

# *The Fate of Displaced Cultural Valuables in Russia: Different Approaches to One Problem*

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The problem of restitution for displaced collections is a difficult one, but an important one for libraries, archives, museums and scholars. The Russian Federation has made considerable efforts in this arena in recent years. The Library of Foreign Literature in Moscow is a leader in implementing

the new approach through programmes of publication, exhibition, and workshops/conferences. This is positive proof that only constructive and mutually beneficial co-operation of the states can be the basis in solving the most difficult problems of today.

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## *Introduction*

One sage once said that world wars even when ended did not end altogether. One of the most disputable problems of modern history related to cultural valuables displaced during and as the outcome of World War II is a clear proof of this. A great number of valuables – items of culture and art – has been lost for the global cultural ecumena due to military operations, evacuations, occupations, confiscations and pillage. Among these valuables there are priceless book collections – manuscripts, incunabulae, palaeotypes, old and rare editions. Many of them are doomed never to see their homeland: some perished in the flames of the war, others to stay locked up in private collections. Nevertheless numerous scholars, librarians, lawyers, diplomats and politicians carry on the work of location, restitution and restoration of displaced and lost cultural valuables for the last fifty odd years. They do it both privately and as members of different national and international commissions and committees.

From the very beginning this work of high public importance has been covered, widely and

in detail, by the mass media in all countries except the states of the former ‘socialist camp’. Up to recent times the problem of the fate of cultural valuables displaced during and after the war was a matter of state secrecy in Russia as well. But things have changed, and the run of history has granted us the possibility to freely discuss every aspect of this matter.

## *A new era of restitution in Russia*

It was in 1992 that the State Committee for Restitution of Cultural Valuables was established in Russia. The Committee is chaired by the Minister of Culture of the Russian Federation (RF) and consists of three expert bodies, on archives, library and museum collections respectively. In 1998 the Committee made public the data submitted to it by the Ministry of Culture of the RF on the works of art and books – ‘spoils of war’ – in repositories of Russian museums and libraries. This shortlist of museums and libraries which had declared their ‘spoils of war’ collections was the first step towards an open dialogue with the West on cultural valuables displaced during the war.

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This paper is based on Dr. Genieva’s contribution at the Conference “Libraries and Democracy: the responsibilities of the State, local authorities and professionals” in Strasbourg at the Council of Europe in November 1998.

### *A catalogue of the cultural valuables*

The second step which specialists had been eagerly awaiting for fifty odd years was the bringing out of the *Russian Federation summary catalogue of the cultural valuables stolen and lost during the Second World War* (Russian 1999) both in Russian and in English in 1999. This is the first publication of its kind in Russia making an attempt to summarise all losses suffered by Russian museums and archives – and, in perspective, by libraries as well.

The lost valuables of museums and archives are listed in this catalogue in detail, with their photographs and expert descriptions supplied. Up to now just three issues of the Catalogue have come out covering respectively the losses suffered by the State Archive of the Russian Federation, by the Catherine Palace (the Tsarskoye Selo State Museum) and by The State Tretyakov Gallery and The State Russian Museum. Issues relating to museums in small Russian towns are being prepared for publication. The catalogue of losses suffered by Russian libraries is in the process of cumulation. The *Summary Catalogue* is a prerequisite for an open and frank dialogue, of a purposeful search and return of the cultural heritage items rather than a counter-claim moved against European countries' claims to Russia.

### *Bilateral commissions*

For some years past the authorities of Russia and these states (Hungary, France, Poland, the Netherlands, Germany and some others) appointed bilateral commissions for compiling lists of displaced treasures and working-out possible mechanisms of exchange. The activities of the commissions resulted in exchanging paintings with Poland and archive documents with the Princely House of Liechtenstein. The latter exchange was an event in itself. The family archive of the Princes of Liechtenstein which the Red Army had got hold of while it was being transferred from Vienna to Vaduz was returned to the family. Prince Hans-Adam of Liechtenstein, for his part, gave over to Russia the missing materials of the archive of investigator Sokolov who had made an inquiry into the murder of the Tzar's family. These materials had been purchased by the Prince at a Sotheby's auction and offered for

exchange. This manifestation of good will by the two states is a clear confirmation of the fact that practical achievements may be gained even in such a complex and delicate matter as restitution.

