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Chronicles

January 1996 – August 1996

Kurt Siehr*

- The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), annex no. I C to the Convention establishing the World Trade Organisation (WTO) became effective and will create copyright problems in the United States. According to new copyright legislation of the United States, passed as a result of the GATT, any work of art protected by the copyright laws of one of the 116 WTO member countries, whose copyright registration in the U. S. has lapsed, automatically regains protection in the U. S.: *The Art Newspaper*, April 1996, vol. VII, no. 58, p. 2; *ARTnewsletter* of 16 April 1996, p. 5. 1 January 1996
- The Swiss Federal Council (government) will examine whether the Federation has legislative power to ratify the UNESCO Convention of 1970 and it invites interested persons, institutions and bodies to comment on the UNIDROIT Convention of 24 June 1995 and the acceptance of it by Switzerland: *Neue Zürcher Zeitung*, 18 January 1996, p. 11. 17 January 1996
- The Oslo City Court found guilty four men for having stolen two years ago Edward Munch's "The Scream" from Norway's National Gallery in Oslo on 12 February 1994: *The Art Newspaper*, February 1996, vol. VII, no. 56, p. 5. 17 January 1996
- The Parliamentary Assembly of the Council Europe recommended Russia as a new member of the Council of Europe. At this occasion Russia has been placed under the obligation to finish the negotiations concerning the return of displaced cultural property to member States of the Council of Europe. On 8 February the Committee of Ministers of the Council of Europe invited Russia to join the Organisation: *Frankfurter Allgemeine Zeitung*, 27 January 1996, p. 1 and 2; *Nederlands Juristenblad* 1996, 354. 25 January 1996
- The French copyright society SPADEM (Société de la Propriété Artistique, des Dessins et Modèles) because of its financial difficulties is placed under court-ordered administration (redressement judiciaire) by the Tribunal de grande instance de Paris and a judicial administrator has been nominated: *The Art Newspaper*, March 1996, vol. VII, no. 57, p. 3; *Le journal des arts*, March 1996, p. 52. 26 January 1996

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- 29 January 1996 The Venetian theater "La Fenice" was destroyed by fire. The building will be reconstructed: *Le journal des arts*, March 1996, p. 5.
- January 1996 The "Standing Cupid" decorating since 1906 the mansion of 972 Fifth Avenue in New York has been identified by Dr. Kathleen Weil-Garris Brandt as an early work of Michelangelo: *Time*, February 5, 1996, p. 55; *The Art Newspaper*, March 1996, p. 6. This attribution has later been questioned by Michael Hurst (Courtauld Institute, London): *The Art Newspaper*, July/August 1996, p. 3; *Le journal des arts*, July/August 1996, p. 4.
- January 1996 Jack Meador and Jane Meador Cook, brother and sister of Joe Tom Meador, are tried in criminal proceedings for having knowingly traded in stolen goods. The objects are part of the Quedlinburg treasure stolen by Joe Tom Meador as a soldier of the American army and partially returned to Quedlinburg, Germany: *The Art Newspaper*, February 1996, vol. VII, no. 56, p. 1 and 5; *Le journal des arts*, March 1996, no. 23, p. 4.
- January 1996 The French State bought for 40 million French Francs (about \$ 8 million) 276 pieces of Nigerian art of the Geneva collection Barbier-Mueller. These objects will be exhibited in 1997 in the Paris Musée national des arts d'Afrique et d'Océanie. *Le journal des art*, March 1996, p. 40.
- 6 February 1996 The Florida International Museum at St.Peterburg, Florida, opened an exhibition of 170 ancient pharaonic objects from the Roemer-and Pelizaeus-Museum in Hildesheim, Germany, after the Administrative Justice Court in Cairo (Egypt) had ordered that 72 objects to be exhibited in St.Peterburg in an exhibition "Splendors of Ancient Egypt" could not leave Egypt without the permission of a higher authority than the Antiquities department: *The Art Newspaper*, February 1996, vol. VII, no. 56, p. 10; *Minerva*, vol. 7 (1996) no. 1, p. 10; no. 4, p. 10.
- 7 February 1996 The art collector Pierre Nahon sued the auctioneer Guy Loudmer for damages because the defendant sold to him a statue Bété-Gouro stolen from the National Museum in Abidjan (Ivory Coast) and which the plaintiff had to return to the Museum: *Le journal des art*, February 1996, no. 22, p. 49.
- 20 February 1996 In the Affaire Walter the French Cour de cassation upheld the decision of the Cour d'appel de Paris of 6 July 1994 (Recueil Dalloz Sirey 1995, Jur., 254) which had awarded 145 million French francs (\$ 28.2 million) to the Swiss collector Jean-Jacques Walter for the prohibition to export the van Gogh painting "Jardin à Auvers": *Il giornale dell'arte*, April 1996, vol. XIV, no. 143, p. 5; *The Art Newspaper*, April 1996, vol. VII, no. 58, p. 1; *Le journal des arts*, April 1996, no. 24, p. 1; *Le semaine juridique* 1996, IV, 873; III, 22672.
- February 1996 The French art dealer Daniel Wildenstein continues to fight in Italian courts for the return of a painting "The Spanish dancer Anita de la

