



## FDHA/FDFA report on the state of work on Nazi-looted art, in particular, on the subject of provenance research

### Executive overview

*Looted art during the period of German National Socialism made it into Switzerland in various ways: Prior to, during and after Second World War. The Swiss Confederation places great importance on dealing with this topic in a transparent, legal and adequate manner. Together with 43 other countries, it adopted the «**Washington Conference Principles on Nazi-Confiscated art**» («Washington Conference Principles») in 1998 that demands just and fair solution in the area of looted art.*

*The international «Holocaust Era Assets Conference» in Prague was convened more than ten years after the adoption of the «Washington Conference Principles» (Prague Conference of June 26-30, 2009). It also included among other Holocaust-related topics, the issue of looted art. It adopted the «**Terezin Declaration**» together with 46 countries once again underscoring the continued need to implement the «Washington Conference Principles».*

*Clarifying the provenance (origin) of a work of art is of significant importance in assessing whether a work of art was looted by the Nazis. In advance of the Prague Conference, a voluntary survey was conducted on behalf of the Federal Council by the Federal Department of Home Affairs (FDHA, Federal Office of Culture) and the Federal Department of Foreign Affairs (FDFA, Directorate of Political Affairs) in cooperation with the cantons (Swiss Conference of Cantonal Ministers of Education, EDK) and museum associations (Association of Museums in Switzerland, VMS, Swiss Art Museums*

*Association, VSK) for the purpose of determining the state of provenance research at Swiss museums. Questionnaires were sent to 551 museums; 416 of the addressed institutions responded.*

*The present report compiles the results of the Prague Conference as well as the assessment of the survey of Swiss museums on the state of provenance research into Nazi-looted art. It indicates that larger art museums in particular with an international orientation have conducted looted art-related clarifications of provenance. At the same time, there is still a need for information and to raise awareness among numerous smaller and mid-sized museums. The report concludes with a continued need for action with regard to provenance research relating to Nazi-looted art.*

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## 1. INTRODUCTION

This report was prepared on behalf of the Federal Council by the Federal Department of Home Affairs (FDHA, Federal Office of Culture) and the Federal Department of Foreign Affairs (FDFA, *Directorate of Political Affairs*) in cooperation with the cantons (Swiss Conference of Cantonal Ministers of Education, EDK) and museum associations (Association of Swiss Museums, VMS, Swiss Art Museums Association, VSK). The report contains:

- 1) results of efforts relating to looted art of the international *Holocaust Era Assets Conference* in Prague with the «Terezin Declaration»;
- 2) summary of the survey conducted on behalf of the Federal Council by FDHA / FDFA on the state of provenance research at Swiss museums;
- 3) the finding by the working group from the Swiss Confederation (FDHA / FDFA) / Cantons (EDK) / and museum associations (VSM, VSK) on a continued need for action.

## 2. INTERNATIONAL PRAGUE *HOLOCAUST ERA ASSETS CONFERENCE*

### 2.1 Efforts on the occasion of the conference

The international *Holocaust Era Assets Conference*, which included 46 countries, took place under the aegis of the Czech government from June 26-30 in Prague (The Prague Conference). Experts and governmental representatives discussed topics relating to the Holocaust, in particular, areas relating to the social conditions of survivors, real estate, cemeteries and burial sites, looted art, Judaica and Jewish cultural property, archive materials, education, remembrances, research and memorial sites.

The Swiss Confederation was represented by a delegation at the Prague Conference.<sup>1</sup> The 1998 «*Washington Conference Principles on Nazi-Confiscated art*» («Washington Conference Principles», refer to Appendix I) remains groundbreaking with regard to dealing with the problem of looted art. The «Washington Conference Principles» brought about an international and coordinated dynamic on coming to terms with looted art. It was

not directly binding due to its design as «soft law», but it did call nations to act accordingly.

It was determined during the Prague Conference that considerable obstacles continue to confront dealing with the topic of looted art. In particular, inadequate access to information on provenance and archives, a lack of networking and the continued, to some extent, lack of existing awareness of the problem among involved circles results time and again in unsatisfactory situations that conflict with obligations under the «Washington Conference Principles». The 46 participating countries agreed at the Prague Conference on the Terezin Declaration setting forth existing need for action.

## **2.2 Terezin Declaration**

The 2009 «Terezin Declaration» (refer to Appendix II) of the Prague Conference notes that there are still substantial issues to be addressed despite various international conferences since 1998, since only part of the looted Jewish property had been returned to its proper owners.

The declaration refers to the «Washington Conference Principles» with regard to Nazi-looted art and reconfirms its content. It calls upon all participating countries as well as public and private institutions and persons to implement the «Washington Conference Principles».

