

CHRONICLES

(November 23, 2001–July 12, 2002)

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23 NOVEMBER 2001 The Swiss Government has submitted the new draft regarding its Law on Transfer of Cultural Objects to Parliament. This statute, when enacted, will implement the 1970 UNESCO Convention, as well as make other changes to domestic Swiss law regarding the transfer of cultural objects. <http://www.kultur-schweiz.admin.ch/arkgt/kggt/index_e.htm>.

1 DECEMBER 2001 A tribal mask dating from the sixteenth century has been stolen from a museum in Dundo, in the northeastern Angolan province of Lunda-Norte. Known as the “Mwana Pwo” (young woman), the mask represented a key figure in rituals practiced during popular festivals by the Lunda-Cokwe ethnic group, part of the former Lunda empire, which was the dominant political and military power in the region covering the southern-central part of what is now the Democratic Republic of Congo, western Zambia, and northern Angola from the early seventeenth century until the nineteenth century. The theft of rare works of art is becoming more and more frequent in Angola. Six Lunda-Cokwe statues stolen last year from the museum of anthropology in Luanda have not been recovered.

4 DECEMBER 2001 Twelve major museums in Europe and North America are resisting claims for the return of Dürer drawings that were looted during World War II from the Lubomirski Museum in Lvov, a city previously in Poland and now in the Ukraine. At the end of the war this important collection of 24 Dürers was found in an Austrian salt mine, and in 1950 it was handed over by the Americans to the Lubomirski family, rather than returned to Lvov (11 *International Journal of Cultural Property* 176–77 [2002]).

Directors from the twelve museums met on December 4 in New York, where they were hosted by the Metropolitan Museum. To assist their deliberations, they were given hundreds of pages of recently declassified U.S. documents that explain American actions after the war. The museums then reaffirmed the “correctness” of the decision not to return the twenty-four

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Dürer drawings to Lvov. The legal situation is now complicated because competing claims have been made by both the Ukraine and Poland. Following the meeting, Dr Adolf Juzwenko, director of the Ossolinski Institute in Wroclaw, Poland, confirmed that claims had recently been filed with each of the museums. The museums that have received the Polish and Ukrainian claims are the Art Institute of Chicago, the Barber Institute of the University of Birmingham, the Boijmans van Beuningen Museum in Rotterdam (two drawings), the British Museum, the Cleveland Museum of Art (two drawings), the Courtauld Institute, the Metropolitan Museum (three drawings), the Museum of Fine Arts in Boston, the National Gallery of Art in Washington, the National Gallery of Canada, the Nelson-Atkins Museum in Kansas City and the Pierpont Morgan Library. Eight drawings are in private collections. Martin Baily, *Art Newspaper*, January 2002, at 1 and 7; *ARTnews*, March 2002, at 66.

The governments of the United States and Bolivia signed a cultural property agreement, pursuant to the 1970 UNESCO Convention and the United States' Cultural Property Implementation Act, protecting Pre-Columbian archaeological materials and Colonial and Republican ethnological materials. The import restriction went into effect December 7, 2001. The full text of the agreement and information on those objects subject to import control may be found at <<http://www.exchanges.state.gov/cul-prop>>.

4 DECEMBER
2001

A New York jury found A. Alfred Taubman, former chairman of the board of Sotheby's Holdings, guilty of conspiring in the 1990s with rival auction house Christie's International to fix sellers' commissions at auctions (10 *International Journal of Cultural Property* 333 [2001]). It is unclear whether Taubman, in sealing that deal with former Christie's chairman Sir Anthony Tennant, anticipated that, between them, only he would be subject to U.S. criminal antitrust liability because only he resides in the U.S. Martha Lufkin, *Art Newspaper*, January 2002, at 4; February 2002, at 1. Taubman had denied the price-fixing charges that alleged he and former Christie's chairman Anthony Tennant stole as much as \$400 million in commissions from 1993 to 1999. The two auction houses control more than 90 percent of the world's art auctions. Taubman was chairman at Sotheby's from 1983 to 2000. Tennant was chairman at Christie's from 1993 to 1996. Tennant will not come to the United States to face charges and cannot be extradited from Britain. Ralph Blumenthal and Carol Vogel, Ex-Chief of Sotheby's Is Convicted of Price-Fixing, *New York Times*, December 6, 2001, at A1.

5 DECEMBER
2001

- 7 DECEMBER
2001 In reply to a question of Mr. Fr. Roelants du Vivier (PRL-FDF-MCC, liberals in the Walloon provinces) about the ratification of the 1970 UNESCO Convention about the illicit trade in cultural objects, Belgium's Interior Minister Antoine Duquesne assured the Belgian Senate on November 21, 2001, that his colleague of justice will do his utmost to submit the convention for approval to the Belgian Cabinet before the end of this year.
- 15 DECEMBER
2001 Israel Antiquities Authority agents recently nabbed a ring of undersea divers on suspicion of having stolen dozens of artifacts from the Mediterranean Sea near Caesarea. Members of the ring admitted to sifting through sands off the ancient Roman-era port of Caesarea. They said they found buildings, valuable amphoras, coins, and capitals. Arieh O'Sullivan, Antiquities Authority Agents Catch Underwater Thieves, *Jerusalem Post*, December 16, 2001.
- 16 DECEMBER
2001 A stone statuette, formerly in a private collection in Germany, was returned to Burkina Faso. The statuette, which was stolen in 1991, was described in ICOM's 1994 publication *One Hundred Missing Objects. Looting in Africa*. ICOM press release, March 2002.
- 18 DECEMBER
2001 The Conseil de Paris voted unanimously to reconsider local regulations on advertising in the city, bearing in mind the visual preferences of the inhabitants. A team from the municipality will look at every advertisement individually. Too much publicity kills publicity, but it also disfigures our cities. An undertaking made recently by the city government of Paris to review the current state of advertising in the city promises a much needed cleanup of the streets as part of the general care for the environment. Jean-François Lasnier, *Art Newspaper*, February 2002, at 5.
- DECEMBER
2001 Under Article 22, added to the Italian finance bill for 2002, the Italian government would lease out public museums to selected private operators for contracts of a minimum of five years. Companies would bid for the right to manage a museum, the winners paying the state the fee in advance. The government expects the initiative to bring in €80 million (about \$70 million) each year. Rossella Lorenzi, *ARTnews*, January 2002, at 53; Ute Diehl, *Frankfurter Allgemeine Zeitung*, February 5, 2002, at 45.
- DECEMBER
2001 California has enacted a new state version of the Native American Graves Protection and Repatriation Act. Because this statute will not include the federal legislation's limitation of restitution to federally recognized tribes,

