



ועידת התביעות  
**Claims Conference**  
Conference on Jewish Material Claims  
Against Germany



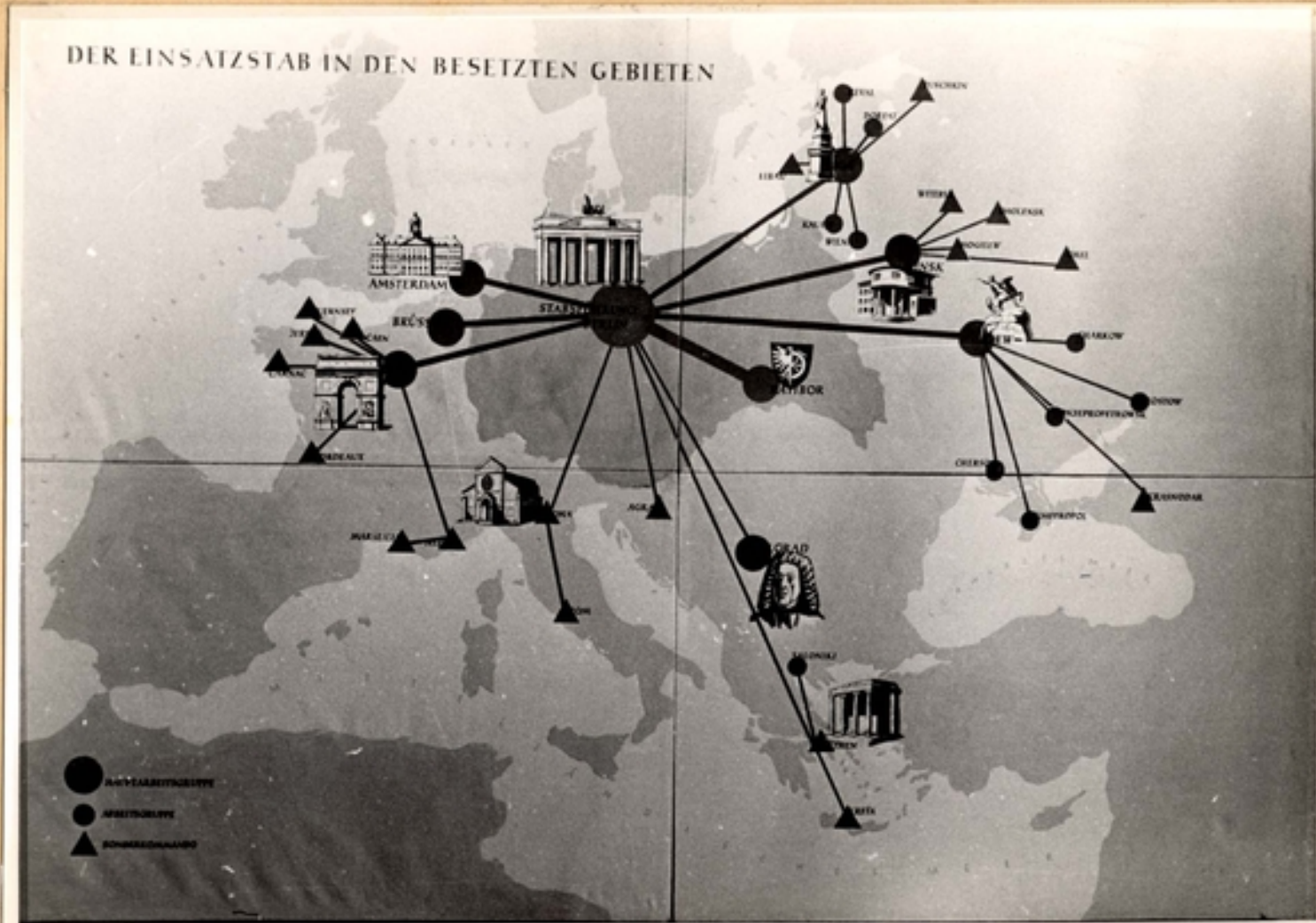
World Jewish Restitution Organization  
ארגון יהודי עולמי לחשיבת רכוש (אולטרא)