The «Terezin Declaration» thus stresses the importance and continued support of identifying Nazi-looted art through the systematic and ongoing update of provenance research.

One requirement of provenance research is accessibility of archives and provenance-related files. All results of provenance research should be made available on the Internet to the public with due regard to privacy rules and regulations. Finally, according to the declaration simplified processes for dealing with issues of Nazi-looted art and the consideration of alternative forms of dispute resolution with regard to achieving just and fair solutions shall be established.

### **2.3 What is the state of provenance research on Nazi-looted art in Switzerland on an international comparative basis?**

An interim report on implementation of the «Washington Conference Principles» by the *Conference on Jewish Material Claims against Germany (Claims Conference)* was presented at the Prague Conference and finds that Switzerland is among those countries that have made substantial advances over the past ten years in the area of Nazi-looted art.<sup>2</sup>

At the federal level, the Federal Office of Culture had already conducted provenance research on cultural property owned by the Swiss Confederation in the run up to the Washington Conference and published a corresponding report in 1998 which is available on the Internet.<sup>3</sup> The Swiss Confederation is the competent authority for cultural property in its possession. This does not include cultural property owned by the cantons, municipalities as well as cultural property owned by private parties.

Provenance research is thus related to the knowledge gained from historical research. In 1996, the Federal Office of Culture commissioned a historical study of Switzerland as a Center for the Art Trade.<sup>4</sup> In 1996, the Swiss Confederation commissioned the Independent Commission of Experts Switzerland – Second World War (ICE, Bergier Commission) to undertake a comprehensive survey of the role of Switzerland during the Second World War. The IEC was granted access to private archives pursuant to a unanimous vote of both chambers of parliament; a unique occurrence worldwide. Both studies were published in 1998 and 2001 respectively.<sup>5</sup>

Access to files and archives ultimately played a key role for provenance research. At the federal level, files during the period of the Second World War, that are maintained in the Swiss Federal Archives, are all freely accessible. This applies as well to investigative materials collected by the ICE pursuant to a decision by the Federal Council. Public archives at the cantonal level are generally protected for access to files for not more than 50 years; access there is generally guaranteed as well. Grant of access to private files and archives derives from the Swiss Civil Code and private autonomy. Practical experience at the Contact Bureau on Looted Art suggests that access to private archives in Switzerland is not always guaranteed.<sup>6</sup>

The authorized offices at the FDHA / FDFA conducted the following survey described below on behalf of the Federal Council and in cooperation with the cantons and museum associations for the purposes of determining the state of provenance research with regard to Nazi-looted art at publicly accessible cantonal, municipal and private museums.

### **3. SURVEY ON THE STATE OF PROVENANCE RESEARCH AT SWISS MUSEUMS**

#### **3.1 Current Conditions**

In view of the 10th anniversary of the Washington Conference – that would result in the Prague Conference – the *Claims Conference* and the *World Jewish Restitution Organization* turned to the governments of more than 20 countries, including the Swiss Confederation among others, to find out about implementation of the «Washington Conference Principles».<sup>7</sup>

As a consequence, the Federal Council commissioned the FDHA / FDFA to conduct a voluntary survey on the state of provenance research at Swiss museums together with the cantons and museum associations.

The commissioned departments FDHA / FDFA established a working group, consisting of the Contact Bureau on Looted Art / FOC / FDHA, the Historical Service of the Political Affairs Secretariat at the FDFA, the Swiss Conference of Cantonal Ministers of Education (EDK), as well as the President of the Association of Museums in Switzerland (VMS) and the President of the Swiss Art Museums Association (VSK).<sup>8</sup>

The working group drafted a joint questionnaire during regular meetings on the state of provenance research with regard to the problem of Nazi-looted art in Swiss Museums. The questionnaire was sent by the Director of the Federal Office of Culture at the FDHA, Dr. Jean-Frédéric Jauslin, and the head of the Political Affairs Secretariat of the FDFA, Ambassador Jacques Pitteloud, in the summer of 2008 as a broad-based survey to 551 Swiss museums for a response (see Appendix IV and V, Letter with questionnaire and glossary).

The list of the 551 museums addressed were composed of two groups: The first group included Swiss art museums that signed the «Declaration on cultural property looted

during national socialist rule and the Second World War» in 1998 (refer to Appendix III, Declaration of undersigned art museums in Switzerland relating to cultural property looted during national socialist rule and the Second World War). The second group included public museums and institutions with collections not exclusively relating to technical, agricultural, zoological, geological or botanical objects.<sup>9</sup>

Participation by the 551 museums in the survey was voluntary and dealt in particular with the following topics:

- Self-assessment of the potential impact on museums from the issue of Nazi-looted art
- Provenance research conducted / neglected for works owned by the institution or works belonging to others
- Findings of provenance research
- Status quo of the inventory work on collections
- Restitution and requests for restitution

The survey was assessed by the competent services at the FDHA / FDFA based on the data provided by the museums in compliance with data-protection regulations as well as in consultation with the working group.<sup>10</sup>

The following summary provides the responses without comment. The assessment of responses received is part of the chapter «Assessment of supplied data by the working group Swiss Confederation / cantons / museum associations».