### *The 1998 Federal Law in Russia*

In April 1998 the Federal Law "On Cultural Valuables Removed to the USSR as the Outcome of World War II and Located on the Territory of the Russian Federation" (Zakon 1998) came into force. There was an urgent need for this Law in Russia, because since 1995 there had existed a moratorium on transferring any valuables until the Law was adopted. It was a hindrance and an obstacle to any practical endeavours in this direction as well as to negotiations. It is puzzling that the fate of cultural valuables displaced as the outcome of war, instead of uniting our society, should antagonise its elements and even bring about certain issues on the international level.

One recalls that the course of events in connection with this Law being adopted gained headlong speed and resembled a chronicle of military operations. On 5 February, 1997, the State Duma adopted the Law in the third reading; on 5 March, the Council of the Federation approved it; on 20 March, the President vetoed it; on 4 April, the Duma surmounted the veto; on 16 April, the Council of the Federation approved the Law for the second time; the President refused to put his signature to it, and the two branches of power came to a clash of opinion. In the summer of 1997 the State Duma and the Council of the Federation brought an action against the President at the Constitutional Court, and on 4 March, 1998, the President did the same against the Parliament.

The Constitutional Court delivered its judgement and obliged the President to sign the Law only on 6 April 1998. The President handed in an application to the Constitutional Court calling its attention to the fact that certain articles of this Law contradicted the Constitution of the Russian Federation and a number of international agreements. That is why 1999 has been the year of expectation for the Constitutional Court's verdict. It was only in July that the Constitutional Court's decision (Postanovlenie 1999) was promulgated. The document was recognised as valid on the whole although a number of its articles had been revised and improved in the light of both inter-

national legislation and some provisions of the Constitution of the Russian Federation. This has given legal force to the restitution process in Russia.

### *The 'eye for an eye' principle*

Building up relations between states and peoples on the 'eye for an eye', collection for a collection, principle and the general postulate that anything transferred to a country as the outcome of war belongs to it is a dangerous precedent sure to lead to a deadlock in negotiations. This means that displaced valuables will continue to be locked up in museums and repositories for another 50 years. This approach does not contribute to resolving the main task of settling disputable problems concerning the rights of property with respect to displaced valuables; what is worse, it is a serious hindrance to negotiations.

The way out is suggested by certain Russian and German lawyers backed by the Personal proxy of the President at the Constitutional Court. They propose to establish a kind of international foundation to which will be transferred all displaced valuables from both German and Russian repositories. This foundation has only one goal: to hold exhibitions all around the world to raise funds for the restoration of the items, and the maintenance of the participating museums. Meanwhile legislative bodies of the parties concerned will be looking for and working out solutions acceptable to all.

### *The role of libraries*

The fate of any displaced cultural valuable located in Russia should be decided upon in the course of direct negotiations with all parties concerned. This is the one and only approach toward a civilised solution. Potential lies in the dialogues between our cultures, exchanging knowledge and information, and establishing and developing cultural institutions. Libraries play an important role in this complex matter; the experience of the Library for Foreign Literature – LFL – (Founder Margarita Rudomino) in Moscow is clear proof of that.

In 1992, the LFL chose to hold an open dialogue on displaced cultural valuables in general, and on book collections, in particular. We realised

that valuables long stored in secrecy should not only come to light but should enter the realm of international scholarship.

In that summer, the LFL held an exposition 'Books – victims of war' displaying some 600 books in Dutch mostly of the nineteenth and twentieth centuries. It issued a catalogue (Nederlandse 1992). Books transferred by the Nazis from the Netherlands during World War II and later transported by the Red Army to the USSR had remained hostages in secret for many long years. Then something most improbable took place. In the autumn of 1992, these books were returned to the Netherlands at a ceremony at the University of Amsterdam in the presence of Russian the Ambassador to the Netherlands, Mr. L. Skotnikov, and other officials.

The first Russian-German round table 'Restitution of library collections and co-operation in Europe' (Restitutzia 1994) held in the LFL in December of 1992 was the next important development. Leading library scholars of the two countries discussed and reviewed the problem most thoroughly and moved a number of joint proposals. These retained their constructive character and actuality up to the present: to grant the experts free and undiscriminatory access to all repositories and sources of information related to displaced books; to adhere to the principle of a veto upon buying and selling books – 'spoils of war'; and to appoint permanent expert bodies for mutual consultation and solving of practical matters.

As a result of the LFL joining intensely in the activities related to the problems of restitution the Library compiled and brought out the 'Catalogue of books of the XVI century in German in the LFL' (Katalog 1996), the latter containing full bibliographic descriptions of the books as well as detailed descriptions of ownership marks – stamps, notes, ex libris – pointing to the origin of the books.

