*, October 1999, at 34; Esteropw, *ARTnews*, October 1999, at 53; *Frankfurter Allgemeine Zeitung*, August 25, 1999, at 45.

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Texas enacted a law expressly declining to protect stolen art from seizure while on exhibit at Texas museums. The new law partly follows the New York statute in that it prevents a court from issuing, and any person from serving, “any process of attachment, execution, sequestration, replevin, or distress or of any kind of seizure, levy, or sale on a work of fine art” en route to, or on display at, an exhibition or in the possession of the exhibitor. The Texas statute does have some exceptions, omitting the crucial phrase in the New York law protecting art en route *from* an exhibition in the state. The ban on seizures applies until the exhibit ends or six months after the object is en route to the exhibition, whichever is sooner. The ban does not apply if seizure has previously been restricted by the statute—apparently allowing works of art that might otherwise be subject to litigation one hassle-free visit to Texas. There is also a significant exception “if theft of the work of art from its owner is alleged and found proven by the court,” presumably before the seizure is permitted.

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In the September 1999 Museum of Modern Art decision upholding New York’s statutory ban on seizures of loaned art (*see infra*), the New York high court quoted a former governor and attorney general who had urged passage of the proposed law to protect New York’s “pre-eminent” position in the arts and status as “art centre of the nation.” In contrast, it appears that Texas—whose art museums include the Menil Collection, the Museum of Fine Arts, and the Contemporary Arts Museum in Houston; the Amon Carter Arts Center, the Kimbell Art Museum, and the Modern Art Museum in Fort Worth; and the Dallas Museum of Art—believes it can afford not to protect stolen art loaned into the state. *Art Newspaper*, February 2000, at 45.

- AUGUST 1999 There are also disputes within a national state whether to return cultural property to the original place of exhibition or preservation. This is happening now in Switzerland. The famous library of the Monastery of St. Gall is asking the government of the Canton of Zurich to return books, manuscripts, and globes taken during Swiss wars in 1712 to Zurich. The Canton of Zurich declined to return the objects. *Neue Zürcher Zeitung*, August 3, 1999, at 11, and August 28–29, 1999, at 45.
- 2 SEPTEMBER 1999 President Clinton signed Proclamation 7219 establishing a contiguous zone of the United States. Paragraph 2 of the proclamation notes that “this extension is an important step in preventing the removal of cultural heritage found within 24 nautical miles of the baseline.” Issuance of this proclamation sets the stage for future U.S. legislation governing submerged cultural heritage between twelve and twenty-four nautical miles of the nation’s coastline. A copy of the proclamation may be found in the Federal Register, vol. 64:173 (September 8, 1999), at 48701–2.
- 7 SEPTEMBER 1999 Authorities in Miami, Florida, retrieved most of the artifacts stolen in April 1990 from the Corinth Museum, one of Greece’s most significant archaeological museums. According to reports, some of the 271 items recovered include the marble head of a fifth-century B.C. kouros, 13 marble busts from the Hellenistic and Roman eras, a small statue, 5 ceramic busts, 49 ceramic idols, 11 glass containers, and 2 small bronze idols, among other things. Still missing are three pieces: a marble bust of Julius Caesar, a marble head of Eros, and a marble head of Serapis, all of Roman date. The FBI is continuing investigations on how the artifacts found their way to the United States. Police speculate that the items were stored in the Miami warehouse because the perpetrators had been unable to sell them to private collectors or a museum.
- 9 SEPTEMBER 1999 A Late Classic stele fragment from the site of El Peru was returned to Guatemala. Dr. Ian Graham, an archaeologist at Harvard University’s Peabody Museum of Archaeology and Ethnology, identified the piece, and the current owner returned it voluntarily.
- 10 SEPTEMBER 1999 The French Prime Minister issued a regulation under which victims of the Holocaust may recover compensation in special proceedings.
- 11 SEPTEMBER 1999 Member states of the Council of Europe celebrated the “European Day of National Monuments.” Homes, palaces, castles, and other monuments were open to the public.