the state law is expected to provide for a significantly greater number of repatriations.

Dr. Gustav Rau, who donated his art collection to UNICEF (*11 International Journal of Cultural Property* 183 [2002]), passed away. *Frankfurter Allgemeine Zeitung*, January 5, 2002, at 41. 3 JANUARY
2002

Federal District Court Judge Jed Rakoff denied the motion of defendant Frederick Schultz to dismiss the U.S. government's indictment, which charged Schultz with one count of conspiring to deal in antiquities stolen from Egypt. In his opinion dismissing the indictment, Judge Rakoff held that Egypt's 1983 law vested ownership of undiscovered antiquities in the national government and that the removal of such antiquities without the consent of the Egyptian government could constitute theft under the National Stolen Property Act. 3 JANUARY
2002

A French statute provides that privately run museums may also be called "musée de France." *Journal officiel*, January 5, 2002, at 305. 4 JANUARY
2002

A castle in Mecca has been torn down to develop additional space to accommodate the increasing numbers of pilgrims who visit the holy shrines every year. The 220-year-old Ottoman al-Ajyad Castle, which was demolished despite protests, was built on a hill overlooking the Grand Mosque by the ruling Ottomans to protect the city and its Muslim shrines from invaders. Archaeologists have said that the castle is one of the outstanding landmarks of the city because of its site, design, and methods of fortification. Sam Coates, Ancient Fort Razed by Saudis, *Times* (London), January 10, 2002. 11 JANUARY
2002

An important religious artifact that had been looted by British troops from Emperor Tewodros' capital at Maqdala in 1868 has been returned to Ethiopia. The artifact, a Holy Tabot, or symbolic representation of the Ark of the Covenant, was found by a priest in a church in Edinburgh, Scotland. The Tabot is a six-inch square wooden tablet representing the Ark of the Covenant containing the Ten Commandments. The belief that the Ark came to reside in Ethiopia is the distinctive trait of the Ethiopian Orthodox Christian Church, to which 40 percent of the Ethiopian population belong. Ten other Tabots, also looted from Maqdala, remain at the British Museum in London. Scotland Returns Stolen Artifacts to Ethiopia, *Addis Tribune* (Ethiopia), January 14, 2002. 15 JANUARY
2002

- 22 JANUARY 2002 The Federal Bureau of Investigation (FBI) announced that a painting believed to be a Marc Chagall work, *Study for "Over Vitebsk,"* stolen last year from the Jewish Museum in New York City and valued at about \$1 million, turned up at a postal installation in Topeka, Kansas. The work was stolen after a party at the museum June 8. Stolen Chagall May Have Landed in Kansas (AP), *CNN*, January 23, 2002. It was later established that this is the missing Chagall work. Recovered Painting Is Missing Chagall, Reuters, February 15, 2002.
- 22 JANUARY 2002 German Culture Minister Julian Nida-Ruemelin and Russian Culture Minister Mikhail Shvydkoi announced that Russia will return a set of medieval stained-glass windows to Germany. Once approved by the Russian Parliament, the windows, taken from the church of St. Mary in Frankfurt an der Oder, will be displayed in Russia's Hermitage Museum in Saint Petersburg. At the end of this year the windows will be handed over to German authorities for restoration. Germany in turn will sponsor the restoration of the church of the Assumption in Russia's northwestern city of Novgorod. The windows are among the countless art and cultural objects that Germany has been seeking to recover since the end of World War II and that Russia retains as reparations for the harm inflicted by Germany on Russia during the war. Russia to Return Medieval Stained-Glass Windows to Germany, AFP, January 22, 2002.
- 31 JANUARY 2002 France and Nigeria have come to an agreement over the provenance of three statues on display at the Louvre museum in Paris. The three fifteen-hundred-year-old terracotta figures, known as Nok statues, were uncovered during a mining operation in Nigeria in the 1990s. Nigeria has agreed to allow the statues to remain in Paris on a twenty-five-year renewable basis in return for France's admission that they are indisputedly the property of Nigeria. The statues left the country at a time when Nigeria prohibited the export of any archaeological relics. The former French president Jacques Chirac was strongly criticized when the Nok statues were bought for the Louvre from a Belgian art dealer. The Nok pieces will be displayed in a new museum, currently under construction close to the Eiffel tower in Paris. Louvre Deal for Nigerian Statues, January 30, 2002, <<http://www.bbc.co.uk/>>.
- JANUARY 2002 A new statute providing a thirty-year statute of limitations for the recovery of stolen property went into effect in Germany. Its effect on potential claims for recovery of art works stolen during World War II is not yet certain, but many involved in restitution efforts protested the new law.