The LFL activities in the field of restitution are by no means limited by its own bounds. Thus, when books bearing the stamp of the Calvinist college in Sarospatak were discovered in the stock of the Nizhny Novgorod Regional Scientific Library several years ago, it was the LFL which initiated the project of describing those books and issuing a printed catalogue. The Open Society Institute backed the project. The staff of the Rare

Books Research Department of the LFL carried out all preliminary work in collaboration with their Hungarian colleagues. The result of their efforts are printed and electronic versions (presented via Internet) of the catalogue *Displaced books from Sarospatak Calvinist College Library (Hungary) in the collections of Nizhny Novgorod Regional Research Library (Displaced 1998)*. The chief successes of the project are that the books in question have been made known to the community, scholars have got all the necessary information about their location and titles and, due to that, an opportunity to work with them.

Years of dealing with the problems of restitution made us fully aware of a great need in Russia for true and unbiased information on everything related to the restitution of cultural valuables. This prompted me to join the editorial board of the international newsletter 'Spoils of War' in 1996. The LFL undertook translation of the newsletter into Russian and its distribution in the Russian Federation. We have undertaken a commission of presenting materials by Russian authors in the newsletter as well, and we did it of our own free will. Six issues of the newsletter in Russian were published and sent not only to Russian archives, libraries and museums but to the State institutions as well. Through libraries millions of Russian citizens have been granted access to the newsletter. Positive responses to the issues published testify to a definite interest of the Russian public in the problems of restitution discussed in its pages.

The 'International programme for preservation of trophy books in the LFL collections and securing a free access to them' is among the library's latest initiatives. At present the programme provides practical opportunities to obtain free access to displaced book collections in the LFL depositories by way of the Internet, printed materials, work-shops, seminars and international conferences. This programme comprises various projects and is meant to promote further developments in the main spheres of the LFL activities with respect to the whole body of problems related to trophy editions. Among those projects, some chief outcomes have been already realised: six issues of the Russian version of the newsletter 'Spoils of War' are displayed on the LFL Website in Internet; the work on compiling a catalogue of foreign book-marks in the LFL collection of rare books

has been carried out, and the catalogue is available at the LFL Website (URL: <http://spoils.libfl.ru>); the first in a series of expositions 'Trophy books in the LFL collections' was held, displaying the collections from the Library of Princes Esterhazy-Galanta.

### Conclusion

This is just a part of what we have in mind. Our programme is the result of joint efforts of the LFL and the Ministry of Culture of the RF, on the one side, and the Dutch Ministry of Education, Culture and Science, on the other. It is yet another positive proof that only constructive and mutually beneficial co-operation of the states can be the basis in solving the most difficult problems of today.

### References

- Displaced books from Sarospatak Calvinist College Library (Hungary) in the Collections of Nizhny Novgorod Regional Research Library. 1998. Moscow.
- Katalog der Drucke des XVI.Jahrhunderts aus den Beständen der VGBIL. 1996. Moskau
- Nederlandse boeken – slachtoffers van de oorlog. 1992. Moskou.
- Postanovlenie Konstitutsionnogo Suda Rossiiskoi Federacii ot 20.07.1999 po delu o proverke konstitutsionnozti Federal'nogo zakona ot 15 aprelya 1998 "O kul'turnykh tzennostyakh,peremeshchennykh v Soiuz SSR v resul'tate Vtoroi mirovoi voiny i nakhodyashchikhsya na territorii Rossiiskoi Federacii". *Rossiiskaya gazeta* 155(2264)ot 10.08.1999.
- Restitutzia bibliotechnykh sobraniy i sotrudnichestvo v Evrope: Sbornik dokladov. 1994. Moskva
- Russian Federation Summary Catalogue of the Cultural Valuables Stolen and Lost during the Second World War. 1999. Vol.1: The Catherine Palace (The Tsarskoe Selo State museum Zone; Book 1). Moscow; St.-Petersburg, Vol.3: The State Tretyakov Gallery; The State Russian Museum. Moscow; St.-Petersburg, 1999. Vol.4: State Archives of the Russian Federation: Lost Archives Funds; Book 1. Moscow; St.-Petersburg, 1999.
- Zakon Rossiiskoi Federacii ot 15.04.98 N 64-FZ "O kul'turnykh tzennostyakh,peremeshchennykh v Soiuz SSR v resul'tate Vtoroi mirovoi voiny i nakhodyashchikhsya na territorii Rossiiskoi Federacii". 1998. *Sobranie Rossiiskogo zakonodatel'stva* 16: 3413–22.