### **3.2 Summary of survey results on the state of provenance research.**

At a response rate of ca. 75 percent, 416 of the 551 museums responded. Responses by the museums vary considerably with regard to the depth and strength of the statements made. Whereas individual respondents responded in detail on the state of provenance research, other museums simply left out individual questions or provided only summary statements resulting in general statements accordingly. This had to be considered as part of the assessment.<sup>11</sup>



### *3.2.1 Potential impact of the issue of Nazi-looted art*

326 museums responded that they were not or only slightly impacted by the problem of Nazi-looted art: This includes small, local museums with an explicitly local or regional orientation (177), museums without their own works of art or with everyday objects (83) as well as a number of museums (130) that said they assumed collecting activities or were established only after 1945.<sup>12</sup> 27 museums did not answer this question. Conversely, 25 museums stated that works in the possession of their institutions may be impacted by the issue of Nazi-looted art.

### *3.2.2 Provenance research conducted / neglected*

43 museums reported that they had undertaken provenance research on works owned by their institutions regarding the problem of Nazi-looted art. 8 additional museums answered «to some extent» on the question of provenance research conducted.

Of the 25 museums that found a potential impact on their institutions from the issues of looted art, 24 indicated that they had conducted comprehensive or partial provenance research.<sup>13</sup>

90 museums failed to respond to this question.

261 museums revealed that they had not conducted any provenance research to date (63% of received responses). The failure to conduct provenance research was most commonly justified (177 responses) by a «local or regional orientation»; followed by «established or took up collection activities after 1945» (108 responses) and «no suspicion» (89 responses). 10 museums listed «lack of resources».<sup>14</sup>

### *3.2.3 Findings of provenance research on works owned by museums*

A total of 48 museums reported results of provenance research in light of the issue of Nazi-looted art in the questionnaires.<sup>15</sup> Data from 38 museums confirmed no suspicion of provenance with a looted art background; 3 museums discovered 3 works according to their own data that were related to the issue of looted art; 2 of the works of art were restituted and one work of art had already been compensated. Provenance research at 2 museums indicated that they possessed works of art that may potentially be impacted by

the issue of looted art. Two further museums reported that provenance research had not yet been completed.

#### 3.2.3.1 Acquisitions between 1933 and 1945

59 museums reported collection activities during the period of national socialism between 1933 and 1945. 43 museums declared a total of 68,500 acquisitions between 1933 and 1945 with just under 55,000 objects (ca. 80%) of an ethnographic or archaeological nature.<sup>16</sup>

Of the remaining approximately 13,500 objects, the provenance of ca. 2,500 objects were clarified according to the survey; ca. 11,000 objects were partially clarified.

16 museums provided no further details on the number of acquired objects. Of the 16 museums that provided no data on acquired objects, 9 museums reported having clarified provenance. 2 museums have partially clarified provenance. Finally, 4 museums indicated that they had not clarified provenance.

#### 3.2.3.2 Judaica

14 museums declared the acquisition of objects from Jewish rituals or with a sacral context. 6 detailed the extent: Of the 725 reported objects, 86 percent originated from one museum that considered it had clarified provenance.

#### 3.2.3.3 Provenance research of acquisitions since 1945

71 museums reported that acquisitions as of 1945 were clarified (17% of received responses). 21 museums reported that acquisitions are partially clarified (5 % of received responses) and 66 museums reported that acquisitions are not clarified (16 % of received responses). 186 museums did not respond to this question (45% of received responses).

#### 3.2.3.4 Review of provenance upon adding new works

117 reported at least a partial review of provenance upon adding new works to their inventory. 50 museums do not review the provenance upon adding new works to their

inventory. 166 museums provided no answer. 46 determined that the review of provenance upon adding new works to their inventory was not relevant.

For the addition of new works from third parties (loans, etc.), 83 museums reported on the survey that they conducted at least a partial review of provenance. 35 museums do not review the provenance of works from third parties. 233 museums provided no answer. 28 determined that the review of provenance upon adding new works of third parties was not relevant.

#### *3.2.4 State of inventory work with statement of provenance*

According to information provided by the museums, 188 museums have an inventory that includes an entry on provenance of the works owned by their institutes (45% of received responses); 92 of which are public and 73 not open to the public.<sup>17</sup> 132 museums did not provide details (32% of received responses) and 23 museums have no explicit inventory.

