Chronicles

March 1996–February 1997

Kurt Siehr*

The French Cour de Cassation held that the authenticity of a piece of art may be questioned even if the artist's heir had certified that the object was a genuine product of the artist: *Le journal des arts*, September 1996, p. 61.	March 1996
The French Court of Appeals in Metz awarded to the receiver of bankrupt enterprise Schlumpf 25 million francs as compensation for the devaluation of a collection of motorcars (exhibited in a museum in Alsace) which had been classified as unmerchantable French "monuments historiques": *Le journal des arts*, September 1996, p. 61.	22 May 1996
French decree no. 96–541 changes the French statute of 1913 on historical monuments in order to decentralize certain procedures for the protection of cultural property: *Recueil Dalloz Sirey* 1996, Législation, p. 279 and 370.	14 June 1996
Publication of the EC Proposal for a European Parliament and Council Directive on the resale right for the benefit of the author of an original work of art. This instrument proposes to harmonize the law on a "droit de suite" in Europe: *Official Gazette of the EC*, No. C 178 p. 16.	21 June 1996
Kinshasa "Regional Seminar on Illicit Traffic in Cultural Property". See report by Etienne Clément, *supra* at 139–41.	26–28 June 1996
In Saint-Malo (Brittany, France) an exhibition opened with unsigned works of Vincent van Gogh, promoted as newly discovered works but in reality being clumsy fakes. The visitors had to pay for entrance. Three weeks later the police shut down the exhibition: *ART-newsletter*, vol. XXII, no. 3 of 8 October 1996, p. 7.	2 July 1996
The Paris Court of Appeals found that certain art objects of the royal family of Orléans (Count of Paris) do not qualify as "souvenirs de famille" and therefore can be sold as part of an estate to be divided among the heirs of the deceased person: *La Semaine juridique*, Juris-classeur périodique, 1996, II, 22703. See infra 14/15 December 1996.	3 July 1996
Royal Assent to the English Treasure Act 1996 (1996 c. L4): *New Law Journal* 1996, p. 1346.	4 July 1996

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23 July 1996 The Nigerian Minister of Information and Culture inaugurated an Inter-Ministerial Committee on the Looting of Nigerian Cultural Property. Information by Prof. Folarin Shyllon of Ibadan University.

23 July 1996 The bill of an Italian statute implementing the EC Directive no. 93/7 of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State was introduced in the Italian Senate: *Il giornale dell'arte*, vol. XIV, no. 150 of December 1996, p. 35 (text) and 33 (article by F. Lemme).

24 July 1996 The mayor of Rio de Janeiro (Brazil) issued a decree concerning art objects and collections of documents of historical, literary or artistic interest, owned or held by public enterprises or being under public administration in order to be privatized, which should be classified as cultural property under Article 5 of City Law No. 166 and not be scattered. A list of those items will be prepared. Decree No. 14.998: *ARTnewsletter*, vol. XXII, no. 1 of 10 September 1996, p. 5.

31 July 1996 The European Convention of 16 January 1992 on the Protection of the Archaeological Heritage (European Treaty Series No. 143) entered into force in Poland: *Dziennik Ustaw* No. 120, 9 October 1996, Pos. 564 and 565.

July 1996 A New York court, confronted with a suit *in rem* against an Artemis statue stolen in 1988 from the Convent of Maria Immaculata in Pozzuoli (Naples), applied for the first time the UNESCO Convention of 1970 on the return of illegally exported cultural objects and ordered the return of the statue: *The Art Newspaper,* January 1997, p. 25.

12–17 August 1996 The International Law Association (ILA) held its 67th Conference in Helsinki (Finland). The ILA Committee on Cultural Heritage drafted a resolution which was adopted by the ILA plenary session on 17 August 1996. See report by K. Siehr, *supra* at 142–43.

16 August 1996 The Australian business magnate Alan Bond was convicted in Perth (West Australia) of charges of fraud and deception and was sentenced to three years in jail. In November 1987 Bond purchased Vincent van Gogh's "*Irises*" for $ 53.9 million at Sotheby's and partially paid by proceeds from the sale of Eduard Manet's "*La promenade*": *ARTnewsletter*, vol. XXII, no. 1 of 9 September 1996, p. 7.

August 1996 Austrian President of State Klestil announced that on his forthcoming visit to Mexico he may take with him as a present the "crown of Montezuma" exhibited for a long time in the Vienna Völkerkundemuseum (Museum of Ethnology). This announcement aroused an outcry of Austrian museum people: *ART*, September 1996, p. 9.

August 1996 A Johannesburg court of South Africa held that an auctioneer may reopen the bidding at his discretion if he missed a bid and that therefore the hammer went down too early: *ARTnewsletter*, vol. XXII, no. 2 of 24 September 1996, p. 8.

