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Case Baldin Collection – Kunsthalle Bremen, Germany, Hermitage Museum and Russia

Kunsthalle Bremen – Germany/Allemagne – State Hermitage Museum – Russia/Russie – Artwork/œuvre d'art – Ongoing dispute/litige en cours – Spoils of war/butins de guerre – Diplomatic channel/voie diplomatique – Negotiation/négociation – Ad hoc facilitator/facilitateur ad hoc – Ownership/propriété – Statute of limitation/prescription – State responsibility/responsabilité internationale des Etats – Request denied/rejet de la demande

In the aftermath of the Second World War, the Soviet Army Captain Victor Baldin brought to Moscow many artworks of the collection of the Kunsthalle Bremen (Bremen Art Museum). The dispute for the restitution of the so-called “Baldin Collection” is ongoing and has grown to one of the most debated cases between Germany and Russia.

I. Chronology; II. Dispute Resolution Process; III. Legal Issues; IV. Adopted Solution; V. Comment; VI. Sources.

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I. Chronology

Ongoing dispute – Spoils of war

- **During the Second World War**, the entire collection of the **Kunsthalle Bremen** (Bremen Art Museum) was moved to **the Castle of Karnzow** near Berlin for safekeeping. It consisted of 50 paintings, 1,715 drawings and about 3,000 graphic prints¹. On **30 July 1945**, the larger part of the collection, amounting to 362 drawings and two paintings, was taken by the Soviet Army Captain **Victor Baldin**². In **1947**, Baldin brought this collection to the **Schusev State Museum of Architecture** in Moscow³. The collection of artworks, which is commonly named after Baldin, consists of 362 great master drawings by artists including Rembrandt, van Gogh, Dürer, Rubens, Goya and Velázquez.
- In **1963**, Baldin was appointed director of the Schusev State Museum of Architecture and began to campaign in the USSR for the return of the Collection to the Kunsthalle Bremen⁴.
- In **1987**, Baldin notified the Kunsthalle Bremen of the artworks' location. Rumours arose that Prime Minister Boris Yeltsin would bring them back to Bremen on his next visit to Germany as a gesture of goodwill⁵. However, the hopes of Baldin and the Bremen officials were not realized⁶.
- On **9 November 1990**, the Federal Republic of Germany and the former Soviet Union signed a **Treaty on Good Neighbourliness, Partnership and Cooperation**. Article 16(2) of the Treaty states that both parties “agree that lost or unlawfully transferred art treasures which are located in their territory will be returned to their owners or their successors”⁷.
- Before a planned visit by Yeltsin in the spring of **1991**, the Soviet Union's final Minister of Culture, Nikolai Gubenko, requested for the Collection to be officially transferred into the USSR's possession and sent to the **State Hermitage Museum** in Saint Petersburg to undermine any possibility of its restitution⁸. Later in 1991, the private “Kunstverein Bremen”

¹ See Konstantin Akinsha, “Why Can't Private Art ‘Trophies’ Go Home From the War? The Baldin-Bremen Kunsthalle Case: A *Cause-Célèbre* of German-Russian Restitution Politics,” *International Journal of Cultural Property* 17 (2010): 258.

² Sylvia Hochfield, “The German-Russian Stalemate,” *ARTnews*, February 1, 2011, accessed July 23, 2012, <http://www.artnews.com/2011/02/01/the-german-russian-stalemate/>.

³ See Jeanette Greenfield, *The Return of Cultural Treasures*, 3rd ed. (Cambridge: Cambridge University Press, 2007), 190.

⁴ “Victor Baldin Died,” *Spoils of War* 4 (August 1997): 96.

⁵ *Ibid.*

⁶ See Akinsha, “Why Can't Private Art ‘Trophies’ Go Home From the War?,” 260.

⁷ Treaty between the Federal Republic of Germany and the Union of Soviet Socialist Republics on Good-Neighbourliness, Partnership and Cooperation, signed in Bonn, November 9, 1990, *ILM* 30 (1991): 504 et seq.