100 museums indicated possession of an inventory with statement of provenance for works owned by third parties (24% of received responses); 53 of which are public (13% of received responses); 36 are not publicly accessible (9% of received responses) and 11 museums failed to detail their response. 230 museums provided no information (just under 55% of received responses).<sup>18</sup>

#### *3.2.5 Restitution and requests for restitution*

Of the responses received, 7 museums noted receipt of a request for restitution:

- 2 requests resulted in restitution, whereby 1 restitution was not related to Nazi-looted art, but rather dealt with indigenous cultural property.
- 1 request was rejected and is final;
- 1 request was rejected and resulted in further clarification of provenance;
- 1 request resulted in a lawsuit currently pending;
- 1 request was no longer listed by the petitioner without grounds;<sup>19</sup>
- One request resulted in mediation and ultimately in compensation;
- 1 restitution was completed without the appropriate request.

144 museums responded that they had an open or at least cooperative view toward requests for restitution of Nazi-looted art (35% of received responses). 212 institutions had no comment on their position toward restitution requests and every tenth museum said they were not affected.

### **3.3 Assessment of supplied data by the working group Swiss Confederation / cantons / museum associations**

At a response rate of 75 percent, 416 museums of the 551 museums addressed responded to the survey of the state of provenance research of Nazi-looted art. This high response rate indicates that institutions and museums took the survey on Swiss museums very seriously and that there is a general level of attention paid to the topic. A significant part of the supplied data is, however, superficial or missing, and some of the larger museums either did not respond or only to limited extent. As a result, it can only partially be said to be representative of the Swiss museum landscape.<sup>20</sup>

#### *Potential impact of the issue of Nazi-looted art*

A number of responding institutions (326, 78% of received responses) informed that they are not or only slightly impacted by the issue of Nazi-looted art. This is primarily the result of local museums with an explicitly local or regional orientation and museums without their own art collections or everyday objects, as the quote below illustrates:

*«The museum exists since 1983 and primarily holds a collection of everyday cultural objects. The issue of Nazi-looted art has not, to my knowledge, been raised.»<sup>21</sup>*

Conversely, 25 museums reported potential impact by the issue of looted art (6% of received responses). A large percentage of these museums has more significant and internationally oriented collections. Five of these 25 museums belong to a group that signed a «Declaration on cultural property looted during national socialist rule and the Second World War» in 1998.<sup>22</sup>

One can conclude that awareness of the problem of Nazi-looted art does exist at a number of larger art museums with internationally oriented collection activities. At the same, this awareness has not developed among all museums and there is still need for information and to raise awareness on the issue of looted art.

*Provenance research conducted / neglected for works owned by the institution or works belonging to others*

51 museums responded that they have actually conducted provenance research on the issue of looted art. The group of 25 museums that found «potential impact» is represented with 24 museums.<sup>23</sup> Provenance research for own works and third-party works is an essential prerequisite to even be able to estimate the degree of impact.

108 indicated that they have not conducted any provenance research, since their museums were only established after 1945. Yet this argument fails to take into account the fact that risks exists to this day of acquiring looted art either through purchase or as a donation, especially if provenance is not or only superficially clarified. The following quote is representative and illustrates one aspect of the issue with regard to personnel and resources:

*«The museum has conducted, in addition to other research, provenance research since 2002 with regard to the publication of the five-volume scientific catalog of paintings and sculptures in the collection. [...] Special financing had to be found for research and publications, since it is not possible for the museum to conduct such research as part of normal operations due to the very tight level of personnel. No city, cantonal or federal funds are available for provenance research.»<sup>24</sup>*

Every fifth museum indicated at least some level of clarification of provenance on acquisitions after 1945 (92, 22% of received responses). In the survey, 117 museums responded that they conducted a partial review of provenance upon adding new works to a museum's inventory (28% of responses received). 22 percent respectively 28 percent are not enough in light of museum diligence standards as part of the «Code of Ethics for Museums» from the International Council of Museums (ICOM)<sup>25</sup>, which enshrines that an

institution reviews the provenance of a work upon entry. It is therefore important that museums be supported through suitable measures in their efforts to clarify provenance.

In addition to organizational measures to improve reviews of provenance, the working group recommends in particular training courses as well as improving the level of information available on the Internet.

#### *Findings on provenance research / status quo of inventory work including the provenance of all museum collections*

The results indicate that a large majority of museums have not fully processed the provenance of works of art. This applies to works of art owned by the institutions as well as, to an even greater degree, art works owned by third parties. Thus, inventories of works of art including provenance is still not sufficiently practiced on the Swiss museum landscape.

