

Provenance research on Nazi-looted art in Germany

Background / Basics

- In 1999, the German Federation, the federal states and the national associations of local authorities showed their commitment to the **Washington Principles** of 1998 by formulating a **Common Statement** on the “tracing and return of Nazi-confiscated art, especially Jewish property”. This Common Statement remains the basis for the work of the Federal Government and all its partners in the area of provenance research. Private individuals and organisations are also urged to commit to the ideas set out in the Common Statement.
- Prof. Monika Grütters (Federal Government Commissioner for Culture and the Media) has signed a **Joint Declaration** with Stuart Eizenstat (then Expert Adviser for Holocaust-Era Issues to the U.S. Department of State) and Thomas Yazdgerdi (Special Envoy for Holocaust Issues at the U.S. Department of State) stressing that the implementation of the **Washington Principles remained a high priority for Germany** and the United States (<https://www.bundesregierung.de/resource/blob/973862/1554456/3adf98b40ff0e3d2c6f40b311ffc226f/2018-11-26-gemeinsame-erklarung-washingtoner-prinzipien-engl-data.pdf?download=1>). The Declaration was issued at “20 Years of Washington Principles: Roadmap for the Future”, an international conference in Berlin on 26–28 November 2018, marking the 20th anniversary of the signing of the Washington Principles (organised by the German Lost Art Foundation).
- In 2001, some practical **Guidelines** (*Handreichung*) were developed to help implement the Common Statement. These Guidelines provide detailed information to institutions holding cultural property, helping them to fulfil their tasks in connection with the Common Statement (<https://www.kulturgutverluste.de/Webs/EN/Research/Guidelines/Index.html>). The Guidelines explain the aims of the Washington Principles and provide practical advice on conducting independent provenance research in museums, libraries and archives. A new edition of the document was published in December 2019.
- In addition, a **Provenance Research Manual** (*Leitfaden Provenienzforschung*, <https://www.kulturgutverluste.de/Webs/EN/Research/Manual/Index.html>) was produced in 2019 with the participation and under the coordination of the German Lost Art Foundation. This document provides in-depth expert advice on practical research, based on the sum of recent experience compiled in the field.
- The **German Lost Art Foundation** (<https://www.kulturgutverluste.de/Webs/EN/Start/Index.html>) was established by federal, state and local authorities in 2015 and is headquartered in Magdeburg. It is federally funded. Its core task is to strengthen, pool and expand provenance research, especially into Nazi-looted art. In Germany, it is the central point of contact for those working to implement the Washington Principles. The German Lost Art Foundation is the successor of organisations including the Bureau for Provenance Research in Berlin, which funded provenance research beginning in 2008.
- The German Lost Art Foundation also runs the **Lost Art Database**, which went online in 2000 (<http://www.lostart.de/Webs/EN/Datenbank/Index.html;jsessionid=52F3B75DBAA2AEAA8246AA63EE411DE0.m1>), and which registers lost and found reports on Nazi-looted art.

- A key task of the German Lost Art Foundation is to store research results and make them available to the research community as a whole. It launched its **research database Proveana** (<https://www.proveana.de/en/start>) in January 2020. The database aims to make available research data obtained from the projects funded, as well as other findings from provenance research.
- In January 2020, the German Lost Art Foundation also launched a **Help Desk** as a central contact for people seeking Nazi-confiscated artworks (<https://www.kulturgutver-luste.de/Webs/EN/HelpDesk/Index.html>).
- Since 2019, the German Lost Art Foundation's financial support to institutions and collectors in Germany has included help with **tracing missing heirs**.
- The **Federal Art Administration** (https://kunstverwaltung.bund.de/EN/Home/home_node.html) is the agency responsible for the art holdings of the Federal Republic of Germany. It continuously checks the provenance of those artworks that were property of the German Reich, especially works left over from the Central Collecting Point in Munich ("Remainder CCP") for which the suspicion that they might have been looted in connection with Nazi persecution has not yet been either confirmed or ruled out entirely. The results of the systematic examination of these works are available via the provenance database, ProvenienzdatenbankBund.
- On 6 August 2016, the **Act on the Protection of Cultural Property** (*Kulturgutschutzgesetz, KGSG*) came into force. It contains various rules that help implement the Washington Principles and the Common Statement. It specifically ensures that mechanisms to prevent cultural property being removed from the country do not stand in the way of just and fair solutions. It also introduces stricter due diligence obligations to stop cultural property suspected of having been stolen under the Nazi regime being sold on the private market in Germany.

Supporting provenance research

- Since adopting the Washington Principles and the Common Statement, Germany has **continually improved the framework for the research and return** of Nazi-looted art. One sign of this is the huge expansion of provenance research; another is the increasing number of items that have been successfully restored to their rightful owners. Awareness of the difficulties involved has increased as a result. Provenance research in Germany **now has strong support structures** in cultural and academic institutions. Over the past 20 years, a steadily growing number of museums, libraries, archives and similar public institutions responsible for cultural property in Germany have been **systematically using provenance research** to find Nazi-confiscated items of cultural property. Federal institutions have been granted additional staff positions **for provenance research**.
- **Funding** for provenance research: **from 2008 to 2020, the Federal Government Commissioner for Culture and the Media (BKM) made available some 62 million euro** for provenance research. For 2021, the figure is **around 12 million euro**. This support remains focused on dealing with the legacy of Nazi-looted art. **From 2008 to November 2020, the BKM-financed German Lost Art Foundation** (and until 2015 its predecessor organisation, the BKM-financed Bureau for Provenance Research) **provided some 36.8 million euro to fund 372 provenance research projects**. The individual project organisers also provide part of the funding.