- Italy, concerned that its cultural heritage is in jeopardy from pillage, has asked the United States to impose import restrictions on certain archaeological materials in stone, metal, ceramic, bone, and glass, as well as wall paintings, from the fifth millennium B.C. to the fifth century A.D. The request was brought pursuant to Article 9 of the 1970 UNESCO Convention and a U.S. statute, the Cultural Property Implementation Act. The United States can impose import restrictions on certain categories of archaeological or ethnological materials, whose pillage places a nation's cultural patrimony in jeopardy. The Cultural Property Advisory Committee met in open session on October 12 to discuss Italy's request. At this session, many diverse views were presented and often heated debate ensued. Martha Lufkin, *Art Newspaper*, November 1999, at 50, and December 1999, at 44; Jerome M. Eisenberg, 11 *Minerva* no. 1 at 25 (2000). 16 SEPTEMBER 1999
- The Landgericht (district court) of Berlin (Germany) decided that an artist may not be prevented from having his art object exhibited at the Berlin art fair, "Art Forum." The court applied section 20 of the German statute against restraint of trade, which prohibits any kind of restriction on trade. *Art Newspaper*, September 1999, at 20. 21 SEPTEMBER 1999
- In *The People v. The Museum of Modern Art*, concerning the seizure of two paintings by Egon Schiele, *Portrait of Wally* and *Dead City III* [see 7 *International Journal of Cultural Property* 280 (1998)], the Court of Appeals of the State of New York reversed the order of the Appellate Division and granted the museum's motion to quash the grand jury subpoena duces tecum. Judge Wesley qualified the notion "seizure" of section 12.03 of New York's Art and Cultural Affairs Law as not being limited to civil processes, Judge Smith dissenting. A few hours later, at the request of U.S. customs, a federal magistrate issued a seizure warrant barring the painting *Portrait of Wally* from being returned to Vienna. Martha Lufkin, *Art Newspaper*, October 1999, at 1; *Le Journal des arts*, October 8–21, 1999, at 5; *ARTnews*, November 1999, at 64; Martha Lufkin, 4 *Art, Antiquity, and Law* 263 *et seq.* (1999). 21 SEPTEMBER 1999
- The Committee on Culture and Education of the Council of Europe adopted the draft resolution on Looted Jewish Cultural Property. 4 *Art, Antiquity, and Law* 271 (1999). This draft became Resolution 1205 (1999) of the Council of Europe. See *infra* at 4 November 1999. 24 SEPTEMBER 1999
- The Government of Bolivia made a request to the United States under Article 9 of the 1970 UNESCO Convention for import restrictions on categories of archaeological and ethnological material of the pre-Columbian, 29 SEPTEMBER 1999

colonial, and post-colonial periods, including those made of stone, metal, ceramic, shell, bone, wood, leather, painted materials, and cloth.

SEPTEMBER 1999 Germany and Poland consider an exchange of archives displaced during World War II according to the principle of provenance. *Frankfurter Allgemeine Zeitung*, October 11, 1999, at 51.

SEPTEMBER 1999 France informed the art world that in 1998, 7,857 works of art were stolen in that country, 41 percent more than in 1997. *Frankfurter Allgemeine Zeitung*, October 2, 1999, at 55.

SEPTEMBER 1999 The Art Museum in Chur (Switzerland) returned a painting, *Sewing School of the Orphanage in Amsterdam*, by Max Liebermann (1847–1935), to the Silberberg family. Max Silberberg had to sell the painting to Germany in 1936, and the Art Museum bought it in 1992 bona fide. Also, the Berlin Foundation Preussisches Kulturbesitz returned three paintings to the Silberberg family. The Israel Museum in Jerusalem has done the same with respect to a painting, *Spring in Paris*, by Camille Pissarro (1830–1903) found in this museum. *Frankfurter Allgemeine Zeitung*, October 6, 1999, at 49.

SEPTEMBER 1999 The Free State of Sachsen (Germany) and the Royal House Wettin stipulated a contract on the property of the House Wettin, formerly kings of Saxony. More than 1,000 art objects were bought by the state of Sachsen. Other art objects, including some buried at the end of World War II and discovered in October 1996 [see 6 *International Journal of Cultural Property* 165 (1997)], were put on auction by Sotheby's of London on December 17, 1999. *Frankfurter Allgemeine Zeitung*, December 190, 1999, at 47.

4–5 OCTOBER 1999 The Institute of Art and Law held a conference called “Art Law and the Holocaust” in London. Before the conference convened in the Courtauld Institute in London on October 5, 1999, Stephen E. Weil delivered the Institute of Art and Law Annual Lecture, “The American Legal Response to the Problem of Holocaust Art,” in the National Gallery on October 4, 1999. This lecture is reprinted in 4 *Art, Antiquity, and Law* 285–300 (1999). Cf. the conference report by Katharine Sykes, 4 *Art, Antiquity, and Law* 379 (1999).