Feria” by Giovanni Boldini which in 1942 was taken and sold by the Nazis to the present collector of Bologna: *Le journal des arts*, February 1996, no. 22. 3; *ARTnewsletter* of 19 March 1996, p. 4.

The Musée des beaux-arts in Orléans (France) opens the exhibition “Mémoire de Nord” in commemoration of the important collection of Flemish and Dutch paintings of the collection of Paul Fourché destroyed and perhaps looted during World War Second (For the catalogue cp. infra the Bibliography). *Le journal des arts*, January 1996, p. 4. 1 March 1996

The Swiss Federal Court held that a foreign conviction because of illegally exporting cultural objects from France to Belgium is not a fiscal offence for which no judicial assistance (here: service of process) can be granted. Such offences are rather criminal offences and judicial assistance in criminal law will be granted: Unpublished decision of 1 March 1996. File 1 A.309/1995. 1 March 1996

The American art historian Meyer Shapiro (born 1904) passed away in New York: *Le journal des arts*, no. 24, April 1996, p. 4; *Il giornale dell'arte*, April 1996, p. 2. 3 March 1996

The Swiss Federal Court decided that there is no bona fide purchase if the sold objects (here: collection of old weapons) are of dubious origin (without any certified provenance) and the buyer is experienced in trade of antiquities: *Entscheidungen des Schweizerischen Bundesgerichts*, vol. 122 III p. 1. 5 March 1996

The Ortiz Collection is exhibited in Berlin (Altes Museum). Cp. Bibliography: *Tagesspiegel* 7 March 1996, p. 10. 7 March 1996

The British House of Commons supported the Reform of the Treasure Trove law defining as treasure “any object at least 300 years old and containing more than five percent precious metal”: *The Art Newspaper*, April 1996, vol. VII, no. 58, p. 26. 8 March 1996

At the European Fine Art Fair in Maastricht (Netherlands) 160 art dealers of Europe sent a letter to the Dutch government warning that the European Fine Art Foundation will move the fair from Maastricht to a new country if the Netherlands ratify the UNIDROIT Convention of 24 June 1995: *ARTnewsletter* of 19 March 1996, p. 1. 9 March 1996

The European Union announced that it is preparing a directive towards a unified system of *droit de suite* among its member states: *ARTnewsletter* of 2 April 1996, p. 1. 13 March 1996

An Italian statutory instrument fixes the minimum hours for the opening times of Italian museums. The principal museums must be open from 9 a.m. to 7 p.m. But other museums have to close earlier because of lack of funds to pay the guardians: *Il giornale dell'arte*, May 1996, p. 1. 14 March 1996

The Metropolitan Museum in New York opened the exhibition “Splendors of Imperial China: Treasures from the National Palace 19 March 1996

Museum, Taipei". Some works of art chosen for the exhibition were not allowed to be shipped to the United States because intellectuals in Taiwan protested and pointed out the dangers of shipment for the safety of fragile pieces of art: *The Art Newspaper*, February 1996, vol. VII, no. 56, p. 7; April 1996, vol. VII, no. 58, p. 12; *Il giornale dell'arte*, April 1996, no. 143, p. 20.