The systematic processing of the issue of Nazi-looted art is more difficult without publicly accessible inventories. As a result, there is a need to conduct provenance research in a systematic manner and, in particular, to make the results generally accessible, with the Internet playing an especially important role. An Internet platform can, for example, ensure access to the results of provenance research.

#### *Restitution and requests for restitution*

According to information provided by the museums, only one restitution of Nazi-looted art was executed to date as the result of a corresponding request. The overall number of requests for restitution is also rather low. Seven museums declared receipt of a request for restitution. Just a quarter of the museums responding (108) provided no information on this question. It is therefore difficult to make a valid assessment.

## **4. FINDING ON NEED FOR ACTION**

The working group from the Swiss Confederation / cantons and museum associations have determined a further need for action with regard to clarifying the provenance of Nazi-

looted art pursuant to the looted art-related international declarations of the Washington Conference and the Prague Conference and based on findings gained from the survey on the state of provenance research at Swiss museums:

#### **4.1 Implementation of looted-art relevant international declarations**

The Swiss Confederation obligated itself under the «Washington Conference Principles» of 1998 and the «Terezin Declaration» of 2009 to process the issue of Nazi-looted art in a targeted and systematic manner, to support achieving just and fair solutions. As a consequence, the further implementation of looted-art related international declarations by all impacted parties and institutions, both public and private, is of considerable importance.

#### **4.2 Information and raising awareness on the issue of Nazi-looted art**

The fact that only a few museums in Switzerland indicated being impacted by the issue of looted art reveals the need to continue to provide information and raise awareness on the issue of Nazi-looted art. These efforts must be promoted at all levels: By the work of the Contact Bureau on Looted Art FOC / FDHA and the Historical Service of the FDFA in cooperation with the Cantons (EDK) as well as the cities and municipalities, and, relating to private and public museums as well as collectors, by the associations.

#### **4.3 Intensification of provenance research on existing collections and new acquisitions at museums**

Museums and responsible bodies must intensify provenance research in terms of international declarations as well as their own diligence standards with regard to Nazi-looted art to actively assume their responsibility. The creation of comprehensive inventories with complete information on provenance is of particular importance.

#### **4.4 Accessibility of results of provenance research**

Simplified access to the relevant archives as well as publishing existing and future results of provenance research take on a central role in terms of transparency and a responsible handling of history. The Internet assumes an important role in making this information accessible. An Internet platform is to be created in support of this concern.

#### **4.5 Continuation of the efforts of the working group from the Swiss Confederation / cantons and museum associations.**

The results of the Prague Conference and the survey of Swiss museums on the state of provenance research with regard to Nazi-looted art indicate that the work is not yet completed in this area.

The requisite, additional processing requires the cooperation of all impacted parties, whether at the federal, cantonal or municipal levels as well as private parties. The work of the working group from the Swiss Confederation (FDHA / FDFA), cantons (EDK) and museum associations VMS, VSK should therefore be continued in a targeted manner to create the prerequisites for just and fair solution in the area of Nazi-looted art.

Bern, November 24, 2010, FDHA (FOC) / FDFA (DPA)



## APPENDIX

### *I. Washington Conference Principles on Nazi-Confiscated art (1998)*<sup>26</sup>

Released in connection with the Washington Conference on Holocaust-Era Assets, Washington, DC, December 3, 1998.

In developing a consensus on non-binding principles to assist in resolving issues relating to Nazi-confiscated art, the Conference recognizes that among participating nations there are differing legal systems and that countries act within the context of their own laws.

- I. Art that had been confiscated by the Nazis and not subsequently restituted should be identified.
- II. Relevant records and archives should be open and accessible to researchers, in accordance with the guidelines of the International Council on Archives.
- III. Resources and personnel should be made available to facilitate the identification of all art that had been confiscated by the Nazis and not subsequently restituted.
- IV. In establishing that a work of art had been confiscated by the Nazis and not subsequently restituted, consideration should be given to unavoidable gaps or ambiguities in the provenance in light of the passage of time and the circumstances of the Holocaust era.
- V. Every effort should be made to publicize art that is found to have been confiscated by the Nazis and not subsequently restituted in order to locate its pre-War owners or their heirs.
- VI. Efforts should be made to establish a central registry of such information.
- VII. Pre-War owners and their heirs should be encouraged to come forward and make known their claims to art that was confiscated by the Nazis and not subsequently restituted.
- VIII. If the pre-War owners of art that is found to have been confiscated by the Nazis and not subsequently restituted, or their heirs, can be identified, steps should be taken expeditiously to achieve a just and fair solution, recognizing this may vary according to the facts and circumstances surrounding a specific case.
- IX. If the pre-War owners of art that is found to have been confiscated by the Nazis, or their heirs, can not be identified, steps should be taken expeditiously to achieve a just and fair solution.
- X. Commissions or other bodies established to identify art that was confiscated by the Nazis and to assist in addressing ownership issues should have a balanced membership.
- XI. Nations are encouraged to develop national processes to implement these principles, particularly as they relate to alternative dispute resolution mechanisms for resolving ownership issues.