# Holocaust-Era Looted Art: A Current World-Wide Overview

## ICOM Museum & Politics Conference

St. Petersburg, September 11, 2014

# Identification and Restitution of Art Taken during the Nazi Era is an Issue for Museums in Many Countries



Morally the Issue is Particularly Important in Regard to Theft from Those Who Were Also Victims of Genocide



# ICOM Code of Ethics for Museums

- Principle 2 asserts that “Museums that maintain collections hold them in trust for the benefit of society and its development...Inherent in this public trust is the notion of stewardship that includes rightful ownership, permanence, documentation, accessibility, and responsible disposal” and calls upon museums to establish the full provenance of items in their collections and to take particular care in regard to material of sacred significance.

# Major Inter-Governmental Declarations during the Past Fifteen Years

- **Washington Conference Principles on Nazi-Confiscated Art (1998)**
- **Resolution 1205 of the Parliamentary Assembly of the Council of Europe (1999)**
- **Declaration of the Vilnius International Forum on Holocaust-Era Looted Cultural Assets (2000)**
- **Terezin Declaration of the Holocaust-Era Assets Conference in Prague (2009).**

# But No Mechanisms for Monitoring

- **No mechanism exists to monitor adherence to the ICOM Code of Museum Ethics.**
- **No mechanism exists to monitor progress by the 44 countries that endorsed the 1998 Washington Conference Principles on Nazi-Confiscated Art or by the 47 countries that endorsed the 2009 Terezin Declaration.**

# Surveys of Museums To Date

- 2005-2006 Claims Conference Survey of U.S. Museums' Adherence to AAM Guidelines
- 2007 CAMDO Survey of Canadian museums for the Department of Canadian Heritage
- 2008 Swiss Federal Office for Culture Survey of Swiss Museums

2014 Review by Claims Conference/WJRO  
of progress by 50 countries in  
implementing the 1998 Washington  
Conference Principles on Nazi-Confiscated  
Art and the 2009 Terezin Declaration

# **REVIEW OF PROGRESS TO DATE**



# COUNTRIES THAT HAVE MADE MAJOR PROGRESS TOWARDS IMPLEMENTING THE WASHINGTON PRINCIPLES AND TEREZIN DECLARATION

*Countries in which the Holocaust took place:*

- Austria, Czech Republic, Germany, Netherlands

*Other countries involved in the history of the Holocaust and its aftermath:*

# COUNTRIES THAT HAVE MADE SUBSTANTIAL PROGRESS TOWARDS IMPLEMENTING THE WASHINGTON PRINCIPLES AND TEREZIN DECLARATION

*Countries in which the Holocaust took place:*

- Belgium, France, Luxembourg, Norway, Slovakia

*Other countries involved in the history of the Holocaust and its aftermath:*

- Canada, Israel, Liechtenstein, Switzerland, United Kingdom, United States

# COUNTRIES THAT HAVE TAKEN SOME STEPS TOWARDS IMPLEMENTING THE WASHINGTON PRINCIPLES AND TEREZIN DECLARATION

*Countries in which the Holocaust took place:*

- Croatia, Denmark, Greece, Lithuania, Russian Federation

*Other countries involved in the history of the Holocaust and its aftermath:*

- Australia, Finland, Ireland

# **COUNTRIES THAT DO NOT APPEAR TO HAVE MADE SIGNIFICANT PROGRESS TOWARDS IMPLEMENTING THE WASHINGTON PRINCIPLES AND THE TEREZIN DECLARATION**

*Countries in which the Holocaust took place:*

- Belarus, Bosnia, Bulgaria, Estonia, Hungary, Italy, Latvia, Macedonia, Poland, Romania, Serbia, Slovenia, Ukraine

*Other countries involved in the history of the Holocaust and its aftermath:*

- Argentina, Brazil, Holy See, Portugal, Spain, Sweden, Turkey, Uruguay

## **COUNTRIES FOR WHICH THERE IS INSUFFICIENT INFORMATION TO MAKE A JUDGMENT**

- Albania, Cyprus, Kosovo, Malta, Moldova, Montenegro, as well as various other countries – e.g., Japan - involved in the world art trade