6 OCTOBER 1999 Senator Daniel Patrick Moynihan of New York introduced in the United States Senate a bill to amend the Convention on Cultural Property Implementation Act, the statute by which the United States implemented the 1970 UNESCO Convention.

- The Art Law Center in Geneva, in collaboration with the Faculty of Law of the University of Geneva and the Musée d'art et d'histoire de Genève, organised the conference "To Lend or Not to Lend: The Risks." Hetty Gleave, 4 *Art, Antiquity, and Law* 383 (1999). 10 OCTOBER 1999
- Italy ratified the Unidroit Convention of 24 June 1995 on Stolen and Illegally Exported Cultural Objects [see 5 *International Journal of Cultural Property* 155 (1996)], and it will enter into force for Italy on April 1, 2000. *Uniform Law Review* 1999, at 681. 11 OCTOBER 1999
- France and South Korea agreed to return to Seoul 297 manuscripts that were taken during a punitive expedition of the French navy in 1866. *Le Monde*, October 24–25, 1999, at 27. 21 OCTOBER 1999
- At least seven German and Dutch families filed applications last month in time to meet Russia's October 21 deadline for claiming art assets seized by Soviet troops in 1945–46. The financial value is awesome. Considering only the German-owned pictures displayed at the Pushkin and Hermitage museums in 1995–97 and the Frans Koenigs collection of Old Masters drawings, which after years of denial by the Russian government is now acknowledged to be held in Moscow, the works are worth between £440 million and £600 million (about \$734 million to over \$1 billion) if they could move from Russia to Germany. Among the principal claimants who applied in time to meet the Russian deadline were Bernhard Koehler of Berlin; Julietta Scharf of Berlin, who claims the Scharf/Gerstenberg collection, which includes Degas's *Place de la Concorde*; the heirs of Rudolf Gutmann, who claim ownership of the Rembrandt etchings held by the Hermitage; the heirs of Jacques Goudstikker, who claim ownership of Old Masters at the Pushkin; Christine Koenigs in Amsterdam, who claims ownership of more than 550 Old Master drawings by such artists as Dürer, Holbein, and Rembrandt that belonged to her grandfather [cf. Andrea Gattini, 6 *International Journal of Cultural Property* 81 (1997)]; the heirs of Otto Krebs of Holzdorf, near Wittenberg, who claim ownership of the 72 pictures, worth between \$420 million and \$480 million, that were displayed at St. Petersburg's Hermitage Museum in the 1996–97 exhibition "Hidden Treasures Revealed" [cp. 5 *International Journal of Cultural Property* 352 (1996)] (a claim complicated by the fact that the pictures are now owned by a foundation and not by the family; it is not known whether the Russians will accept such a claim); and Gerd Silberberg, who claims ownership of the Silberberg collection of impressionist and modern art, including a first-rate Cézanne. Currently, 132,000 German-owned artworks are held in Russia, 21 OCTOBER 1999

according to the Russian government, which had returned 1.5 million objects to the East German leader Walter Ulbricht in 1958. On July 20, 1999, the Constitutional Court of the Russian Federation upheld a restitution law imposed by the parliament in April 1998 that nationalizes cultural property taken as war trophies from enemy states after World War II, but it ruled that individuals could apply for the return of family heirlooms that were seized from persons not active in “militarist” or “Nazi/Fascist” regimes (*see supra*). Further complications are foreseen. According to Mikhail Piotrovsky, director of the Hermitage Museum, “somebody must pay tax on these pictures. Had they remained in Germany in 1945, death duties would have fallen on them two or three times since then. It seems to me that Russia, as the custodian of these works, is more entitled to receive those taxes than Germany. In any event, the owners should not escape scot-free.” Sources at Christie’s and Sotheby’s said they anticipate that many of the pictures by Degas, Cézanne, Gauguin, Monet, Renoir, and Toulouse-Lautrec shown in “Hidden Treasures” would likely be put on the market if they were returned to Germany—especially if owners were forced to pay Russian taxes. Cf. 25 *ARTnewsletter* of November 2, 1999, at 5.