## *II. Terezin Declaration (2009)*<sup>27</sup>

Upon the invitation of the Prime Minister of the Czech Republic we the representatives of 46 states listed below met this day, June 30, 2009 in Terezin, where thousands of European Jews and other victims of Nazi persecution died or were sent to death camps during World War II. We participated in the Prague Holocaust Era Assets Conference organized by the Czech Republic and its partners in Prague and Terezin from 26-30 June 2009, discussed together with experts and non-governmental organization (NGO) representatives important issues such as Welfare of Holocaust (Shoah) Survivors and other Victims of Nazi Persecution, Immovable Property, Jewish Cemeteries and Burial Sites, Nazi- Confiscated and Looted Art, Judaica and Jewish Cultural Property, Archival Materials, and Education, Remembrance, Research and Memorial Sites. We join affirming in this

### **Terezin Declaration on Holocaust Era Assets and Related Issues**

- Aware that Holocaust (Shoah) survivors and other victims of Nazi persecution have reached an advanced age and that it is imperative to respect their personal dignity and to deal with their social welfare needs, as an issue of utmost urgency,
  - Having in mind the need to enshrine for the benefit of future generations and to remember forever the unique history and the legacy of the Holocaust (Shoah), which exterminated three fourths of European Jewry, including its premeditated nature as well as other Nazi crimes,
  - Noting the tangible achievements of the 1997 London Nazi Gold Conference, and the 1998 Washington Conference on Holocaust-Era Assets, which addressed central issues relating to restitution and successfully set the stage for the significant advances of the next decade, as well as noting the January 2000 Stockholm Declaration, the October 2000 Vilnius Conference on Holocaust Era Looted Cultural Assets,
  - Recognizing that despite those achievements there remain substantial issues to be addressed, because only a part of the confiscated property has been recovered or compensated,
  - Taking note of the deliberations of the Working Groups and the Special Session on Social Welfare of Holocaust Survivors and their points of view and opinions which surveyed and addressed issues relating to the Social Welfare of Holocaust Survivors and other Victims of Nazi Persecution, Immovable Property, Nazi Confiscated Art, Judaica and Jewish Cultural Property, Holocaust Education, Remembrance and Research, which can be found on the weblink for the Prague Conference and will be published in the Conference Proceedings,
  - Keeping in mind the legally non-binding nature of this Declaration and moral responsibilities thereof, and without prejudice to applicable international law and obligations,
1. Recognizing that Holocaust (Shoah) survivors and other victims of the Nazi regime and its collaborators suffered unprecedented physical and emotional trauma during their ordeal, the Participating States take note of the special social and medical needs of all survivors and strongly support both public and private efforts in their respective states to enable them to live in dignity with the necessary basic care that it implies.
  2. Noting the importance of restituting communal and individual immovable property that belonged to the victims of the Holocaust (Shoah) and other victims of Nazi persecution, the Participating States urge that every effort be made to rectify the consequences of wrongful property seizures, such as confiscations, forced sales and sales under duress of property, which were part of the persecution of these innocent people and groups, the vast majority of whom died heirless.
  3. Recognizing the progress that has been made in research, identification, and restitution of cultural property by governmental and non-governmental institutions in some states since the 1998 Washington Conference on Holocaust-Era Assets and the endorsement of the Washington Conference Principles on Nazi-Confiscated Art, the Participating States affirm an urgent need to strengthen and sustain these efforts in order to ensure just and fair solutions regarding cultural property, including Judaica that was looted or displaced during or as a result of the Holocaust (Shoah).

4. Taking into account the essential role of national governments, the Holocaust (Shoah) survivors' organizations, and other specialized NGOs, the Participating States call for a coherent and more effective approach by States and the international community to ensure the fullest possible, relevant archival access with due respect to national legislation. We also encourage States and the international community to establish and support research and education programs about the Holocaust (Shoah) and other Nazi crimes, ceremonies of remembrance and commemoration, and the preservation of memorials in former concentration camps, cemeteries and mass graves, as well as of other sites of memory.

5. Recognizing the rise of Anti-Semitism and Holocaust (Shoah) denial, the Participating States call on the international community to be stronger in monitoring and responding to such incidents and to develop measures to combat anti-Semitism.