⁸ See Kira Dolinina and Maia Stravinskaya, “Ministry of Culture Won't Give Back What Doesn't Belong to It,” *Kommersant*, February 22, 2005, accessed June 14, 2012,

http://www.kommersant.com/p549322/r_1/Ministry_of_Culture_Won_t_Give_Back_What_Doesn_t_Belong_to_It/.

- issued a **catalogue** inventorying all dispossessed cultural property by the Kunsthalle Bremen as a result of World War II⁹.
- In the **spring of 1992**, the Bremen cataloguers were invited to view and identify the Collection at the Hermitage Museum¹⁰.
 - On **18 November 1992**, the Hermitage Museum opened its exhibition “West European Drawings of XVI-XIX centuries from the Collection of the Kunsthalle Bremen”, including 130 items of the Baldin Collection¹¹. Some drawings had never before been exhibited¹². The exhibition then moved to Moscow (Museum of Decorative-Applied and Folk Arts) and was compiled within an impressive catalogue listing 138 drawings under the guidance of the Ministry of Culture, which further exposed the collection to public scrutiny¹³.
 - On **16 December 1992**, the German and Russian Governments signed an **Agreement of Cultural Cooperation** confirming their commitment to return all cultural objects that were lost or unlawfully transferred into opposing territory to their rightful owners or their legal successors (Article 15)¹⁴.
 - In **1993**, the **Bremen Protocol** was signed between Bremen officials and a Russian delegation that included the head of the Commission on Culture of the Supreme Council of the Russian Federation. The Protocol illustrated a plan for the restitution of the Kunsthalle Bremen property in exchange for a donation by the Kunsthalle of 10 paintings from the Baldin Collection as well as the financial support for the restoration of a 14th century **church in Novgorod**. This church, the Dormition of the Mother of God, was heavily destroyed at the time of the 1941 invasion by German bombings¹⁵. The Protocol also included a joint research venture to assess Russian cultural losses that incurred during the war¹⁶. The plan was approved by the then-Russian Minister of Culture¹⁷. However, the plan’s implementation was suspended when disagreements arose within Russia regarding the return of Germany’s cultural trophies.

⁹ See “Dokumentation der durch Auslagerung im Zweiten Weltkrieg vermissten Kunstwerke der Kunsthalle Bremen,” in *Teil 1 des Ausstellungsprojektes "Gerettete Bremer Kunstschatze,"* ed. Siegfried Salzmann et al. (Bremen: Kunstverein Bremen, 1991). The catalogue was updated and translated in 1997 following the authors’ visit and study of the artworks held by the Hermitage Museum in 1992.

¹⁰ See Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 262.

¹¹ *Ibid.*

¹² See Greenfield, *The Return of Cultural Treasures*, 190.

¹³ See Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 262.

¹⁴ Treaty between the Federal Republic of Germany and the Russian Federation on Cultural Cooperation (*Abkommen zwischen der Regierung der Bundesrepublik Deutschland und der Regierung der Russischen Föderation über kulturelle Zusammenarbeit*) signed in Moscow, December 16, 1992, *Bundesgesetzblatt Teil II* (1993): 1256, accessed July, 28 2011, <http://archiv.jura.uni-saarland.de/BGBI/TEIL2/1993/19931256.2.HTML>.

¹⁵ See Patricia Kennedy Grimsted, “Legalizing ‘Compensation’ and the Spoils of War: The Russian Law on Displaced Cultural Valuables and the Manipulation of Historical Memory,” *International Journal of Cultural Property* 17 (2010): 241; Kristiane Burchardi and Christof Kalb, “‘Beutekunst’ als Chance: Perspektiven der deutsch-russischen Verständigung,” *Europa-Institut München Mitteilungen* 38 (August 1998), 26, accessed June 14, 2012, <http://www.oei-dokumente.de/publikationen/mitteilungen/mitt38.pdf>.