22 OCTOBER 1999 The Italian Council of Ministers approved the new Italian statute on cultural objects, replacing the old act no. 1039 of June 1, 1939. *Il Giornale dell’arte*, December 1999, at 36 and 61 *et seq.*

23 OCTOBER 1999 The exhibition “Dominique Vivant Denon: L’oeil de Napoléon” opened in the Musée du Louvre in Paris. The exhibition is devoted to Denon (1747–1825), the first director of the Musée Napoléon (1792–1815) and one of the advisers and organisers of Napoléon’s looted, confiscated, and taken art treasures. *Le Journal des arts*, October 22–November 4, 1999, at 8; *Art Newspaper*, December 1999, at 20.

OCTOBER 1999 Christie’s of London announced the withdrawal of one book of the October sale: the star of the auction, a 1543 edition of Copernicus’s *De revolutionibus*, valued at £200,000 to £500,000. But Christie’s also withdrew, without any announcement or explanation, a 1610 edition of Galileo’s *Sidereus nuncius* published in Venice and valued at £130,000. Observers noted that the withdrawal of the Galileo may not have been altogether inexplicable: it coincided, some said, with the arrival of special investigators from Poland who recognised the book as one of several recently stolen from Cracow’s Jagiellonian University, founded in the 1400s and one of Poland’s most esteemed collections. Agnieszka Rakoczy, *Art Newspaper*, December 1999, at 59.

An attempt by the Seattle Art Museum to recoup its loss of Henri Matisse's *Odalisque* by filing a lawsuit against New York's Knoedler and Company has been dismissed by U.S. District Judge Robert Lasnick. The gallery sold the work in 1954 to the late Seattle collectors Prentice and Virginia Bloedel, who willed it to the Seattle Art Museum in 1991. In July 1998 the heirs of the late French Jewish art dealer Paul Rosenberg filed a highly publicized lawsuit against the museum, claiming that the Nazis had seized the painting from the dealer's collection during World War II [see 7 *International Journal of Cultural Property* 298 (1998)]. The museum returned the work to the Rosenberg heirs this summer [see 8 *International Journal of Cultural Property* 598 (1999)]. Although the museum's lawsuit against Knoedler accused the gallery of fraudulently selling the stolen work, Lasnick ruled that the Seattle museum could not claim to have been defrauded, because it had not purchased the work from the gallery. 25 *ARTnewsletter*, November 2, 1999, at 4.

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Opening of the exhibition "Sensation" in the Brooklyn Museum of Art, a selection of works by British artists that had attracted crowds—and controversy—in previous showings in London and Berlin. "The museum's director, Arnold Lehman, opened the show in defiance of threats from New York City's mayor, Rudolph Giuliani that if the city-funded museum persisted in exhibiting "sick stuff," he would evict it from its premises. Denunciations of the art—particularly *The Holy Virgin Mary*, a painting of a black Madonna adorned with elephant dung and images of body parts, by thirty-one-year-old Christ Ofili, who is of Nigerian parentage—quickly spread from City Hall to the halls of Congress, where the House and Senate passed non-binding resolutions to revoke the museum's funding. Even as the city was filing suit to shut down the museum, record numbers of visitors lined up for a glimpse of Ofili's painting (ensconced behind Plexiglas) and other works from the collection of the British adman Charles Saatchi, among them Damien Hirst's sliced animals and Mark Quinn's self-portrait bust made with his own blood. Later a New York court decided that Giuliani had to continue to subsidize the museum. Robin Cembalest, *ARTnews*, November 1999, at 61; *Art Newspaper*, November 1999, at 1 and 18.

OCTOBER 1999

The Parliamentary Assembly of the Council of Europe in Strasbourg passed Resolution 1205 (1999) on looted Jewish cultural property. It reads:

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1. One essential part of the Nazi plan to eradicate the Jews was the destruction of the Jewish cultural heritage of movable and