- 19 March 1996 Seminar of the Institute of Art and Law together with the law firm Clyde & Co. on "Art Exporting and the International Market" in London: *The Art Newspaper*, March 1996, vol. VII, no. 57, p. 2.
- 21 March 1996 British, French and Swiss art dealers and auction houses met in Paris discussing European and national policies of the art market, especially the proposed European Union rules on value added tax and the *droit de suite*. They voted against the intention of the French government to ratify the Unidroit Convention. *Le journal des arts*, June 1996, p. 49, *ARTnewsLetter* of 11 June 1996, p. 4.
- 24 March 1996 In the Palazzo Grassi in Venice the exhibition "The Greeks in the West" on Magna Graecia opened and displays among hundreds of objects, the so-called "Ludovisi Throne" (Museo Nazionale Romano, Rome) and the "Boston Throne" (Museum of Fine Arts, Boston/Mass.) the provenance of which is still unclear and which may be a product of the 19th century and not, as usually dated, from the fifth century BC. *Minerva*, vol. 7 (1996), no. 4, p. 29 et seq. (article by Jerome M. Eisenberg).
- 27 March 1996 Seminar of the Institute of Art and Law in Association with the British Museum on "Art, Antiquity and the Criminal Law" in London: *The Art Newspaper*, March 1996, vol. VII, no. 57, p. 2.
- 29 March 1996 120 archaeologists in Pompeii (Italy) passed a resolution on the "Progetto Pompeii" to save Pompeii from a second catastrophe. The important archaeological site is visited annually by two million tourists and endangered by these masses and by environmental hazards: *Il giornale dell'arte*, May 1996, p. 83; *The Art Newspaper*, May 1996, p. 3; and July/August 1996, p. 25 (article by Andrew Wallace-Hadrill, British School at Rome).
- 31 March 1996 The Hermitage in St.Petersburg (Russia) closed the exhibition "Hidden Treasures Revealed" consisting of French paintings of looted German private collections. This exhibition attracted 1.5 million visitors: *Il giornale dell'arte*, May 1996, p. 18.
- 31 March 1996 The Japanese Collector Royei Saito died in Tokyo. In 1990 he had bought van Gogh's "Portrait of Dr. Gachet" for \$ 82.5 million and Renoir's "Au moulin de la Galette" for \$ 78.1. In May 1990 he had stated the paintings should be burnt as part of his cremation. Later he changed his mind and the paintings still exist. *The Art Newspaper*, May 1996, vol. VII, no. 59, p. 1; *Frankfurter Allgemeine Zeitung* of August 1996, p. 31 (article by Gary Schwarz).

- The New York Metropolitan Museum returned two illustrated pages of a nepalese manuscript of the 11th century to the Asiatic Society in Calcutta after it has been revealed that the pages were stolen in 1950 by the art historian S. K. Saraswati, former member of the Asiatic Society: *Le journal des arts*, April 1995, no. 24, p. 22. March 1996
- The Berlin "Museum für Vor- und Frühgeschichte" opened the exhibition "Troja-Schliemann-Altertümer" as a counterpart to the Moscow exhibition "Gold of Troy" to be opened on April 16, 1996: *Il giornale dell'arte*, May 1996, p. 2. 11 April 1996
- The Pushkin State Museum in Moscow opens the exhibition of the "Gold of Troy", taken by Russian forces from Berlin and hidden for a long time in the Soviet Union: *Il giornale dell'arte*, April 1996, vol. XIV, no. 143, p. 39; *Le journal des arts*, April 1996, no. 24, p. 1; *The Art Newspaper*, May 1996, p. 14; *Minerva*, vol. 7 (1996), no. 2, p. 32. 16 April 1996
- The British television "Channel Four" screened the "Elgin Marbles" and invited viewers to telephone their opinion on the future of the Elgin Marbles. Of about 100.000 people about 90.000 supported the proposal for their return to Athens. *The Art Newspaper*, vol. 7, June 1996, p. 3; *Il Giornale dell'Arte*, no. 145, June 1996, p. 75. 16 April 1996
- The British government announced in the House of Lords that the government had no intention of signing the Unidroit Conention. *The Art Newspaper*, vol. 7, June 1996, p. 1. 23 April 1996
- Anthony Melnikas charged with trying to sell manuscript pages that he removed from the Vatican Library went on trial in the Ohio Federal Court: *The Art Newspaper*, April 1996, vol. VII, no. 58, p. 7. April 1996
- The Telephos Friezo of the great altar of Pergamon (Berlin) is on exhibition in the California Palace of the Legion of Honor in San Francisco after having been exhibited until 14 April in New York (Metropolitan Museum): *International Herald Tribune*, 20/21 April 1996, p. 19; *Minerva*, vol. 7 (1996), no. 2, p. 5. 4 May 1996
- Great Britain gave an export licence for Fra Bartolommeo's "Holy Family" sold to the Getty Museum for £ 14 million (\$ 21.7 million) in late 1995. The issuing of the export licence had been delayed since January 1996. When a private collector in the U. K. failed to produce the same amount of money, the export licence was automatically granted. The Getty Museum has loaned the painting to the National Gallery for six months. *ARTnewsletter*, vol. XXI, of May 1996, p. 2 and 3; *The Art Newspaper*, vol. 7, June 1996, p. 16; *ART-newsletter* of 23 July 1996, p. 3. 8 May 1996
- Opening of the Exhibition of the George Costakis Collection of Russian Avant-Garde 1910–1930 in Athens. Costakis collected these pieces of art in Moscow and donated 80% of it to the Tretjakov 10 May 1996