¹⁶ See Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 265 (quoting Wolfgang Eichwede at the Spoils of War Conference, New York, 1995).

¹⁷ *Ibid.*, 263.

- The State Duma of the Russian parliament grounded its anti-restitution position by enacting a moratorium on **21 April 1995** prohibiting the return of cultural treasures brought to Russia after the Second World War.¹⁸ In **1998, Parliament also** passed the “**Federal Law on Cultural Valuables Displaced to the U.S.S.R. as a Result of World War II and Located on the Territory of the Russian Federation**” (hereinafter Cultural Valuables Law)¹⁹.
- In the **spring of 2002**, negotiations regarding the Baldin Collection recommenced soon after 101 drawings and prints of the Kunsthalle Bremen Collection were returned from Moscow in exchange for panels from the Amber Chamber and a chest of drawers²⁰. Both countries announced the return of the Kunsthalle Bremen property on several occasions²¹.
- On **25 February 2003**, the Russian Ministry of Culture signed an **order** “about the exclusion of the Baldin Collection from the Museum Fund”²². One month later, on **12 March 2003**, the State Duma adopted an appeal to prevent the return of the Collection unless compensation was provided²³. The appeal was reinforced on **25 March 2003** by a request sent by Nikolai Gubenki, the head of the Duma Committee on Culture and Tourism, to the **Office of the Prosecutor General**. The appeal called for the initiation of legal steps that would prohibit the Collection’s restitution²⁴. Though the Russian Ministry of Culture and the Prosecutor General agreed that a return to Germany would be subject to compensation, they could not agree on the validity of the Kunsthalle Bremen’s ownership claim.
- **From 2004 to 2006**, presidential elections and changes in the Russian cabinet eclipsed the restitution issue. It only resurfaced in **2006** at a meeting between the then Russian Minister of Culture, Aleksandr Sokolov, and his German counterpart, Bernd Neumann, but no progress was made on the issue. As a consequence, the Baldin Collection remains in Russia.

¹⁸ Decree of the State Duma of the Federal Assembly of the Russian Federation, “On a moratorium on the return of cultural valuables displaced in the years of the Great Fatherland [Second World War],” April 2, 1995, no. 725-I GD. *Sobranie zakonodatel'stva RF*, 1995, art. 6. Ref. and transl. Patricia Kennedy Grimsted, F.J. Hoogewoud and Eric Ketelaar, *Returned From Russia: Nazi archival plunder in Western Europe and Recent Restitution Issues* (Pentre Moel, Crickadarn, UK: Institute of Art and Law, 2007), 300.

¹⁹ Translated by Konstantin Akinsha and Lynn Visson, “Project for Documentation on Wartime Cultural Losses,” accessed August 8, 2011, <http://docproj.loyola.edu/rlaw/r2.html>.

²⁰ See Anne Laure Bandle, Alessandro Chechi, Marc-André Renold, “Case Sammlung 101 – City of Bremen, Kunsthalle Bremen and Russia,” Platform ArThemis (<http://www.unige.ch/art-adr>), Art-Law Centre, University of Geneva.

²¹ See Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 272.

²² Ibid. (referring to Ministry of Culture of the Russian Federation, Order of 25 February 2003, no. 199, “About Exclusion of the Museum Objects from the Museum Fund of the Russian Federation and from the Registration Documentation of the State Hermitage”).

²³ Appeal of the State Duma of the Federal Assembly of the Russian Federation to the President of the Russian Federation V.V. Putin about the urgent consideration of the question connected with exclusion of the ‘Baldin Collection,’ kept in state custody in the State Hermitage from the Museum Fond of the Russian Federation,” no. 3718-III GD, 12 March 2003 (as reported in Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 273).

²⁴ See Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 274.