### **The Welfare of Holocaust (Shoah) Survivors and other Victims of Nazi Persecution**

Recognizing that Holocaust (Shoah) survivors and other victims of Nazi persecution, including those who experienced the horrors of the Holocaust (Shoah) as small and helpless children, suffered unprecedented physical and emotional trauma during their ordeal.

Mindful that scientific studies document that these experiences frequently result in heightened damage to health, particularly in old age, we place great priority on dealing with their social welfare needs in their lifetimes. It is unacceptable that those who suffered so greatly during the earlier part of their lives should live under impoverished circumstances at the end.

1. We take note of the fact that Holocaust (Shoah) survivors and other victims of Nazi persecution have today reached an advanced age and that they have special medical and health needs, and we therefore support, as a high priority, efforts to address in their respective states the social welfare needs of the most vulnerable elderly victims of Nazi persecution – such as hunger relief, medicine and homecare as required, as well as measures that will encourage intergenerational contact and allow them to overcome their social isolation. These steps will enable them to live in dignity in the years to come. We strongly encourage cooperation on these issues.

2. We further take note that several states have used a variety of creative mechanisms to provide assistance to needy Holocaust (Shoah) survivors and other victims of Nazi persecution, including special pensions; social security benefits to non-residents; special funds; and the use of assets from heirless property. We encourage states to consider these and other alternative national actions, and we further encourage them to find ways to address survivors' needs.

### **Immovable (Real) Property**

Noting that the protection of property rights is an essential component of a democratic society and the rule of law, Acknowledging the immeasurable damage sustained by individuals and Jewish communities as a result of wrongful property seizures during the Holocaust (Shoah),

Recognizing the importance of restituting or compensating Holocaust-related confiscations made during the Holocaust era between 1933-45 and as its immediate consequence,

Noting the importance of recovering communal and religious immovable property in reviving and enhancing Jewish life, ensuring its future, assisting the welfare needs of Holocaust (Shoah) survivors, and fostering the preservation of Jewish cultural heritage,

1. We urge, where it has not yet been effectively achieved, to make every effort to provide for the restitution of former Jewish communal and religious property by either in rem restitution or compensation, as may be appropriate; and

2. We consider it important, where it has not yet been effectively achieved, to address the private property claims of Holocaust (Shoah) victims concerning immovable (real) property of former owners, heirs or successors, by either in rem restitution or compensation, as may be appropriate, in a fair, comprehensive and nondiscriminatory manner consistent with relevant national law and regulations, as well as international agreements. The process of such restitution or compensation should be expeditious, simple, accessible,

transparent, and neither burdensome nor costly to the individual claimant; and we note other positive legislation in this area.

3. We note that in some states heirless property could serve as a basis for addressing the material necessities of needy Holocaust (Shoah) survivors and to ensure ongoing education about the Holocaust (Shoah), its causes and consequences.

4. We recommend, where it has not been done, that states participating in the Prague Conference consider implementing national programs to address immovable (real) property confiscated by Nazis, Fascists and their collaborators. If and when established by the Czech Government, the European Shoah Legacy Institute in Terezin shall facilitate an intergovernmental effort to develop non-binding guidelines and best practices for restitution and compensation of wrongfully seized immovable property to be issued by the one-year anniversary of the Prague Conference, and no later than June 30, 2010, with due regard for relevant national laws and regulations as well as international agreements, and noting other positive legislation in this area.

### **Jewish Cemeteries and Burial Sites**

Recognizing that the mass destruction perpetrated during the Holocaust (Shoah) put an end to centuries of Jewish life and included the extermination of thousands of Jewish communities in much of Europe, leaving the graves and cemeteries of generations of Jewish families and communities unattended, and

Aware that the genocide of the Jewish people left the human remains of hundreds of thousands of murdered Jewish victims in unmarked mass graves scattered throughout Central and Eastern Europe,

We urge governmental authorities and municipalities as well as civil society and competent institutions to ensure that these mass graves are identified and protected and that the Jewish cemeteries are demarcated, preserved and kept free from desecration, and where appropriate under national legislation could consider declaring these as national monuments.

### **Nazi-Confiscated and Looted Art**

Recognizing that art and cultural property of victims of the Holocaust (Shoah) and other victims of Nazi persecution was confiscated, sequestered and spoliated, by the Nazis, the Fascists and their collaborators through various means including theft, coercion and confiscation, and on grounds of relinquishment as well as forced sales and sales under duress, during the Holocaust era between 1933-45 and as an immediate consequence, and

Recalling the Washington Conference Principles on Nazi-Confiscated Art as endorsed at the Washington Conference of 1998, which enumerated a set of voluntary commitments for governments that were based upon the moral principle that art and cultural property confiscated by the Nazis from Holocaust (Shoah) victims should be returned to them or their heirs, in a manner consistent with national laws and regulations as well as international obligations, in order to achieve just and fair solutions,