- Museum in Moscow when he left the Soviet Union in 1977 for Greece: *Il giornale dell'arte*, May 1996, p. 18.
- 11 May 1996 In the Rome Castel Sant'Angelo opened an exhibition "Tertium ad millemnium. Arte dei luoghi della Fede e della Speranza" dedicated to the recovery of about 10.000 pieces of art stolen during the last five years from churches or other religious places: *Il giornale dell'arte*, vol. XIV, no. 144, May 1996, p. 26.
- 14 May 1996 The High Court in Dublin ruled that the wreck of the British steamship "Lusitania", sent to the bottom by German submarines on 7 May 1915 and since then located in Irish waters, is owned by the American F. Gregg Bemis. The court gave no ruling on the ownership of the ship's cargo which includes valuable works of art. *New Law Journal* of 31 May 1996, p. 778.
- 14 May 1996 The French copyright society SPADEM (Société de la Propriété Artistique des Dessins et Modèles) closed (cp. also supra 26 January 1996). *ARTnewsletter*, vol. XXI, May 1996, p. 5.
- 23 May 1996 American Express announced that the company during the next five years will grant \$ 5 million for the conservation of endangered cultural sites. *The Art Newspaper*, vol. 7, June 1996, p. 26.
- May 1996 The Archaeological Council of the Greek Ministry of Cultural Affairs decided to start the restoration of the Parthenon on the Acropolis. This restoration will last 10–15 years: *Frankfurter Allgemeine Zeitung*, 4 May 1996, p. 10.
- May 1996 The J. Paul Getty Museum purchased Paul Cézanne's "Still Life With Apple and Oranges" for \$ 25 million from a Swiss collection. *Neue Zürcher Zeitung* of 25/26 May 1996, p. 47.
- 3 June 1996 A ceremony held in Bilbao (Spain) marked the formal setting up of the new Guggenheim Museum in Bilbao to be opened in June 1997. The executive committee of the newly created foundation made a formal petition to Queen Sofia requesting the loan of Picasso's "Guernica" (now in the Museo Nacional Centro de Arte Reina Sofia, Madrid) to this museum. *The Art Newspaper*, July/August 1996, p. 13.
- 6 June 1996 The New York auction house of Sotheby's announced that it had acquired the Andre Emmerich Gallery of New York *ARTnewsletter* of 11 June 1996, p. 1.
- 17 June 1996 The Swiss government (Bundesrat) decided to sign the Unidroit Convention of 24 June 1995 on the International Return of Stolen or Illegally Exported Cultural Objects. *Neue Zürcher Zeitung* of 19 June 1996, p. 13.
- 28 June 1996 Fourteen old master paintings (value: about 3.5 million DM) stolen in the Czech Republic were discovered in Würzburg (Germany) and

suspects arrested. *Frankfurter Allgemeine Zeitung* 29 June 1996, p. 11; *Neue Zürcher Zeitung* 29/30 June 1996, p. 20.