II. Dispute Resolution Process

Diplomatic Channel (Russia, Germany) – Negotiation – Ad hoc facilitator (“*Forschungsstelle Osteuropa*” headed by Wolfgang Eichwede)

- After the war, Victor Baldin informed the Kunsthalle Bremen of the Collection’s whereabouts and contacted several Soviet leaders in order to return the Collection to Germany. His efforts, however, remained unanswered²⁵. Russia initially denied the existence of the trophy art until the early 1990s²⁶. Later, Russia sought transparency, or in other words, “to openly show the world what had come into [its] collections as a result of the Second World War” by publishing a catalogue and displaying the artworks²⁷. When German cataloguers were invited to Russia to view the objects, a collaborative atmosphere seemed to have fostered between the two countries.
- Negotiations for the Collection’s return have been difficult due to internal disagreements within Germany and Russia on the issue. While the German government has insisted on affirming the unlawful possession of the drawings on the part of Russia and refused to enter into discussions regarding compensatory measures, the local authorities in Bremen have tried to find a compromise arrangement through their own initiative²⁸. By entering the Bremen Protocol, the Kunsthalle Bremen sought resolution with the Hermitage Museum on an institutional level²⁹.
- Russia experienced a similar divergence between the government’s approach and the position adopted by the State Duma and Museum directors. Whereas the Russian Ministry of Culture very early expressed the wish “to solve the problem of ownership of these works according to international law or by basis compensation and exchanges through bilateral or multilateral negotiations”³⁰, strong resistance against restitution materialized from the country’s parliament and museum directors³¹. The government’s position regarded the trophy art as just compensation for the losses Russia sustained during the Second World War.
- It became clear that Russia, if anything, would only agree to the restitution of the Collection in exchange for money or other cultural property in return³². In 1993, the then-Russian Minister of Culture had already stated “[t]he process of restitution of cultural treasures requires tolerance and compromise on both sides. Those things that should not be infringed are the law and the sense of historical justice”³³. The German government rejected

²⁵ Ibid., 259.

²⁶ See Lina M. Monten, “Case Notes and Comments: Soviet World War II Trophy Art in Present Day Russia: The Events, the Law and the Current Controversies,” *DePaul Journal of Art and Entertainment Law* 15 (2004): 64.

²⁷ Introduction to the catalogue issued by the Russian Kultura Publishing house in 1993, as reported by Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 262.

²⁸ See Bandle et al., “Case Sammlung 101 – City of Bremen, Kunsthalle Bremen and Russia,” 4; see also *ibid.*, 263.

²⁹ See Burchardi et al., “‘Beutekunst’ als Chance: Perspektiven der deutsch-russischen Verständigung,” 26.

³⁰ As reported and translated by Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 263 (quoting the Russian Ministry of Culture in 1993, Evgeny Sidorov).

³¹ See Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 265.

³² See Greenfield, *The Return of Cultural Treasures*, 190.

³³ As reported and translated by Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 263.

- compensatory restitution, but Bremen would have accepted the compromise³⁴. In fact, Bremen had offered the Hermitage Museum financial and technical help with the restoration of the church of Novgorod that was heavily destroyed during the war³⁵. Moreover, it had suggested that some of the requested works could remain long-term at the Saint Petersburg museum³⁶. However, all proposals were dismissed by the German government³⁷.
- Negotiations became increasingly difficult as Russia's approach toughened, following the implementation of the Cultural Valuables Law. Moreover, Russia had refused to accept the Bremen Protocol³⁸. Experts and diplomats recognized the negative impact of the Russian law on negotiations and warned the German government, but it was to no avail³⁹. A settlement had to be reached without triggering negative reactions from Russian nationalists. With a change in presidency of the Russian government in 2000, the Russian restitution policy seemed to become more promising for the cause of the Kunsthalle Bremen⁴⁰. Vladimir Putin's several "gestures of goodwill," intended to improve Russia's relationship with Germany, would have been unconscionable under Boris Yeltsin's presidency⁴¹.
 - Germany and Russia both benefitted from the experience of a knowledgeable facilitator, Wolfgang Eichwede, the head of the research institute "*Forschungsstelle Osteuropa*" of the Bremen University. Eichwede was involved in discussions between the Hermitage Museum and the Kunsthalle Bremen regarding the Baldin Collection as well as other property from the Kunsthalle⁴². The University's research institute studied the extent of the cultural property losses during the Second World War on both the German and Russian side⁴³. Eichwede also consulted with the Russian Ministry of Culture, with the permission of the German government and Bremen⁴⁴.
 - Once again in October 2002, the German and Russian Ministries of Culture announced the possible return of the Baldin Collection on several occasions⁴⁵. The Russian Ministry of Culture even issued an order "about the exclusion of the Baldin Collection from the Museum Fund"⁴⁶. However, nationalists led by Nikolai Gubenki, the former Minister of Culture and consistent opponent to the restitution of "trophy art", interfered in the Ministers' plans. The State Duma countered the Ministry's order by appeal. In addition, Gubenki requested the Office of the Prosecutor General to challenge the legal validity of the Collection's return.