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An agreement between the Russian Federation and the Principality of Liechtenstein on the exchange of archives has been signed in Vaduz. Russia returns the archives of the royal house of Liechtenstein taken by Russian troops as booty in 1945 after the occupation of Austria. The Principality of Liechtenstein provides documents on the execution of Tsar Nicholas II recently bought at auction in London: *Neue Zürcher Zeitung*, 7/8 September 1996, p. 9.	3 September 1996
On a visit of the German Chancellor Kohl to the Ukraine both States agreed to return cultural objects displaced during or after World War II: *Frankfurter Allgemeine Zeitung*, 4 September 1996, p. 1; *supra* at 134–36.	3 September 1996
Opening of the Berlin exhibition devoted to the collection Heinz Berggruen in the Stülerbau (opposite the Charlottenburg Castle). The collection of paintings of Paul Cézanne, Paul Klee, Henri Matisse and especially of Pablo Picasso will stay in Berlin for the next ten years: *ARTnews*, January 1997, p. 54.	6 September 1996
Celebration of the Day of Cultural Heritage, initiated by the Council of Europe. See Swiss publication "Tag der Kulturgüter".	7 September 1996
Polish Statute on the Inspection of Monuments (pos. 496 of 1996) was passed: *Dziennik Ustaw.* Rzeczypospolitej Polskiej Nr. 106, 30 September 1996, p. 2346.	8 September 1996
The International Association of Legal Science (Paris) organized the Conference on the protection of cultural property in Rabat (Morocco). See report by R. K. Paterson and K. Siehr, *supra* at 144–50.	11–12 September 1996
Conference was held in Venice (Italy) on the question of the authenticity of the Ludovisi Throne (Museo Nazionale Romano, Rome) and the Boston Throne (Museum of Fine Arts, Boston). The Thrones were exhibited in the Palazzo Grassi (Venice) in the exhibition "Magna Graeca": *Minerva* 7 (no. 6/1996), p. 33 *et seq.* (article by J. M. Eisenberg).	12 September 1996
Treaty between Italy and the Episcopalian Conference of Italy on the protection of cultural property of religious interest owned by church institutions: *Il giornale dell'arte*, October 1996, p. 5.	13 September 1996
Ninth session of the Intergovernmental UNESCO Committee for promoting the return of cultural property to its countries of origin or its restitution in case of illicit appropriation. See report by Jan Hladík, *supra* at 151–53.	16–19 September 1996
The library of Linkoeping (Sweden) has been set on fire. About 300.000 books have been destroyed: *La Repubblica*, 22 September 1996, p. 16.	20 September 1996
Itar-Tass of Moscow reported that a very precious book was stolen from the Moscow State Library. The book of 1564 is supposed to be the oldest printed book in the Russian language: *The Art Newspaper*, November 1996, p. 1.	24 September 1996

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26 September 1996 — The Art-Law Centre of Geneva organized an international symposium on "Patronage of the Arts" in Lausanne. See report by Q. Byrne-Sutton and M.-A. Renold, *supra* at 154–55.

September 1996 — The Swiss National Council voted unanimously to set up a special commission to investigate what happened to Nazi art loot brought to Switzerland before and during World War II: *ARTnewspaper*, vol. XXII, no. 4 of 22 October 1996, p. 2.

13 October 1996 — Henri Nannen, publisher (i. a. of the weekly "Der Stern"), art enthusiast and founder of a museum in Emden (Germany), passed away: *Frankfurter Allgemeine Zeitung*, 15 October 1996, p. 45.

22 October 1996 — The United States District Court for the Eastern District of Pennsylvania entered a judgment in favor of the defendants in the civil action Crisoty v. Rizik. The plaintiffs purchased in 1989 a painting by Corrado Giaquinto stolen more than three decades earlier from the defendants' parents' home. The plaintiffs, who had delivered the painting to the defendants after having been informed about the theft, asked for recovery of their expenses for restoration of the painting. The court denied an unjust enrichment claim against the defendants. Unpublished decision No. 93–6215.

28 October 1996 — Belgium passed the statute implementing the EC Directive 93/7/EEC of 15 March 1993 on the return of cultural property unlawfully removed from the territory of a Member State: *Moniteur belge* of 21 December 1996, No. 245, p. 31865.