The paintings of the “Rudolf Staechelin Family Foundation,” exhibited since July 1997 in the Kimbell Art Museum in Fort Worth (Texas) (6 *International Journal of Cultural Property* 416 [1997]), were returned to Basel (Switzerland) and can again be seen in the Kunstmuseum Basel. *Frankfurter Allgemeine Zeitung*, February 5, 2002, at 43. JANUARY 2002

Prague’s Jewish Museum will return the collection of mainly French Impressionist paintings formerly owned by the Czech collector Dr. Emil Freund to his heirs in the United States. Nancy Moffett, *ARTnews*, March 2002, at 50. JANUARY 2002

Five men were arrested on suspicion of antiquities smuggling. More than a dozen antiquities, including a rare golden wreath dating to the Hellenistic period, were seized. The men were attempting to sell the objects for about \$4 million. Greek law makes it illegal to excavate, own, buy, or sell ancient objects without a permit. Greek Police Seize Rare Gold Wreath, *New York Times* (AP), February 8, 2002. 7 FEBRUARY 2002

The Japanese National Police Agency is proposing a revision in the antiques business law that will require antiques dealers who open internet sites for the sale of antiques to register their sites and to report the appearance of any stolen objects. If adopted, this would be the first government-imposed restriction on auction sites. In two years the agency reported 382 cases of stolen antiques being traded in deals worth 16.4 billion yen. The revisions are also intended to protect consumers who purchase on the internet. Law Eyed to Target Trade in Stolen Antiques on Net, *Japan Times*, February 8, 2002. 7 FEBRUARY 2002

A rare and extremely valuable copy of the Bible was stolen from a church in northern Hungary. Known as the Vizsoly Bible and first printed in 1590, it was the first full translation of the Bible to be published in Hungarian. Only twenty copies of the Vizsoly Bible exist in the world. The translation had a significant influence on the development of the Hungarian language. Another original copy was sold for close to \$100,000 at an auction in London in November 2001, and it is thought that this might have alerted the thieves to the value of the book. Nick Thorpe, Bible Theft Shocks Hungary, BBC, February 17, 2002. 10 FEBRUARY 2002

Five paintings worth more than the equivalent of US \$2.5 million were stolen from an antique fair in Stockholm early Sunday. The stolen paintings included *View from Delft* by Jan Brueghel the Elder. Paintings Worth 10 FEBRUARY 2002

More Than \$2.5 Million US Stolen from Antique Fair in Stockholm, *National Post* (AP), February 16, 2002.

- 11 FEBRUARY 2002 A veteran United States National Archives employee was charged with theft for allegedly stealing dozens of historical documents from the archives' Philadelphia office, including presidential pardons and slave-trade materials, and then selling them on eBay. At least \$100,000 worth of documents was stolen and many have not yet been recovered. Stolen Historical Documents Turn Up on eBay, AP, February 11, 2002.
- 12 FEBRUARY 2002 New York dealer Frederick Schultz was convicted of conspiring to receive, possess, and sell stolen Egyptian archaeological objects. Schultz's alleged co-conspirator, Jonathan Tokeley-Parry, provided extensive testimony during the trial of his and Schultz's activities in arranging to have the antiquities illicitly excavated and smuggled out of Egypt. Schultz and Tokeley-Parry then falsified the documentation of a fabricated "old" collection to make it appear that the antiquities had left Egypt before enactment of its 1983 law, which vested ownership of all undiscovered antiquities in the Egyptian national government.
- 15 FEBRUARY 2002 Italian police announced they had uncovered a network of thieves stealing ancient archaeological treasures to order. A collection of some five hundred pieces, dating from 400 B.C. to A.D. 200 and including ancient warrior helmets and intricately painted ceramics, was seized during the three-month operation. The police announced that in this case it seems that the objects were stolen by order for sale to specific collectors. Italy Busts Relics-to-Order Crime Ring, MSNBC, February 15, 2002.
- 20—22 FEBRUARY 2002 Conference in Hamburg (Germany) on "Provenance Research in German Art Museums". See the Conference report *supra* at 342; Isabel von Klitzing, German museums commit themselves to provenance research, *Art Newspaper*, May 2002, at 18.
- 28 FEBRUARY 2002 International Foundation for Art Research (IFAR) Symposium "September 11th: Art Loss, Damage, and Repercussions" was held in New York. The papers of this symposium are published in 4/5:4/1 *IFAR Journal*, 8, 8—30 (2001/2002).
- FEBRUARY 2002 Evangelos Venizelos, Greece's Minister of Culture is "very optimistic" about the marbles' repatriation now that there is what he calls "important support within the British Parliament." Venizelos is referring to a campaign,

Parthenon 2004, launched by British parliamentarian Richard Allan on January 16, that calls for the marbles to be displayed in Athens. Backed by more than one hundred members of Parliament, as well as British celebrities and academics, the effort is intended to stimulate public debate and move citizens to urge their representatives to vote for restitution. The fifth-century-B.C. sculptures, consisting of statues, metopes, friezes, a caryatid, and a column from the Parthenon and other temples on the Acropolis, can be released only by an act of Parliament. "We want to see them returned to Greece by the time of the 2004 Athens Olympics," said Allan, a former archaeology student.

The British Museum, as it has for years, strongly opposes the idea. Its director, Robert Anderson, published a stern article in the *Times* of London the day before the campaign launched. "The British Museum is not a museum of British culture," he wrote: "It is a museum of the whole world. The idea of cultural restitution is anathema to this principle. The logical conclusion is that we would empty all the great museums of the world. The Elgin Marbles are intrinsic to the museum's identity, and part of our own country's heritage." Allan and Venizelos, a former professor of law, say that Greece does not dispute the legal ownership. Venizelos calls it a "practical question" and is prepared to work out a long-term loan in exchange for loans of other antiquities. For Allan, it is a question of morality. "At the very least, the marbles should be returned on sensibility grounds," he says: "These sculptures are a source of national pride, of national identity." Michael Glover/Melissa Gronlund, *ARTnews*, March 2002, at 60.