- immovable property, created, collected or owned by Jews in Europe.
2. This involved the systematic identification, seizure and dispersal of the most significant private and communal Jewish property.
 3. Subsequent expropriation and nationalisation of Jewish cultural property, whether looted or not, by communist régimes was illegal, as well as similar action in countries occupied by the Soviet Union.
 4. Though early moves were made following the end of the second world war to find and return this looted property, a very considerable amount has not been recovered and has remained in private and public hands.
 5. A new attempt is now being made, characterised *inter alia* by major conferences held in London and in Washington, to complete this process and advance the recovery of looted Jewish cultural property before the last of those persons from which it was taken has died.
 6. The Assembly has long recognised the Jewish contribution to European culture (Resolution 885 (1987) and recently underlined the significance of Yiddish culture (Recommendation 1291 [1996]). From local community to national and European levels, Jewish culture is a part of the heritage.
 7. Moreover Europe, as represented in the Council of Europe, now includes the wider Europe, including Russia, throughout which looted Jewish cultural property remains dispersed.
 8. The Assembly believes that restitution to original owners or their heirs (individuals, institutions or communities) or countries is a significant way of enabling the reconstitution of the place of Jewish culture in Europe itself.
 9. A number of European countries have already made moves in this direction, notably Austria and France.
 10. The Assembly invites the parliaments of all member states to give immediate consideration to ways in which they may be able to facilitate the return of looted Jewish cultural property.
 11. Attention should be paid to the removal of all impediments to identification such as laws, regulations or policies which prevent access to relevant information in government or public archives and to records of sales and purchases, customs, and other import and export records. Russia in particular should keep open its files on Jewish heritage.
 12. Bodies in receipt of government funds which find themselves holding looted Jewish cultural heritage should return it. Where such

works have been destroyed, damaged or are untraceable, or in other cases where restitution may not be possible, such bodies should be assisted to pay compensation at the full market value.

13. It may be necessary to facilitate restitution by providing for legislative change with particular regard being paid to:

- i. extending or removing statutory limitation periods;
- ii. removing restrictions on alienability;
- iii. providing immunity from actions for breach of duty on the part of those responsible for collections;
- iv. waiving export controls.

14. Such legislative change may require modification and clarification of human rights laws in relation to security and enjoyment of property.

15. Consideration should also be given to

- i. providing guarantees for those returning looted Jewish cultural property against subsequent claims;
- ii. relaxing or reversing antiseizure statutes which currently protect from court action works of art on loan;
- iii. extinguishing later acquired title i.e. subsequent to the divestment.

16. The Assembly encourages cooperation in this question of nongovernmental organisations, and in particular the European Jewish communities, on both national and European levels. Such encouragement extends to the exploration and evolution of out of court forms of dispute resolution such as mediation and expert determination.

17. Due diligence should be imposed on purchasers and the art world by the implementation of the Unidroit Convention on stolen or illegally exported cultural objects.

18. In circumstances where dealers or agents or intermediaries know or suspect a work they have in their possession is looted, provision should be made in law requiring them to hold on to it and alert the relevant authorities and every effort should be made to locate and alert the dispossessed owner or his/her heirs.

19. The Assembly calls for the organisation of a European conference, further to that held in Washington on the Holocaust-era assets, with special reference to the return of cultural property and the relevant legislative reform.

As to the draft resolution, *see supra* 24 September 1999 and Patrick J. O’Keefe, 4 *Art, Antiquity, and Law* 313 (1999).

- 8 NOVEMBER
1999 The Berlin Stiftung Preussischer Kulturbesitz returned the painting *Rinaldo Abandoning Armida*, by Giovanni Battista Tiepolo (1696–1770), to the heirs of Federico Gentili di Giuseppe, a Jewish businessman living in Paris during the Nazi occupation of 1940–41. In April 1941 the art collection of Gentili di Giuseppe was sold at auction because of pressure exerted by the Nazis. The Berlin painting was part of this art collection, having been acquired by the Berlin museums in 1979 from a Paris art gallery as a pendant to another Tiepolo painting. In 1988 the Tribunal de grand instance de Paris invalidated the sale of Gentili di Giuseppe’s art collection and ordered the return of five paintings forming part of the French Musées Nationaux Récupération [see 8 *International Journal of Cultural Property* 146 (1999)]. On June 2, 1999, the Cour d’appel de Paris confirmed this decision (*Mme Gentili di Giuseppe c. Musée du Louvre et l’Etat français*). Because the Berlin painting was also part of this invalidated auction in April 1941, the Berlin Stiftung recognized the French decision against the French defendants and returned the Tiepolo painting. *Neue Zürcher Zeitung*, November 11, 1999, at 68, and the Paris decision kindly provided by Véronique Parisot, Chevigny Saint Sauveur. The six paintings of the Federico Gentili di Giuseppe collection were sold by Christie’s New York on January 27, 2000. The Stiftung Preussischer Kulturbesitz bought the returned painting of Tiepolo. Christie’s (ed.), *Important Old Master Paintings, Auction Thursday, 27 January 2000*, lots 80–85.
- 9 NOVEMBER
1999 The Library of the Russian Academy of Sciences in St Petersburg opened an exhibition of old Polish books previously believed lost. The 506 books on display were originally in the library of the Polish aristocratic Radziwill family, which assembled one of Eastern Europe’s greatest private learned collections until it was confiscated by the Russian government in 1772 during the first partition of Poland. Of the original 20,000 volumes in the collection, only 14,000 came into Russian possession, with the fate of the remaining 6,000 uncertain. About 10,000 volumes are today in the Russian Academy of Sciences, while in tsarist times the other 4,000 were split among the university libraries in Moscow and Helsinki. Only the Polish books on display, which cover topics of law, military matters, art, and religion, have been authenticated as part of the Radziwill collection. But their fate has also been plagued by problems. Labeled “bourgeois” by Soviet authorities, these books were kept secret from the late 1920s on and utterly forgotten by subsequent generations of scholars. “For most of the