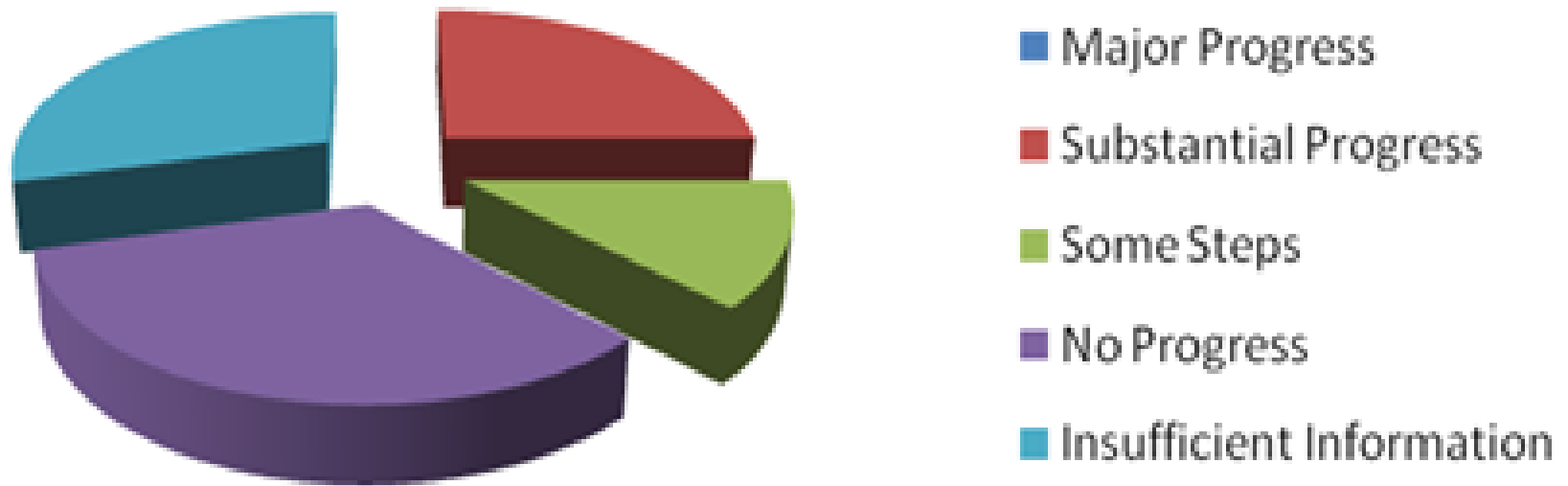
Only a third of 43 countries for which there is sufficient information have made major or substantial progress

**Implementation of Washington Principles and Terezin Declaration:  
Countries in which the Holocaust took place**



# Only a third of 43 countries for which there is sufficient information have made major or substantial progress

## Classification of Countries: Countries in which the Holocaust did not take place



**PRINCIPAL  
INTERNATIONAL  
DEVELOPMENTS SINCE  
THE 2009 HOLOCAUST-  
ERA ASSETS CONFERENCE  
IN PRAGUE**

# *Monitoring and Advocating*

In accordance with the Terezin Declaration, in 2010 the Government of the Czech Republic established the European Shoah Legacy Institute (ESLI).

The Institute was expected to report on activities (or lack thereof), including in regard to looted art, in the 47 countries that endorsed the Terezin Declaration, but has yet to do so.