The long-running acrimonious dispute between the Estate of Francis Bacon and Marlborough Fine Art (London) and Marlborough International of Liechtenstein has been settled. M. Glover, *ARTnews*, February 2002, at 76.

FEBRUARY
2002

The Los Angeles County Museum of Art returned a missing medieval textile canopy stolen by the Nazis in 1941 to Poland. The canopy once belonged to Princess Maria Ludwika Czartoryski and is of late medieval Persian or Mughal (fifteenth century) date. The canopy had been sold at a London auction in 1970 and was ultimately bought by the museum. The canopy depicts an ancient prince surrounded by angels, birds, and winged creatures bearing gifts. The canopy was the first work returned as part of the museum's three-year effort to trace the ownership histories of its collections. L.A. Museum Returns Canopy to Poland, AP, March 7, 2002.

7 MARCH 2002

- 8 MARCH 2002 Symposium in the van Gogh Museum, Amsterdam. The so-called Yasuda Sunflowers, purchased by a Japanese company at Christie's London in 1987 for a then record-breaking £25 million (\$35.9 million), is indeed the work of Vincent van Gogh, according to the findings of curator Louis van Tilborgh and restorer Ella Hendriks of the van Gogh Museum. In a report issued earlier this year and summarizing four years of research, they conclude that the Dutch Impressionist painted *Sunflowers* while living in Arles, where he shared a studio with Paul Gauguin. Their findings also suggest that van Gogh produced the work in 1888—one year earlier than previously believed. These determinations are based on formal examinations, closer study of the work's provenance and history, and systematic analysis of its materials. Abigail Esman, *ARTnews*, June 2002, at 64; Bettina Erche, *Frankfurter Allgemeine Zeitung*, March 13, 2002, at 60; Martin Baily, *Art Newspaper*, April 2002, at 1 and 3.
- 8–17 MARCH 2002 The European Fine Art Fair (TEFAT) in Maastricht (Netherlands) attracted art dealers and collectors. A research project published for this occasion shows that, because of taxes and droit de suite, the art market is shifting from Europe to the United States. Claudia Herstatt, *Die Zeit*, March 7, 2002, at 39; E. Moncreiff, *Art Newspaper*, April 2002, at 33.
- 21 MARCH 2002 Germany's long-planned Kulturstiftung des Bundes (Federal Cultural Foundation) has finally opened in Halle an der Saale as headquarters in the Francke Foundation. Previously all German cultural matters were delegated to the various Länder (regional States). *Art Newspaper*, June 2002, at 6; Günter Grass, *Die vielen Stimmen Deutschlands*, *Frankfurter Allgemeine Zeitung*, March 22, 2002, at 44.
- 21 MARCH 2002 The Czech government announced that it would retain the most valuable paintings in a multimillion-dollar art collection looted by the Nazis and claimed now by an heir of Emil Freund, the original owner of the collection. The Czech government declared these paintings to be national treasures, thereby blocking their return to Freund's heir. The paintings to be retained include Paul Signac's *Riverboat on the Seine* and Andre Derain's *Head of a Young Woman*. Howard Reich, *Czechs to Keep Art Taken by Nazis*, *Chicago Tribune*, March 22, 2002. The Jewish Museum of Prague later decided to sue the Czech Ministry of Culture, claiming that the Ministry's decision conflicted with a 2000 Czech law providing for the restitution of property taken during the Holocaust. Magnus Bennett, *Jewish Museum Sues Czech Ministry over Collection of Nazi-Looted Artworks*, *JTA*, May 15, 2002.

Thieves stole several paintings from the Frans Hals Museum in the Dutch city of Haarlem, including works by Jan Steen, Cornelis Bega, Adriaan van Ostade and Cornelis Dusart. Thieves Steal £1.8 million of Paintings from Museum, Ananova News Service, March 25, 2002. 25 MARCH 2002

An incomparable masterpiece of German Renaissance painting came on the market last month with the decision of Donatus, Prince of Hesse, to sell the Darmstadt Madonna by Holbein the Younger (1497–1543). The painting of 1526, which has often been described as the northern counterpart to Raphael's Sistine Madonna, could be worth \$100 million on the open market, but it is on the list compiled by the State of Hesse of non-exportable treasures, so any buyer, though he or she need not necessarily be a German, must keep the work within Germany. *Art Newspaper*, April 2002, at 39. MARCH 2002

The British Museum has sold over thirty Benin Bronzes since World War II, according to a file which has been declassified. Most went to Nigeria and were bought for under £100, although fine examples currently fetch up to £100,000. The sell-offs are now strongly regretted by museum curators. MARCH 2002

The bronze plaques were seized during the Punitive Expedition against the Benin ruler in 1897, and since Nigerian independence in 1960 there have been numerous calls for the return of the royal treasures. Last January the lower house of the Nigerian Parliament unanimously called on the federal government to submit an official request for the return of the Benin Bronzes. Martin Baily, *Art Newspaper*, April 2002, at 1.