29/30 October 1996 — Christie's of Vienna sold at auction the Mauerbach treasures which were items seized by the National Socialists and stored since 1945 in Austria, finally in the Mauerbach cloisters. This Mauerbach auction for the benefit of the victims of the Holocaust comprised more than 1.000 items (paintings, drawings, sculptures and other works of art) and produced about $ 14 mill., i. e. five times more than expected: *Frankfurter Allgemeine Zeitung*, 1 November 1996, p. 33; *Neue Zürcher Zeitung*, 2/3 November 1996, p. 47; *The Art Newspaper*, December 1996, p. 35; *ARTnewsletter*, vol. XXII, no. 6 of 19 November 1996, p. 2. *ARTnews*, December 1996, p. 91.

29 October 1996 — The Institute of Art and Law (Leicester) held a conference in London on "Transacting in Art – the Legal Pitfalls": *The Art Newspaper*, October 1996, p. 26.

30 October 1996 — In the State Library of Berlin the Ambassador of the Republic of Georgia returned to Germany 100.000 books taken from German libraries after World War II and deposited later in Georgia. This was done according to Art. 16 of the German-Georgian Treaty of 25 June 1993 on Cultural Cooperation: *Frankfurter Allgemeine Zeitung*, 30 October 1996, p. 6; 31 October 1996, p. 8 and 37 (article by W. Fiedler); *Die Zeit*, 8 November 1996, p. 52 (article by K. Garbo).

30 October 1996 — The French Tribunal de grande instance de Paris declined to annul the sale of a painting sold as a piece of the "atelier de Poussin" but

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which later turned out to be a painting of the master himself: *Il giornale dell'arte,* December 1996, p. 81.

The criminal court of Sherman (Texas) dismissed criminal charges against the heirs of Jack Meador who looted the Quedlinburg treasure reacquired by Germany in 1990 (see Int'l J. Cult. Prop. 1992, p. 215). The US attorney had filed the indictment too late. Yet the heirs may face an investigation by the Internal Revenue Service: *Frankfurter Allgemeine Zeitung*, 26 October 1996, p. 37; *The Art Newspaper*, December 1996, p. 7. — October 1996

Treasures of the Wettin dynasty of Saxony, buried at the end of World War II in Moritzburg (Germany), have been discovered and excavated: *Frankfurter Allgemeine Zeitung*, 18 October 1996, p. 44. — October 1996

Part of a Giorgione fresco from the Venetian palace "Fondaco dei Tedeschi" has been discovered in England (Saltwood Castle). As to this fresco, see Jaynie Anderson, Giorgione. Peintre de la "Brièveté Poétique". Catalogue Raisonné. Paris: Lagune 1996, p. 279 no. 169, pp. 261–263, 280–284; *ARTnewsletter*, vol. XXII, no. 5 of 5 November 1996, p. 2. — October 1996

The French archaeologist Franck Goddio presented the results of his underwater explorations in the harbour of Alexandria (Egypt) and told that he may have located the royal palaces of the Ptolemean kingdom: *Neue Zürcher Zeitung*, 8 November 1996, p. 20; *Frankfurter Allgemeine Zeitung*, 6 November 1996, p. 4. — 3 November 1996

The French Minister of Foreign Affairs Hervé de Charette returned to Antoinette Carvailho the painting "Les Glaneuses" of Léon Augustin Lhermitte (1844–1925). This art object had been taken by the German occupation army in 1940, remained in East Germany and in 1994 was returned to France after the German reunification: *Neue Zürcher Zeitung*, 18 December 1996, p. 42; *Muséart*, January 1997, p. 30. — 6 November 1996

The Hungarian Minister of Culture and Education published the Decree No. 14/1996 on the Procedure Declaring Private Records with Permanent Value as Legally Protected. This Decree is based on the Hungarian Statute No. LXVI of 1995 in Public Records, Public Archives and Protection of Private Archives: *Magyar Közlöny* 1996 No. 95 of 7 November 1996, p. 5456; 1995 No. 56 of 30 June 1995, p. 3018. — 7 November 1996

England restored the "Stone of Scone" to Scotland. This stone placed in the coronation chair in Westminster Abbey had been brought to London in 1296 and is supposed to be a symbol used since 840 in Scone for the ceremony of the coronation of Scottish kings: *Frankfurter Allgemeine Zeitung*, 16 November 1996, p. 3. — 15 November 1996

Conference of the "Direction des Musées de France" on "Pillage and Restitution – what became of works of art removed from France — 17 November 1996

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during World War II." See report by Véronique Parisot, *supra* at 156–57.

23 November 1996 — The ashes of André Malraux (1901–1976), former French minister of cultural affairs (1959–1969), adventurer (Angkor) and "hommes des lettres" and "art historian" (Musée imaginaire), were transferred to the Panthéon in Paris: *Neue Zürcher Zeitung*, 25 November 1996, p. 3; *The Art Newspaper*, December 1996, p. 7; *Journal des Arts*, November 1996, p. 1.