# *Access to Archives*

- The International Research Portal for Records Related to Nazi-Era Cultural Property
- Increase in the establishment of research databases such as:
  - Claims Conference's *Cultural Plunder of the Einsatzstab Reichsleiter Rosenberg: Art Objects at the Jeu de Paume*
  - German Historical Museum's Databases
  - Getty Research Institute's *German Sales Catalogs*
  - Others

# *Training in Provenance Research*

- Provenance Research Training Program (PRTTP) of ESLI, funded and administered by the Claims Conference
- Training through Smithsonian Provenance Research Initiative and other national organizations
- Inclusion of training in the art history departments of one or two universities, notably the Free University of Berlin and the University of Jyväskylä

# *Impact of the Discovery of the Gurlitt Collection*

- Revelation in November 2013 that German authorities had discovered over 1400 artworks in the Munich apartment of Cornelius Gurlitt renewed interest in Nazi-confiscated art not only in Germany but throughout the world.
- Stimulus for German establishment of *Deutsches Zentrum Kulturgutverluste* – German Lost Art Foundation and other changes in Germany.
- Attention called to the international nature of work in this area.

# *Sharing of Experience in Provenance Research and Restitution*

- Slowdown in meetings in the field directly after the 2009 Prague Conference but changing now.
  - Symposium on International Collaboration on Claims for Nazi-Looted Art in November 2012 organized by the Dutch Restitutions Committee
  - International conference in October 2013 organized by the Czech Documentation Centre for Property Transfers of Cultural Assets of WWII Victims
  - Upcoming international conference on “Looted Art and Restitution in the Twentieth Century: Europe in transnational and global perspective” organized by Cambridge University

# ASSESSMENT

- While some positive developments, the strong spirit of 2009 Prague Conference and Terezin Declaration has now dissipated.
- Some renewed energy as a result of the Gurlitt collection.
- But overall no dramatic changes in the progress of countries since 2009.

# RECOMMENDATIONS FOR THE FUTURE

- What steps can the world museum community take that would be both
  - a) helpful to the resolution of at least that part of the greatest art theft in history that was accompanied by genocide; and
  - b) helpful to the greater professionalism and ethical standing of the museum community?

# RECOMMENDATIONS FOR THE FUTURE



# *Monitoring Adherence to the ICOM Code of Ethics*

- Adherence to the ICOM Code of Ethics for Museums should be monitored, either by ICOM as a whole or by the ICOM country organizations.
- Restitution may depend on national laws and other factors, but the carrying out of provenance research on collections is simply a part of professional, good, moral stewardship by museums of their collections.

## *Centralized Mechanisms for Ensuring Independence of Provenance Research*

- The countries that have done the most in regard to provenance research on Nazi-era art have established a centralized mechanism for ensuring that provenance research is independent and of high quality.

Examples: Austrian Provenance Commission, Ekkart Committee under the Inspectorate of Cultural Heritage of the Netherlands

## *Elimination of Secrecy*

- Secrecy does no one any good.
- Restitution may not be legally possible, but keeping secret what is in a collection only creates the suspicion that the objects have been obtained by illegal or immoral means.
- Secrecy thwarts loan exhibitions, art history, and history generally.

# *Removal of Provenance Research from Political Concerns*

- The time has come to remove the question of provenance research as much as possible from political concerns and to make it simply part of good, ethical, common museum practice.
- Given that movable art objects are to be found all over the world and that the Nazi-era history involves many countries, this needs to be an international effort.

# *Creation of an International Association of Provenance Researchers*

- An **International Association of Provenance Researchers** needs at long last to be established.
- Already some initiatives in this direction – e.g., the meetings under the German “Arbeitskreis Provenienzforschung,” the ESLI Provenance Research Training Program, and others

# An International Association of Provenance Researchers is needed to:

- Foster communication among provenance researchers worldwide
- Create standards for the field
- Organize professional training
- Organize specialized sub-fields (for example, on Judaica)

# Movement to Create Such an International Association of Provenance Researchers

- The Claims Conference/WJRO has begun to discuss creation such an Association with representatives of relevant organizations with an interest in seeing the field move forward.
- Relevant organizations include but are not limited to: ICOM, ministries of culture, provenance research commissions, the European Shoah Legacy Institute, and others.

# “The Unfinished Business of the Twentieth Century”

- We need to absorb our own ethical principles and understand that care for collections includes ensuring that they are clean collections that do not consist of stolen objects – or at least that we know which objects may have been stolen and which have not.





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