³⁴ Ibid.

³⁵ See Burchardi et al., "'Beutekunst' als Chance: Perspektiven der deutsch-russischen Verständigung," 26.

³⁶ Ibid.

³⁷ Ibid.

³⁸ See Akinsha, "Why Can't Private Art 'Trophies' Go Home From the War?," 268.

³⁹ See Osteuropa, "Freundschaft ja, Dürer nein. Wolfgang Eichwede über die Abgründe des Beutekunstrechtsstreits zwischen Russland und Deutschland," *Osteuropa* 56 (January – February 2006): 76.

⁴⁰ See Akinsha, "Why Can't Private Art 'Trophies' Go Home From the War?," 268.

⁴¹ Ibid.; Grimsted, "Legalizing 'Compensation' and the Spoils of War," 241 et seq.

⁴² See Bandle et al., "Case Sammlung 101 – City of Bremen, Kunsthalle Bremen and Russia," 4.

⁴³ See Osteuropa, "Freundschaft ja, Dürer nein," 72.

⁴⁴ See Akinsha, "Why Can't Private Art 'Trophies' Go Home From the War?," 272.

⁴⁵ See Dolinina et al., "Ministry of Culture Won't Give Back What Doesn't Belong to It; *ibid.*

⁴⁶ Akinsha, "Why Can't Private Art 'Trophies' Go Home From the War?," 272 (referring to Ministry of Culture of the Russian Federation, Order of 25 February 2003, no. 199, "About Exclusion of the Museum Objects from the Museum Fund of the Russian Federation and from the Registration Documentation of the State Hermitage").

Finally, in 2005, the newly elected Russian Culture Minister, Alexander Sokolov, took an additional step backwards by announcing that any “prior expressed intention to return the collection to Germany had been premature”⁴⁷ and that he opposed such a return.

- At the time of this article, negotiations were still reported at a standstill⁴⁸.

III. Legal Issues

Ownership – Statute of limitations – State responsibility

- Characterized as a private “appropriation”, the Baldin Collection does not fall within the scope of the Russian Cultural Valuables Law⁴⁹. The Law only applies to cultural valuables that were transferred to Russia “pursuant to orders of the Soviet Army military command, the Soviet Military Administration in Germany, or instructions of other competent agencies of the USSR” (art. 4). Thus, the Russian law allows for the Collection’s return if desired by Baldin, the private appropriator of the artwork⁵⁰. When the case was introduced with the Prosecutor General of Russia, the Prosecutor contested the Kunsthalle Bremen’s claim to the Baldin Collection for insufficient evidence. Ownership was difficult to prove given that all relevant documents had been burned during the war⁵¹. Regardless, Russia’s entitlement to the drawings is disputable considering the Hermitage Museum accepted the artwork under the awareness that they had been illicitly brought to Russia by Baldin. At the time, Gubenki had declared that the drawings were ownerless property and that Victor Baldin brought them to Russia for safekeeping⁵².
- Moreover, the Prosecutor General held that, in any case, any property right would be barred by the expiration of the statute of limitations⁵³. Thus, the Collection had become Russian property⁵⁴. This contention was highly opposed by the Ministry of Culture⁵⁵.
- As an additional matter, it must be acknowledged that it is difficult to discern whether Baldin had acted independently or under the command of the Soviet Army when taking the Collection. Baldin obtained the drawings while acting in his official capacity as Soviet Army Captain. As in a similar case regarding a series of church panels⁵⁶, Germany could raise the