November 1996 — Turkey declared the site of Troy as "Historical National Park Troy and Vicinity – Park of Peace" and is expecting the listing of the site as World Cultural Heritage by UNESCO: *Neue Zürcher Zeitung*, 7 November 1996, p. 20; see Int'l J. Cult. Prop. 1996, p. 315.

November 1996 — The Tribunal de la Seine decided that the former owner of the Poussin painting "La fuite en Egypte" has no claim for return of the painting or for compensation against the auctioneer because the attribution of the painting to Poussin was doubtful at the time of auction: *Frankfurter Allgemeine Zeitung*, 9 November 1996, p. 41.

November 1996 — The Sternburg family created a foundation of its art collection exhibited in the Leipzig Art Gallery in favour of this institution which will get a new building in some years: *Frankfurter Allgemeine Zeitung*, 18 November 1996, p. 35.

1 December 1996 — In the United Kingdom the law implementing the EC Directive on copyright of unpublished materials came into force: *The Art Newspaper*, January 1997, p. 12.

3 December 1996 — The Hermitage Museum in St. Petersburg (Russia) opens until 30 March 1997 the fourth Russian exhibition of art objects taken from Germany under the title "Masterpieces of Western European Drawings from Private German Collections": *Frankfurter Allgemeine Zeitung*, 3 December 1996, p. 4 and 7 December 1996, p. 35; *Die Zeit*, 6 December 1996, p. 54; *ARTnewsletter*, vol. XXII, no. 9 of 31 December 1996, p. 7; *The Art Newspaper*, December 1996, p. 7.

6 December 1996 — The Institute of the International Chamber of Commerce organized a conference on "Cultural Aspects of International Trade in Goods and Services: Are there any Exceptions": *La Semaine juridique* 1996, no. 47, Echos et opinions.

5–6 December 1996 — Conference on "International Protection of Cultural Property – New Law on the Protection of Cultural Property" organized by the Ludwig Boltzmann Institute of European Law, Vienna.

10 December 1996 — Van Gogh's painting "Jardin à Auvers," formerly owned by Jean-Jacques Walter (he received in court 145 million French Francs as compensation for not being allowed to export the painting), was put at auction by the Paris auction house Jacques Tajan in the name of the estate of Jean-Marc Vernes (he bought the painting in 1992 for

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55 million French Francs) – and was not sold because only 32 million French Francs ($ 6.1 million) were offered: *Frankfurter Allgemeine Zeitung*, 14 December 1996, p. 41; *ARTnewsletter* vol. XXII, no. 9 of 31 December 1996, p. 2.

The Italian Ministry of Cultural Property quashed the notification of 22 November 1995 by which the Ministry prohibited the export of a Bellotto painting temporarily imported from England for an exhibition in Milano (see Int'l J. Cult. Prop. 1996, p. 208): *Il Giornale dell'arte*, January 1997, p. 1. — 12 December 1996

Sotheby's of Monte Carlo sold at auction the collection of the Count and Countess of Paris. This collection had been the subject matter of several court proceedings (supra 3 July 1996): *Il giornale dell'arte*, December 1996, p. 85. — 14/15 December 1996

A new agreement on the financial support of the Foundation Prussian Cultural Heritage, holding the biggest European museum unit consisting of 16 museums in Berlin, several libraries, archives and research institutes, has been concluded between the German federal government and the German states and entered into force. *Neue Juristische Wochenschrift, Wochenspiegel*, 1997, no. 4, p. XXXIX. — 1 January 1997

German Chancellor Kohl and Russian President Yeltsin met in the vicinity of Moscow. They agreed that the open question of return of German cultural objects must be solved in 1997: *Frankfurter Allgemeine Zeitung* 6 January 1997, p. 2 and 25. — 4 January 1997

France ratified the UNESCO Convention of 17 November 1970 on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. *Frankfurter Allgemeine Zeitung*, 1 February 1997, p. 41; *Il giornale dell'arte*, February 1997, p. 4 — 7 January 1997

The painting "Lady Elizabeth Vervey with Pigeon in her Arms" by Johann Friedrich August Tischbein (1750–1812), stolen in Weimar (Germany) in 1945 and about to be auctioned with Sotheby's in New York, is returned to the Kunstsammlungen zu Weimar: *Tagesspiegel* (Berlin), 2 February 1997, p. 19; *Neue Zürcher Zeitung* 8/9 Febrruary 1997, p. 47. — 4 February 1997

Sotheby's of London suspended two senior staff members in Milan and London because they are suspected of having smuggled a painting by the Italian painter Giuseppe Nogari form Italy to London: *The Times* 6 February 1997, pp. 1 and 14, 15. — 5 February 1997

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