Maria V. Altmann of the Bloch-Bauer family sued the government of Austria in California for recovery of six of Gustav Klimt's paintings, exhibited in the Austrian Gallery of the Obere Belvedere (see also 9 *International Journal of Cultural Property* 192 [2000]). The Ninth Circuit Court of Appeals declined to discuss Altmann's case and ordered the parties to turn to non-binding mediation. MARCH 2002

Maria Altmann's uncle, Ferdinand Bloch-Bauer, was a wealthy Viennese Jewish collector and a patron of Klimt. He was forced to flee Austria during World War II and died penniless in Zurich in 1945. His home and art collection were confiscated by the Nazis. The six paintings are from his prewar art collection. Altmann contends that her uncle intended his family to inherit the Klimts. The Austrian government claims that the six works were bequeathed to it by Adele Bloch-Bauer, Ferdinand's wife, who died in 1925, years before the Nazis came to power. Adele's will asked that the

works be given to the Austrian National Gallery by her husband upon his death. A main point under contention is whether her *request* had the force of a legally binding *bequest*, and whether the paintings were hers to bequeath or were actually owned by her husband. (As it happens, Adele is the subject of two of the contested Klimt paintings, both commissioned by her husband.)

Since a civil suit filed in Austria would have required Altmann, as plaintiff, to pay an enormous sum of money (proportionate to the value of the contested paintings), she filed suit in California federal court. The defendants, the government of Austria and the Austrian Gallery, declaring sovereign immunity, filed a motion to dismiss. The lower court, however, ruled against Austria in May 2001 and allowed the suit to go forward.

If the appeals court rules against Austria and Altmann later wins her suit, it is not clear how Austria will be made to abide by a California court order. S.F. (Sharon Flescher), *IFAR Journal* 2002, at 5.

MARCH 2002 The United States Supreme Court has agreed to hear a constitutional challenge to a 1998 federal law that extends existing and future copyrights, including those on visual images, for a period that critics say is too long. The decision would have sweeping effects on when copyrighted images and artworks can be freely reproduced and disseminated by others. Under the new Sonny Bono Copyright Term Extension Act (CTEA), copyright protection is generally extended by twenty years, both on future works and on those already subject to copyright protection. The law, named after the late American pop star and Congressman, was said to be the result of lobbying by Disney, whose first depiction of Mickey Mouse in a short film was due to lose copyright protection in 2003. Martha Lufkin, *Art Newspaper*, April 2002, at 6.

2 APRIL 2002 Jen Lissitzky filed a claim in Swiss court in the city of Basel against the Beyeler Foundation. Lissitzky is seeking to recover the painting *Improvisation No. 10* by Wassily Kandinsky. The Kandinsky was part of a group of thirteen paintings loaned by Sophie Küppers-Lissitzky to the Provinzial Museum in Hannover in 1926. The Nazis confiscated the collection from the museum in 1937. Ernst Beyeler purchased the painting in 1951 in Cologne from Ferdinand Möller, one of the notorious art deals involved in the sale of “degenerate art” on Hitler’s behalf. Press release, Herrick, Feinstein LLP, April 3, 2002.

Herbert A. Cahn (1915–2002), art collector, art dealer, specialist in numismatics, and founder of the Basel Antikenmuseum, passed away in Basel. *Frankfurter Allgemeine Zeitung*, April 8, 2002, at 46. 5 APRIL 2002

The Japanese government announced its intention to seek parliamentary approval for joining the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Legislation to be proposed will also strengthen protection of Japanese cultural objects and monuments. <<http://www.yomiuri.co.jp/newse/20020408wo41.htm>>. 8 APRIL 2002

The board of the Jewish Museum in Fürth (Germany) closed the exhibition “Feinkost Adam” with items (e.g., a Sukkah for birds) offensive to Jewish and non-Jewish visitors. Roland Kany, *Frankfurter Allgemeine Zeitung*, May 6, 2002, at 54. A similar situation occurred in the New York Jewish Museum in March 2002 with the exhibition “Mirroring Evil: Nazi Imagery/Recent Art.” David D’Arcy, *Art Newspaper*, February 2002, at 21. 9 APRIL 2002

The United States–Canada bilateral agreement that imposed import restrictions on certain categories of archaeological and ethnological materials pursuant to the 1970 UNESCO Convention and the United States’ Cultural Property Implementation Act expired. 9 APRIL 2002

Judge Michael Mukasey of the United States District Court for the Southern District of New York reversed his decision of July 19, 2000 (10 *International Journal of Cultural Property* 143 [2001]) in the Schiele case and has allowed U.S. prosecutors to proceed with a case to determine if a painting by Egon Schiele was stolen property and thus illegally imported into the United States. 11 APRIL 2002

The work, *Portrait of Wally* (1912), a rendering of Schiele’s model and mistress Wally Neuzil, was brought into the country for a 1997 exhibition at Manhattan’s Museum of Modern Art, on loan from the Leopold Museum in Vienna (7 *International Journal of Cultural Property* 280 [1998]). After heirs of Jewish Viennese gallery owner Lea Bondi Jaray claimed ownership of the painting, saying it had been looted by the Nazis, New York district attorney Robert Morgenthau subpoenaed Wally in January 1998. According to state prosecutors, Bondi had been compelled to surrender the painting before she fled Austria in 1938.

Morgenthau took the case through state court, losing at the highest level in the fall of 1999, and the painting was about to be released from cus-

tody. The U.S. government then stepped in and impounded *Wally*, an action challenged by the Leopold Museum and the Modern, the latter arguing that it was contractually bound to return the painting. In his 2000 federal court ruling Mukasey sided with these two institutions. He wrote that the work could not be seized in the United States as stolen property, because it had been among the Nazi-held artworks that the Allies collected after World War II and repatriated to the countries of origin. The Allied forces were essentially “agents” of the original owners, he ruled. “This recovery purged the painting of the taint it had,” the judge said. When the forces “recovered the painting they did so as agents of Lea Bondi Jaray—even though they did not know her name, or that the painting was hers.”