FIGURE 2. G. TIEPOLO, *RINALDO ABANDONING ARMIDA*. © STIFTUNG PREUSSISCHER KULTURBESITZ, BERLIN, GERMANY

twentieth century, until 1994, the Polish books now on display were entirely unknown to our Slavic scholars,” said Olga Guseva, curator of the exhibit. John Varoli, *Art Newspaper*, December 1999, at 6.

Koichiro Matsuura of Japan was appointed for a six-year term as Director-General of UNESCO. He replaces Federico Mayor. *Art Newspaper*, December 1999, at 1. 12 NOVEMBER 1999

The German government revealed that there remain some 13,000 art objects collected, looted, or confiscated for Hitler’s museum in Linz (Austria) that should be given back to the heirs of their former owners. It is planned to publicize these art objects on the Internet. At the same time, the German federal government encouraged the state museums of the German Länder to collect their data about art objects of obscure provenance. Press release of November 18, 1999, by the Federal Treasury; Timothy W. Ryback, *ARTnews*, December 1999, at 148. 16 NOVEMBER 1999

Nart.com, the American affiliation of the French *company nart*, started art auctions by Internet. *Le Journal des arts*, January 7–20, 2000, at 30. 26 NOVEMBER 1999

San Francesco in Assisi (Italy), heavily damaged by the earthquake of September 26, 1997 [see 7 *International Journal of Cultural Property* 277 (1998)], was reopened for church services and the public. *Frankfurter All-* 28 NOVEMBER 1999

gemeine Zeitung, November 30, 1999, at 49; *Neue Zürcher Zeitung*, November 29, 1999, at 16.

NOVEMBER 1999 A legal action has been launched against Sotheby's after a painting attributed by the auction house to Pietro Testa (1611–1650) was subsequently identified as a lost masterpiece by Nicolas Poussin (1594–1665). The trustees of the estate of the late Ernest Onians are pursuing a claim against the auction house in relation to the sale of the picture, which was bought by a London dealer for £140,000 at the sale of the Onians collection in October 1995. It subsequently sold for £4.5 million and is now in the Israel Museum, Jerusalem. When it came under the hammer at Sotheby's sale of the Ernest Onians collection at the Colonnade galleries in London in 1995, Poussin's *Destruction and Sack of the Temple of Jerusalem* was barely recognisable beneath numerous layers of overpainting and years of grime and varnish. After being bought by the London dealers Hazlitt, Gooden & Fox, the painting was extensively cleaned and relined. It subsequently received the seal of approval from the renowned Poussin scholar Sir Denis Mahon, who identified it as the lost masterpiece by Poussin. In 1998 the heavily restored canvas was seen by Sir Jacob Rothschild, who, with the help of a generous grant from Yad Hanadiv, the Rothschild Foundation in Israel, helped negotiate its acquisition by the Israel Museum, Jerusalem, where it recently went on display. *Art Newspaper*, December 1999, at 62.

NOVEMBER 1999 A Web site recently established in Germany by the Koordinierungsstelle der Länder für die Rückführung von Kulturgütern (the Coordination Office of the Federal States for the Return of Cultural Property) may prove a significant force in the tracking and recovery of works of art looted during World War II. The site (www.beutekunst.de) contains large parts of the organisation's art-loss database of more than 3.5 million looted works of art. *Art Newspaper*, December 1999, at 3.