Closing date for the signature of the Unidroit Convention on Stolen or Illegally Exported Cultural Objects. The following States signed the Convention: Bolivia, Burkina Faso, Cambodia, Côte d'Ivoire, Croatia, Finland, France (ad referendum), Georgia, Guinea, Hungary, Italy, Lithuania, Netherlands (with declarations), Pakistan, Paraguay, Peru, Portugal, Romania, Russian Federation, Senegal, Switzerland, Zambia. *Unidroit letter* of 25 July 1996. 30 June 1996

In Athens (Greece) the works started for a new subway underneath the Kerameikos, the ancient cemetery of Athens and important archaeological site. June 1996

The J. Paul Getty Museum purchased the Barbara and Lawrence Fleischman collection of antiquities of which only a very few objects have any known provenance at all. The Fleischman collection was exhibited in Malibu from 13 October 1994 until 15 January 1995 and in Cleveland from 15 February until 9 April 1995 (cp. bibliography). *The Art Newspaper* July/August 1996, p. 17. June 1996

The French statute no. 96–590 establishes the “Fondation du patrimoine” as charitable foundation of private law with the purpose of promoting the knowledge, the preservation and the exploitation of the national patrimony. It also may acquire objects. *La semaine juridique* 1996, III, 68043. 2 July 1996

The Thomas A. Becket Limoges Casket of 1195 was sold for £ 4.1 million to Sam Fogg (for a Canadian collector) and the Victoria and Albert Museum could not raise the price asked for by the British Rail Pension Fund. The casket is not bound by export rules because the British Rail Fund bought it abroad (Germany). Meanwhile the Canadian collector has relinquished his claim in favour of the Victoria and Albert Museum which has to pay £ 4.18 million to the collector. *The Times* 15 June 1996, p. 11; *ARTnewsletter* of 9 July 1996, p. 3; *ARTnewsletter* of 23 July 1996, p. 3. 4 July 1996

The Russian Duma (Lower House of the Russian Parliament) unanimously (there were two abstaining and no declining votes) passed a statute declaring as national Russian patrimony cultural objects looted by the Soviet Army during World War Second and during the occupation of Germany. On July 17 the Federation Council (Upper House of the Russian Parliament) in vote 62:44 declined to approve the statute passed by the Lower House. *Frankfurter Allgemeine Zeitung*, 8 July 1996, p. 29; 19 July 1996, p. 37. 5 July 1996

Peter Ludwig (1925–1996) The collector and founder of several museums, passed away in Aachen, Germany. *Die Zeit* of 26 July 1996, p. 43. 21 July 1996

The National Gallery in London purchased Albrecht Dürer's painting “St. Jerome in the Wilderness” for £ 10 million. This painting was July 1996

- acquired during the last century for £ 30 and was discovered as a Dürer painting in 1956. *The Times* 11 July 1996, p. 6; *ARTnewsletter* of 9 July 1996, p. 3.
- August 1996 The former Soviet Republic of Georgia returns to Germany 100.000 books taken after World War Second from Germany to the Soviet Union. Germany helps to modernize Georgian libraries. *Süddeutsche Zeitung* 17/18 August 1996, p. 13.
- August 1996 The painting of Guercino “Erminia Finding the Wounded Tancred” sold at auction to the Getty Museum from the Howard family of Castle Howard in Yorkshire is saved for Britain for £ 2.04 million. The painting will hang in the National Galleries in Edinburgh. *The Times* 17 August 1996, p. 5.
- August 1996 The Ashmolean Museum in Oxford matched the £ 746.00 paid by a foreign museum for Antonio Canovas Ideal Head. In 1817 this marble bust was presented by Canova to Sir William Richard Hamilton, British Under-Secretary of State of Foreign Affairs. The Latin inscription on the back reads: “Willhelmo Hamilton viro illustri et amico Antonius Canova ob singularem erga benevolentiam ac patrocinium in a Gallia recuperandis monumentis artium. L. [ibenter] F. [ecit]” [Antonio Canova made it with pleasure for William Hamilton the important man and his friend for his singular kindness towards himself and for his support in recovering from France the monuments of art]. The Hamilton family sold the bust on 7 December 1995 at auction with Sotheby’s. For the same reason Canova presented similar busts to Lord Wellington (now Apsley House, London), to the Minister of Foreign Affairs Lord Castlereagh (Lord Londonderry, London) and to Charles Long, First Baron of Farnborough. On 11 August 1815 Pope Pius VII had appointed Antonio Canova as head of a delegation of the Papal States to Paris in order to recover the art objects taken by the French. *The Times* 16 August 1996, p. 18.