This ruling caused an outcry among advocates for Nazi victims who feared it would expunge the claims of all those whose plundered artworks subsequently were collected by the Allies. Federal authorities filed an amended complaint, arguing that the decision “sets the dangerous precedent of cleansing stolen property that at some point passed through lawful hands, as was frequently the case with Holocaust-era looted assets, many of which were recovered by the Allies but were never returned to their rightful owners.”

Mukasey agreed to allow prosecutors to amend their complaint, and in April he reversed his earlier judgment. In his ruling he wrote that Allied forces were required to transfer all property they collected—whether it was “Aryanized,” stolen, or legitimately acquired—and thus did not know that *Wally* had been stolen. Therefore, they were not acting as Bondi’s “agents,” he said. Marilyn Henry, *ARTnews*, June 2002, at 49; Celestine Bohlen, Judge Revives Case of Nazi-Looted Art, *New York Times*, April 27, 2002.

- 12 APRIL 2002 The United State Circuit Court of Appeals for the Fourth Circuit held that the artifacts recovered from the wreck of the Titanic did not belong to the salvage company, the R.M.S. Titanic, that retrieved the objects. Titanic Artifacts Won't Be Sold, *New York Times* (AP), April 12, 2002.
- 17 APRIL 2002 Exhibition of Christoph Jamnitzer's (1563–1618) *Mohrenkopf-Pokal* in the Bayerisches Nationalmuseum in Munich (Germany). This piece of art was part of the Wettin treasure, hidden since 1945 and discovered in Moritzburg (Germany) in 1996 (6 *International Journal of Cultural Property* 165 [1997]). The Mohrenkopf-Pokal Has Been Acquired by the Bayerisches Nationalmuseum. Renate Schostak, *Frankfurter Allgemeine Zeitung*, April 23, 2002, at 47.

The Netherlands has agreed to return over 233 works of art looted by the Nazis from the family of Fritz Gutmann. The Gutmann collection includes many personal objects, as well as furniture and paintings. The family was represented by the London-based Commission for Looted Art in Europe. The cochair of the group, Anne Webber, said that the agreement may set a precedent for other families seeking the return of art seized during World War II. Dutch Promise Return of Nazi-Looted Art, London Reuters, April 18, 2002. 18 APRIL 2002

A. Alfred Taubman, former chairman of Sotheby's, was sentenced to one year plus one day and ordered to pay a \$7.5 million fine for his role in the Sotheby's-Christie's price-fixing scandal that led to his conviction in December in the U.S. government's antitrust prosecution. Eileen Kinsella, *ARTnews*, June 2002, at 74. The request for retrial has been refused. *Art Newspaper*, May 2002, at 5. 19 APRIL 2002

The European Commission has sent a fifty-page statement to Christie's and Sotheby's, claiming that they had colluded to fix commission fees and other trading terms in setting fees between 1993 and early 2000. EU Treaty rules ban cartels or other "damaging" business practices. 20 APRIL 2002

Nine German Expressionist paintings (of Erich Heckel, Ernst Ludwig Kirchner, Emil Nolde, Max Pechstein) were stolen from Die Brücke-Museum in Berlin. They were recovered in May 2002. See the reproductions in 4/5:4/1 *IFAR Journal* 71 and inside back cover (2001/2002). 20 APRIL 2002

A Cambridge University graduate who had previously been convicted was sentenced for masterminding the thefts of more than four hundred rare antiquarian books and pamphlets from British libraries, including the British Library, Cambridge University Library, and London Library, between July 1994 and May 1999. Many of the items had been sold through auction houses. Steve Bird, 'Tome Raider' Convicted of Plundering Libraries, *Times* (London). 25 APRIL 2002

Two ancient Khmer sculptures stolen from a temple were returned to Cambodia. The ninth-century stone head of the Hindu god Shiva and a twelfth-century stone head of an asura or demon were presented to the Cambodian government by a delegation from the Honolulu Academy of Arts in Hawaii. Many Cambodian antiquities were looted during the civil wars between 1970 and 1979. Ancient Relics Head Home to Cambodia. <<http://www.thestar.com.my/>>, April 23, 2002. 26 APRIL 2002

- 27 APRIL 2002 Baron Hans Heinrich Thyssen-Bornemisza (1921–2002), the art collector, passed away and has been buried at the family home, Schloss Landsberg (Germany). Anna Somers Cocks, *Art Newspaper*, June 2002, at 10; Ron Feemster, *ARTnews*, May 2002, at 80; Eduard Beaucamp, *Frankfurter Allgemeine Zeitung*, April 29, 2002, at 43.
- 30 APRIL 2002 Expert conservators have announced that they plan to use modern laser techniques to clean away pollution from the Parthenon marbles. The technology combines lasers with microwaves. It is planned that the cleaning will be completed in time for the sculptures to be displayed during the 2004 Olympics. Lisa Orkin, *Restorers to Use Modern Lasers to Clean Ancient Marbles*, AP, April 30, 2002.
- APRIL 2002 Two antiquities stolen from Iraq after the 1991 Gulf War and discovered in a London antique shop have been returned to Iraq. One of the pieces is part of the wall of the Nineveh palace of the Assyrian King Sennacherib; the other piece is a stone relief stolen from the ancient city of Hatra in northern Iraq. The artifacts were handed to the Iraqi Interests Section in London by concerned British authorities. *Iraq Gets Back Relics from London Antique Shop*, Reuters (Baghdad), May 5, 2002.
- APRIL 2002 Settlement took place between the Budge family and Hamburg Museum für Kunst und Gewerbe on the Budge collection found in this museum. After having traced the heirs of the original owners, the heirs were compensated in the April settlement. Claudia Herstatt, *Die Zeit*, May 16, 2002, at 47.
- 17 MAY 2002 The image of a two-hundred-year-old Dipankar Buddha that was stolen from a guthi in Patan on January 17, 2002, was found in Austria this week. The gilded copper mask of the Buddha resurfaced when a Cologne-based art dealer, Gallery Peter Hardt, tried to sell it to the Ethnographic Museum in Vienna for \$180,000 (200,000 euros). The museum's curator, Dr. Christian Schicklgruber, was suspicious and checked with Vienna University, whose experts contacted authorities in Kathmandu. Basing the decision on evidence they provided, the Austrian public prosecutor confiscated the image on suspicion of being stolen property. However, Nepal may have difficulty recovering the Buddha because, according to Austrian law, good faith purchasers acquire title to objects even if they are stolen property. Kunda Dixit, *Lost-and-Found Buddha*, <<http://www.nagarjuna.com>>.