30 NOVEMBER—
1 DECEMBER 1999 “Cleaning the Parthenon Sculptures” conference, British Museum, London.
In June 1998, William St. Clair, Fellow of Trinity College, Cambridge, published the third edition of his book *Lord Elgin and the Marbles* [cf. review by David Rudenstine in 8 *International Journal of Cultural Property* at 356 *et seq.* (1999)] and reproduced in it (see 8 *International Journal of Cultural Property* 391 *et seq.* (1999)) formerly secret papers, including a 1938 internal report on the unauthorised cleaning of the sculptures acknowledging that “the damage is obvious and cannot be exaggerated.” These belated revelations were political dynamite, particularly when set against Greek demands for restitution. On June 17, 1998, Culture Secretary Chris Smith announced that the British

Museum (BM) would hold an academic conference to examine and discuss the cleaning.

On November 30 and December 1, 1999, 300 scholars from around the world assembled in London to consider the evidence. The museum director, Robert Anderson, opened the proceedings by discribing the 1930s cleaning as “one of the most controversial episodes in the history of the BM.” Admitting that “we are all capable of misjudgements,” he promised that the museum is now fully committed to openness. Cf. Martin Bailey, *Art Newspaper*, January 2000, at 19; *Le Journal des arts*, January 21–February 3, 2000, at 6.

The British government reiterated that it would not return the Parthenon marbles to Greece. The British Museum’s legal department made the following statement on the legal status of the Marbles:

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When agents of Lord Elgin, the British Ambassador to Constantinople, began to remove sculptures and other relics from the Parthenon in 1801, they did so with the consent of the Ottoman rulers of Greece, who considered themselves for a time indebted to the British for the expulsion of French armies from their dominions in Egypt and Syria following Lord Nelson’s victory at the Battle of the Nile.

Lord Elgin shipped his collection of marbles back to England. In 1816, Parliament passed an Act in which it agreed to buy the marbles from him for the sum of £35,000 on condition that the whole collection should be kept together in the British Museum. Having acquired them from Lord Elgin, the government presented the marbles to the Trustees of the British Museum who hold them to this day as part of the collections of the museum. The collections of the British Museum are held on trust, subject to the powers and responsibilities imposed on the Trustees by Parliament. The present Trustees are governed by the British Museum Act 1963 (as amended) which imposes upon them a duty to keep the collections available for inspection by the public in the museum itself. Although in law the Trustees are the owners of the museum’s collections, they have very limited powers to dispose of objects within them. For example, they may only sell, exchange or give away an object if it is duplicated in the collections or is unfit to be retained within them (having regard to the interests of students). Where, as in the case of the Parthenon Sculptures, the Museum is absolutely satisfied it has legal title to an object, it would be unlawful for the Trustees to agree to the restitution of that object to a country claiming cultural rights in it.

Only Parliament, enacting primary legislation, could decide that an object within the museum's collections should be returned to a country of origin. *Art Newspaper*, January 2000, at 19.

- 2 DECEMBER 1999 The United States government imposed emergency import restrictions on Khmer sculptural materials from Cambodia. The restrictions will apply to certain types of stone archaeological materials, including freestanding stone sculpture, stelae, and architectural elements produced from the sixth to the sixteenth centuries A.D. This action was taken pursuant to the Cultural Property Implementation Act and the 1970 UNESCO Convention after a determination that the situation regarding pillage of such items poses a threat to the nation's cultural patrimony.

Cambodia is the first country in Asia to seek U.S. help in protecting its cultural property. Monuments and sites in Cambodia such as Banteay Chmar and Angkor, a World Heritage site, are being damaged and destroyed by the removal of sculpture and architectural elements from ancient Khmer temples for the black market. The material being looted illustrates the Khmer culture's "high degree of artistic, social and economic achievement" and "profound religious and social beliefs" during the development, expansion, and decline of the Angkorian Empire. *Art Newspaper*, February 2000, at 43.

- 9 DECEMBER 1999 Declaration of the German Federal Government, the German Länder, and the Associations of German cities as to the discovery and return of cultural objects illegally taken during the Nazi period. The declaring bodies agree with the Washington Principles of November 1, 1998 [see 8 *International Journal of Cultural Property* 342 (1999)] and will provide on the Internet

- illustrations of items which might be illegally taken by Nazi terror,
- a checklist for those individuals who are looking for art objects formerly owned by them and illegally taken by the Nazis later,
- information about illegally taken art objects displaced to foreign countries, and
- creation of a discussion forum in which the participating bodies and third persons may exchange their knowledge about the whereabouts of lost art objects.

Information kindly provided by Karin Schawe of Hamburg, Kulturbehörde; *Frankfurter Allgemeine Zeitung*, December 27, 1999, at 41.