⁴⁷ Greenfield, *The Return of Cultural Treasures*, 190; see also Dolinina et al., “Ministry of Culture Won't Give Back What Doesn't Belong to It.

⁴⁸ See Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 283 et seq.

⁴⁹ See Grimsted, “Legalizing ‘Compensation’ and the Spoils of War,” 224; Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 276.

⁵⁰ See Wolfgang Eichwede, “Trophy Art as Ambassadors: Reflections Beyond Diplomatic Deadlock in the German-Russian Dialogue,” *International Journal of Cultural Property* 17 (2010): 396.

⁵¹ See Akinsha, “Why Can’t Private Art ‘Trophies’ Go Home From the War?,” 276 et seq.

⁵² *Ibid.*, 277.

⁵³ *Ibid.*, 276.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ See Anne Laure Bandle, Alessandro Chechi, Marc-André Renold, “Case Marienkirche Window Panels – Germany and Russia, State Hermitage Museum, Pushkin State Museum of Fine Arts,” Platform ArThemis (<http://unige.ch/art-adr>), Art-Law Centre, University of Geneva.

issue of the Russian State's responsibility in the unlawful removal of the Collection. In other words, the German state could assert that Russia's retention of its cultural property as reparation is illegitimate in view of: (i) Article 53 in connection with Article 56 of the Hague Convention of 1907⁵⁷; (ii) Article 4 of the Hague Rules of 1954⁵⁸; (iii) Article I(3) of the First Protocol to the Hague Convention of 1954⁵⁹; and the bilateral treaties concluded by Germany and Russia in 1990 and 1992.

IV. Adopted Solution

Request denied

- To this day the Kunsthalle Bremen and the German government have been unsuccessful in obtaining the restitution of the Baldin Collection or in reaching any other compromise with the Russian Government or the Hermitage Museum.

V. Comment

- The Baldin Collection case is probably the most famous pending restitution claim regarding war spoils held in Russia. The great public attention surrounding the Baldin Collection has been criticized for being mainly due to “excessively hotheaded politicians”⁶⁰. In particular, Nikolai Gubenki proved to be successful throughout negotiations “in exploiting perfectly the Russian complex of humiliation after the loss of superpower status”⁶¹.
- The dispute regarding the Baldin Collection is reminiscent of the case concerning the Bremen leaves collection (“Sammlung 101”), which reached a happy ending in April 2000. This collection of 101 drawings was also brought to Russia from the Castle of Karnzow by a Soviet

⁵⁷ Art cannot be seized as means of compensation (see Wilfried Fiedler, “Legal Issues Bearing on the Restitution of German Cultural Property in Russia,” in *The Spoils of War: World War II and Its Aftermath: The Loss, Reappearance, and Recovery of Cultural Property*, ed. Elizabeth Simpson (New York: Harry N. Abrahams, Inc., 1997), 178; Susanne Schoen, “Die Rückgabe der kriegsbedingt nach Russland verbrachten Fenster der Marienkirche aus politischer Sicht,” in *Der Antichrist. Die Glasmalereien der Marienkirche in Frankfurt (Oder)*, ed. Ulrich Knepfelkamp et al. (Leipzig: Edition Leipzig, 2008), 199. In 1939, the Hague Convention of 1907 “was the only comprehensive multilateral international agreement in effect in Europe dealing with the protection of cultural property during wartime” (Larry Kaye, *Laws in Force at the Dawn of World War II: International Conventions and National Laws*,” in *The Spoils of War: World War II and Its Aftermath: The Loss, Reappearance, and Recovery of Cultural Property*, ed. Elizabeth Simpson (New York: Harry N. Abrahams, Inc., 1997), 102).