A statue of King Amenhotep III (1417 to 1379 B.C.) was returned to Egypt from the Netherlands fifteen years after it was stolen from a warehouse near a temple in the southern city of Luxor. Netherlands Returns Pharaoh to Egypt, BBC World Service, May 19, 2002. 17 MAY 2002

The heirs of the renowned German painter Georg Grosz announced that his 1929 painting, *Zeitideen*, would be returned to his estate. The painting is one of a group of twenty-four that were sold in 1938 without the artist's consent after he fled Germany. The painting was being offered for sale at Sotheby's Impressionist and Modern Art Auction. With Sotheby's assistance, the estate and the consignor of the painting reached an agreement under which the painting would be returned to the family. 20 MAY 2002

One of the largest and richest Roman villas ever discovered was allowed to degenerate into a massive dumping site for rubbish while weeds ravaged the ancient mosaic floor, holes in the plastic roof left it exposed to rain, and rising water levels blocked access to the site. To understand the situation well requires knowledge of the murky working conditions in southern Italy. At a press conference the Soprintendenza of Pompeii and Herculaneum, the body responsible for all the ancient cities buried by the eruption of Vesuvius in A.D. 79, announced that emergency maintenance work is to start this month on the Villa of the Papyri at Herculaneum near Naples. Cristina Ruiz, *Art Newspaper*, June 2002, at 26. 20 MAY 2002

A significant Holocaust-related art claim was filed in Paris with the Government Drai Commission in charge of Holocaust assets claims. This claim involves a collection of prestigious eighteenth-century French furniture that was donated during the 1960s by Henriette Bouvier, an antique dealer, to the Carnavalet Museum in Paris. The claim indicates a potentially large provenance issue in the French furniture and decorative arts market. Press release, Rescam Communications, May 22, 2002. 21 MAY 2002

The European Court of Human Rights gave its second judgment in the controversy *Beyeler v. Italy* (9 *International Journal of Cultural Property* 359 [2000]). The Republic of Italy must reward the plaintiff with €1.3 million for van Gogh's painting *The Gardner*. Application no. 33202/96. *Neue Zürcher Zeitung*, May 29, 2002, at 60. 28 MAY 2002

International conservation experts meeting in Kabul have decided to defer the reconstruction of the two giant Bamiyan Buddha statues, which were 29 MAY 2002

destroyed last year by the Taliban. The meeting, organized by UNESCO and the Afghan ministry of culture, selected the restoration of the Kabul Museum as their first priority. BBC World, South Asia, May 29, 2002.

- 31 MAY 2002 The Greek Parliament passed legislation that will overhaul much of Greece's antiquities laws, most of which date to 1932. According to the draft bill, owners of objects more than 172 years old (and in some cases younger objects) must declare them to the authorities. All newly discovered objects dating before 1453 will automatically belong to the state. Anyone in possession of objects dating to before 1453 must declare them to the government within twelve months of the law's publication and will then be allowed to keep them. Antiquities Bill Goes to Parliament; Greece: New Antiquities Law. <<http://www.ekathimerini.com>>.
- MAY 2002 Thirty-one-year-old Stéphane Breitwieser has confessed to stealing 239 objects over a six-year period from museums and châteaux in seven European countries. He managed to do this during 174 separate thefts—all in broad daylight. He did not sell anything; he just kept the works (including paintings by Lucas Cranach, Pieter Brueghel, and François Boucher) for his own pleasure in his mother's home in Eschentzwiller, a small town near the Rhine River in eastern France, not far from Switzerland. Both mother and son, although French citizens, worked in Switzerland. When Mireille, Breitwieser's mother, learned that her son had been arrested in Lucerne (Switzerland) last November, she set about disposing of the evidence. She cut up the paintings and dumped them, along with objects of decorative art—ceramics, clocks, ivory, in a canal about fifty miles from her home. The reason for this unbelievable vandalism is not clear: whether in a rage against her son (her claim), or to protect him by destroying the evidence, or out of fear of losing her own nursing job and permit to work in Switzerland. S.F. (Sharon Flescher), 1 *IFAR Journal*, at 6 (2002); Piotr Smolar, L'incredibile butin d'un amateur d'art retrouvé dans le canal Rhin-Rhône, *Le Monde*, 19/20 May 2002, at 1 and 9.
- 8 JUNE 2002 Documenta 11 opened in Kassel (Germany). Marina Sorbello, *Art Newspaper*, June 2002, at 28.
- 9 JUNE 2002 The extension and amendment of the United States and Peru 1997 bilateral agreement imposing import restrictions on certain categories of archaeological and ethnological materials went into effect. In March 2002, President Bush and Peruvian president Alejandro Toledo agreed to renew

the agreement for another five-year term, as an expression of their joint commitment to protect priceless cultural treasures from being smuggled out of Peru and into the U.S. The full text of the agreement and information on those objects subject to import control may be found at <<http://www.exchanges.state.gov/culprop>>.