- 11 DECEMBER 1999 Opening of the Sistine Chapel in the Vatican after twenty years of restoration. *Neue Zürcher Zeitung*, December 13, 1999, at 14; *Frankfurter Allgemeine Zeitung*, December 13, 1999, at 51.

- The Directory of the French Museums and the French government returned thirteen paintings (mostly Old Masters) to the Seligmann family. The paintings were stolen from the Seligmann Art Gallery during the German occupation of Paris and since 1951 have been stored in the French *Musées Nationaux Récupération* (MNR) as objects of unknown owners. *Le Journal des arts*, January 7–20, 1999, at 2; *Le Monde*, December 17, 1999, at 33. 14 DECEMBER 1999
- Sotheby's of London sold the Wettin Moritzburg treasure (cf. *supra* at September 1999). One of the main items, the Moor's-head cup of 1615 by Christoph Jamnitzer (Nuremberg) (No. 24 of the catalog) was sold for £1.6 million. *Frankfurter Allgemeine Zeitung*, December 18, 1999, at 53. 17 DECEMBER 1999
- The Art Gallery (Gemäldegalerie am Kemperplatz), as the first German art museum, published documentation of *Fremdbesitz* (property of other bodies yet unknown). *Frankfurter Allgemeine Zeitung*, December 20, 1999, at 54. 18–19 DECEMBER 99
- France's National Assembly approved a bill to open up the French art market to foreign auction houses and thereby end a 450-year monopoly by French auctioneers. The bill, which must pass through the senate before going back to the lower house for a final reading, is expected to be law by July 2000. This means that the global auction houses Christie's and Sotheby's will finally be able to sell at their Paris premises. The text of the law calls for a 450 million franc (\$69.2 million) fund to compensate auctioneers for the loss of their monopoly. Backers of the law said the French art market was the most important in the world until the 1950s but has since slipped into third position behind Sotheby's in London and Christie's in New York. 21 DECEMBER
- The Unidroit Convention of June 24, 1995, on Stolen or Illegally Exported Cultural Objects [see 5 *International Journal of Cultural Property* 155 (1996)] is now in force in Bolivia, Brazil, China, Ecuador, Finland, Hungary, Lithuania, Paraguay, Peru, and Romania. The convention enters into force in El Salvador on January 1, 2000, and in Italy on April 1, 2000. Cf. <http://www.unidroit.org/english/implement/i-95.htm>. 31 DECEMBER 1999
- A Dutch court in The Hague declined to return the Goudstikker collection [see 7 *International Journal of Cultural Property* 556 (1998)] of 230 paintings to the heirs of Jacques Goudstikker (1897–1940). The claim is time barred and unfounded. The paintings reside in several Dutch museums. *Frankfurter Allgemeine Zeitung*, December 18, 1999, at 41. DECEMBER 1999

- DECEMBER 1999 The Council of Ministers of the European Union did not agree on a directive concerning a *droit de suite* that would oblige all Member states to provide for such a right. The United Kingdom declined to pass such a directive. *Neue Zürcher Zeitung*, December 8, 1999, at 2. Cp. also *Art Newspaper*, January 2000, at 1.
- DECEMBER 1999 At the request of Greece's ambassador to the United Nations, Elias Gounavis, the Republic of Greece passed a draft resolution, "Return of Cultural Property to the States of Origin," in the General Assembly. *Frankfurter Allgemeine Zeitung*, December 9, 1999, at 52.
- DECEMBER 1999 The Busch-Reisinger Museum in Harvard returned two paintings to the heirs of Kasimir Malevich (1878–1935). These paintings and those recovered from the Museum of Modern Art in New York had been entrusted to Alexander Dorner, the former director of the museum in Hanover (Germany), who gave them to the museum as "long-term loans." *Le Journal des arts*, January 7–20, 2000, at 12; see also Ms. H.A.G. Fickers, Afstoting en terugkrijgen van kunstwerken, *Nederlands Juristenblad* 1999, at 1799.
- DECEMBER 1999 Heirs of looted Viennese Jewish collector Philipp Gomperz have asked the North Carolina Museum of Art in Raleigh to return the painting *Virgin and Child in a Landscape* by Lucas Cranach the Elder (1472–1553). The painting was confiscated in 1938, sold to the Nazi Gauleiter Baldur von Schirach, and finally sold by the New York gallery of Siegfried Thalheimer. *Le Journal des arts*, January 7–20, 2000, at 5.