⁵⁸ The Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954. Art. 4(3) commits contracting states to “undertake to prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against, cultural property. They shall refrain from requisitioning movable cultural property situated in the territory of another High Contracting Party.”

⁵⁹ Ibid. Art. I(3) explicitly forbids the retention of cultural property as war reparation.

⁶⁰ Ekaterina Genieva, “German Book Collections in Russian Libraries,” in *The Spoils of War: World War II and Its Aftermath: The Loss, Reappearance, and Recovery of Cultural Property*, ed. Elizabeth Simpson (New York: Harry N. Abrams, Inc., 1997), 224.

⁶¹ See Akinsha, “Why Can't Private Art ‘Trophies’ Go Home From the War?,” 278.

officer. Like Baldin, this officer attempted to return the drawings to Germany. Unlike Russia, both officers were not interested in obtaining compensation for the relinquishment of the drawings⁶². However, the Sammlung 101 Collection was delivered to the German Embassy in Moscow and thus in the German government's possession, whereas Baldin deposited the Collection at a Russian State Museum. It seems that the increased exposure of the Baldin Collection to the public as well as institutional legal and practical obstacles preventing the exit of cultural property from a Russian State Museum have negatively influenced the Kunsthalle Bremen's restitution claim.

- To support the necessary return of the country's "national heritage", German politicians have advanced concerns of national identity. According to Wolfgang Eichwede, Germany must compromise its request for a full restitution of the Collection: a "national heritage" comes about not merely through possession and ownership, but can also exist in flux and have its home beyond the borders of Germany. If the desire to communicate flows through this heritage, relinquishing the conventional demand for possession will be a worthwhile investment⁶³.
- A resolution in the Baldin case seems highly unlikely considering the Russian resistance against, and German persistence for, restitution. The situation may deteriorate if the parties should fail to adjust their positions⁶⁴. If the parties could manage to set aside legal entitlements and positional bargaining, and instead enter into an open and creative dialogue, they could find alternatives to the complete restitution of the Collection beneficial beyond any territorial considerations⁶⁵. For example, joint research projects could be launched in order to obtain more information on missing and found cultural property. Mutual exhibition programmes could enhance transparency of property recovered since the war and circulate awareness of each country's national heritage. Similarly, Ekaterina Genieva of the All-Russia State Library for Foreign Literature, suggested that "a shared European community" may be created by the return of some reclaimed objects⁶⁶. Eichwede appeals to both sides: "Let us be open to new forms of exchange that treat cultural assets not as trophies but as a shared opportunity"⁶⁷.

⁶² Ibid., 267.

⁶³ Eichwede, "Trophy Art as Ambassadors," 403.

⁶⁴ An example of which being the current art loan embargo between Russia and United States museums, see Kate Taylor, "Met Cancels Plans to Loan Works to Moscow's Kremlin Museum," *The New York Times*, August 11, 2011, accessed July 21, 2012, <http://artsbeat.blogs.nytimes.com/2011/08/11/met-cancels-plans-to-loan-works-to-moscows-kremlin-museum/>.

⁶⁵ See Eichwede, "Trophy Art as Ambassadors," 402; Lyndel V. Prott, "Principles for the Resolution of Disputes Concerning Cultural Heritage Displaced During the Second World War," in *The Spoils of War: World War II and Its Aftermath: The Loss, Reappearance, and Recovery of Cultural Property*, ed. Elizabeth Simpson (New York: Harry N. Abrams, Inc., 1997), 227.

⁶⁶ See Genieva, "German Book Collections in Russian Libraries," 224.

⁶⁷ Eichwede, "Trophy Art as Ambassadors," 403.

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