New York art dealer Frederick Schultz, who was convicted in February on one count of conspiring to deal in stolen Egyptian antiquities, was sentenced to serve thirty-three months in prison, pay a \$50,000 fine, and return a relief still in his possession to the Egyptian government. 11 JUNE 2002

An ancient artifact stolen twelve years ago from an Egyptian temple has been identified at Christie's auction house in New York and withdrawn from sale. Zahi Hawass, head of Egypt's Supreme Council of the Antiquities, said a French Egyptologist recognized the granite relief of a pharaoh in Christie's sales catalog and notified the Egyptian Ministry of Culture. The artifact was valued for auction at \$7,000 to \$9,000. U.S. Customs officials notified Christie's that there were questions about the piece. The artifact, fifteen inches high, is a granite relief of the head and shoulders of a god facing the left, Christie's said. Egyptian authorities said it was most probably created between 360 and 343 B.C., during the reign of Pharaoh Nectanebo II. It was excavated in 1977 from a temple in Behbiet el-Hagara in the Nile Delta, about eighty-five miles west of Cairo. Naureen S. Malik, Stolen Egyptian Artifact Removed from Sale by Christie's (AP), June 13, 2002. 12 JUNE 2002

A sting operation set up with an FBI undercover agent posing as an expert art appraiser and Spanish police officers infiltrating a Madrid hotel recovered ten of the seventeen masterwork paintings stolen in August 2001 from Spanish construction magnate and marquesa Esther Koplowitz de Joseu. The recovered paintings include Pieter Brueghel the Elder's *Temptation of Saint Anthony*, Francisco Goya's *The Swing*, and Camille Pissarro's *View of Eragny*. The sting operation focused on a leading Spanish organized-crime group called the Angel Suárez Flores Organization, whose leaders, according to the FBI, are engaged in narcotics trafficking, auto theft, robbery, gun running, fencing of stolen goods, and murder. The purported sale was to be to "an Eastern European criminal organization." Still missing are another Goya and Juan Gris' *Guitar on a Chair*. Ralph Blumenthal, Spanish Police and the F.B.I. Get Their Men and Stolen Art, *New York Times*, June 26, 2002, at B1. 21 JUNE 2002

- 22 JUNE 2002 Germany has returned to Russia seven paintings stolen by Nazi troops from museums near Leningrad during World War II. Officials say the return of the art works, under a protocol signed in May, symbolizes the new friendly relations between the former adversaries. A ceremony marking the handover was held Saturday, as Russia paid tribute to millions of war dead on the sixty-first anniversary of Germany's 1941 invasion of the Soviet Union. *Germany Returns Russian Paintings Stolen by Nazi Troops in WWII*, VOA News, 23 June 2002.
- 25 JUNE 2002 The Landgericht (county court) Bonn decided that the painting *Waldrand* by August Macke (1887–1914) found by the defendant in a heap of garbage cannot be recovered by the former owners Oberländer of Colombia (South America). The Oberländers donated the painting to the persons who disposed of it as garbage. *Frankfurter Allgemeine Zeitung*, June 26, 2002, at 9.
- 27 JUNE 2002 UNESCO added nine cultural sites to its World Heritage List, including the minaret and archaeological ruins in Jam, Afghanistan; the ancient Maya city of Calakmul in Mexico; Santa Catherina Orthodox monastery in Egypt; the Mahabodhi Temple complex in Bodhgaya, India; the historic centers of two German trading towns, Stralsund and Wismar; and the historic inner city of Paramaribo, Suriname. There are now 730 properties in 120 countries on the Heritage List. The minaret in Jam was also added to the List of World Heritage in Danger.
- 29 JUNE 2002 The windows of the Church St. Mary of Frankfurt an der Oder (Germany), taken by the Russian army in 1945, have been returned by Russia to Germany. *Frankfurter Allgemeine Zeitung*, June 29, 2002, at 1; Germany returned seven paintings which were discovered to have been kept illegally in Berlin. *Frankfurter Allgemeine Zeitung*, April 12, 2002, at 41.
- JUNE 2002 The Italian State Secretary of Cultural Affairs Vittorio Sgarbi was dismissed by the Council of Ministers. *Frankfurter Allgemeine Zeitung*, June 22, 2002, at 41.
- 2 JULY 2002 The law suit filed by Jen Lissitzky against the Beyeler Foundation (Basel) asking for return of Wassily Kandinsky's *Improvisation no. 10* (11 *International Journal of Cultural Property* 174 [2002]) has been settled. The painting remains with the Beyeler Foundation and the heirs of Mrs. Küppers-Lissitzky were compensated. *Neue Zürcher Zeitung*, July 3, 2002, at 52.

Hearing of experts in the Swiss parliament took place on the bill implementing the UNESCO Convention of 1970 to be ratified by Switzerland. Japan and the United Kingdom are likely to do the same. *Art Newspaper*, April 2002, at 16; May 2002, at 14. 4 JULY 2002

The Princeton University Art Museum has returned to Italian government officials a Roman marble funerary monument from the reign of Hadrian (A.D. 117–138) after learning that the work had been illegally exported from Italy. The monument was found in Rome in 1981–82, and the museum purchased it from New York dealer Peter Sharrer in 1985. Carol Vogel, *Inside Art*, *New York Times*, July 12, 2002. 12 JULY 2002