- Due to Germany's **federal structure**, government funding for provenance research is **decentralised**. For this reason, provenance research is carried out directly by the institutions and collections holding cultural property.
- There are now special **professorships and junior professorships** on provenance research at universities in Bonn, Hamburg, Munich, Berlin and Lüneburg. The University of Bonn has established an interdisciplinary research centre for provenance research, art and cultural property law, as well as a junior professorship. This centre trains students in the skills needed to conduct provenance research, while also embedding research on lost cultural property in the landscape of education and research.
- In addition, **further training programmes** on provenance research (funded by the German Lost Art Foundation) are offered at various locations, such as the Freie Universität Berlin (www.fu-berlin.de/wbz/provenienz, in German). They are aimed primarily at employees of museums, collections and museum associations, but also at freelance provenance researchers and art dealers.
- The University of Bonn has a BKM-financed **research project** on international practice in the restitution of Nazi-looted art entitled "**Restatement of Restitution Rules**" (<https://www.jura.uni-bonn.de/professur-prof-dr-weller/research-project-restatement-of-restitution-rules>). The project aims to identify general rules for how decisions are to be made based on considerations of fairness and justice. This entails a comprehensive **comparative legal analysis** of international practice in the restitution of Nazi-looted art. A "restatement" will be formulated as a result of this work, which is intended to provide well-founded arguments to inform decisions and recommendations on restitution cases. The Restatement of Restitution is to be presented in 2023 on the 25th anniversary of the Washington Principles.
- **Judaica initiatives:** In June 2018, the Jewish Museum Berlin and the New Synagogue Berlin – Centrum Judaicum Foundation held a **specialist symposium** entitled "Stolen Judaica – Provenance Research in Israel and Germany". This symposium was the first shared platform for dialogue between German and Israeli provenance researchers specializing in Jewish ceremonial objects. Material from the symposium is available on the website of the Jewish Museum Berlin (<https://www.jmberlin.de/en/symposium-stolen-judaica>). To support Judaica provenance research in Germany, the Freie Universität Berlin also held a Judaica **workshop** as part of its further training programme in Munich. Since May 2019, researchers have also been able to use an online German-language version of the "Handbook on Judaica Provenance Research: Ceremonial Objects" published in 2018 by the Conference on Jewish Material Claims Against Germany, Inc. (Claims Conference, JCC) and the World Jewish Restitution Organization (WJRO) (German title "**Handbuch zur Judaica-Provenienzforschung: Zeremonialobjekte**"; <http://art.claimscon.org/wp-content/uploads/2019/03/FINAL-Judaica-Hanbook-DEUTSCH-March-15-2019.pdf>). The German Lost Art Foundation has also published papers on Judaica provenance research in its **periodical Provenienz und Forschung**.
- The Federal Government supports **international cooperation in provenance research** such as the 2017–2019 German/American Provenance Research Exchange Program (<http://www.preussischer-kulturbesitz.de/priorities/science-and-research/research-services/provenance-research-exchange-program.html?L=1>) and the **German-Israeli dialogue on provenance research** organised by the German Lost Art Foundation in Berlin in August 2019. Plans are now under way to establish regular German-Israeli cooperation.

Restitution

- Between the adoption of the Washington Principles of 1998 and November 2020, more than **6,690** items of cultural property held by museums in Germany were returned to their rightful owners. In addition, more than **15,140** books and other library holdings were returned, along with papers and documents in numbers difficult to determine. Since not all successful restitutions (or other just and fair solutions in line with the Washington Principles) are known about and/or recorded, the actual number of restitutions is even higher.

The Gurlitt art trove

- Systematic research on the Gurlitt art trove (<https://www.kulturgutverluste.de/Webs/EN/Project-Gurlitt/Gurlitt-Provenance-Research/Index.html;jses-sionid=01BF2669E2D531AFE9B6ECB6A9753ADA.m0>) was concluded in late 2017.
- All 14 works from the Gurlitt art trove that were identified as Nazi-confiscated have been restituted.
- In May 2020, the German Lost Art Foundation **published** the research of the Schwabing Art Trove Task Force and the Gurlitt project. This research goes far beyond the provenance of individual works, as it concerns the structures surrounding Nazi-looted art in general, such as dealer networks in France during the Nazi occupation.

The Advisory Commission

- In 2003, the independent **Advisory Commission on the return of cultural property seized as a result of Nazi persecution, especially Jewish property** was established on the basis of an agreement between the Federal Government, the federal states and the national associations of local authorities (https://www.beratende-kommission.de/Webs_BK/EN/Start/Index.html). Its work is based on the **Washington Principles** of 1998 and the **Common Statement** of 1999.
- The Advisory Commission may be **appealed to** if there are differences of opinion concerning the restitution of cultural property removed from its owners, especially Jewish owners, as a result of persecution during the period of Nazi rule from 30 January 1933 to 8 May 1945. The Commission can help in cases where agreement cannot be found, making recommendations on how to resolve disputes. It is an **alternative mechanism for resolving ownership disputes** in line with the Washington Principles.
- In **2016**, the Advisory Commission underwent some key changes. The number of its members was increased from eight to ten, and now two of its members are Jewish. A limit was also placed on the length of time that Commission members could serve. The Commission **can also be appealed to by private individuals/organisations**. The Commission publishes its Rules of Procedure and must publicly justify its recommendations. This ensures **greater transparency**.
- Since budget year 2019, institutions funded by the Federal Government Commissioner for Culture and the Media have been **required to comply with requests** by claimants to bring cases before the Advisory Commission.
- In mid-2020, **the staff at the Advisory Commission's office** was expanded to provide more support to the Commission members, who work in a voluntary capacity. The office is headed by a legal expert, and also employs an art historian. It is located in Berlin.