1. We reaffirm our support of the Washington Conference Principles on Nazi-Confiscated Art and we encourage all parties including public and private institutions and individuals to apply them as well,

2. In particular, recognizing that restitution cannot be accomplished without knowledge of potentially looted art and cultural property, we stress the importance for all stakeholders to continue and support intensified systematic provenance research, with due regard to legislation, in both public and private archives, and where relevant to make the results of this research, including ongoing updates, available via the internet, with due regard to privacy rules and regulations. Where it has not already been done, we also recommend the establishment of mechanisms to assist claimants and others in their efforts,

3. Keeping in mind the Washington Conference Principles on Nazi-Confiscated Art, and considering the experience acquired since the Washington Conference, we urge all stakeholders to ensure that their legal systems or alternative processes, while taking into account the different legal traditions, facilitate just and fair solutions with regard to Nazi-confiscated and looted art, and to make certain that claims to recover such art are resolved expeditiously and based on the facts and merits of the claims and all the relevant documents submitted by all parties. Governments should consider all relevant issues when applying various legal

provisions that may impede the restitution of art and cultural property, in order to achieve just and fair solutions, as well as alternative dispute resolution, where appropriate under law.

### **Judaica and Jewish Cultural Property**

Recognizing that the Holocaust (Shoah) also resulted in the wholesale looting of Judaica and Jewish cultural property including sacred scrolls, synagogue and ceremonial objects as well as the libraries, manuscripts, archives and records of Jewish communities, and

Aware that the murder of six million Jews, including entire communities, during the Holocaust (Shoah) meant that much of this historical patrimony could not be reclaimed after World War II, and Recognizing the urgent need to identify ways to achieve a just and fair solution to the issue of Judaica and Jewish cultural property, where original owners, or heirs of former original Jewish owners, individuals or legal persons cannot be identified, while acknowledging there is no universal model,

1. We encourage and support efforts to identify and catalogue these items which may be found in archives, libraries, museums and other government and non-government repositories, to return them to their original rightful owners and other appropriate individuals or institutions according to national law, and to consider a voluntary international registration of Torah scrolls and other Judaica objects where appropriate, and

2. We encourage measures that will ensure their protection, will make appropriate materials available to scholars, and where appropriate and possible in terms of conservation, will restore sacred scrolls and ceremonial objects currently in government hands to synagogue use, where needed, and will facilitate the circulation and display of such Judaica internationally by adequate and agreed upon solutions.

### **Archival Materials**

Whereas access to archival documents for both claimants and scholars is an essential element for resolving questions of the ownership of Holocaust-era assets and for advancing education and research on the Holocaust (Shoah) and other Nazi crimes,

Acknowledging in particular that more and more archives have become accessible to researchers and the general public, as witnessed by the Agreement reached on the archives of the International Tracing Service (ITS) in Bad Arolsen, Germany,

Welcoming the return of archives to the states from whose territory they were removed during or as an immediate consequence of the Holocaust (Shoah),

We encourage governments and other bodies that maintain or oversee relevant archives to make them available to the fullest extent possible to the public and researchers in accordance with the guidelines of the International Council on Archives, with due regard to national legislation, including provisions on privacy and data protection, while also taking into account the special circumstances created by the Holocaust era and the needs of the survivors and their families, especially in cases concerning documents that have their origin in Nazi rules and laws.

### **Education, Remembrance, Research and Memorial Sites**

Acknowledging the importance of education and remembrance about the Holocaust (Shoah) and other Nazi crimes as an eternal lesson for all humanity,

Recognizing the preeminence of the Stockholm Declaration on Holocaust Education, Remembrance and Research of January 2000, Recognizing that the Universal Declaration of Human Rights was drafted in significant part in the realization of the horrors that took place during the Holocaust, and further recognizing the U.N. Convention on the Prevention and Punishment of the Crime of Genocide,

Recalling the action of the United Nations and of other international and national bodies in establishing an annual day of Holocaust remembrance,

Saluting the work of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research (ITF) as it marks its tenth anniversary, and encouraging the

States participating in the Prague Conference to cooperate closely with the Task Force, and Repudiating any denial of the Holocaust (Shoah) and combating its trivialization or diminishment, while encouraging public opinion leaders to stand up against such denial, trivialization or diminishment,

1. We strongly encourage all states to support or establish regular, annual ceremonies of remembrance and commemoration, and to preserve memorials and other sites of memory and martyrdom. We consider it important to include all individuals and all nations who were victims of the Nazi regime in a worthy commemoration of their respective fates,
2. We encourage all states as a matter of priority to include education about the Holocaust (Shoah) and other Nazi crimes in the curriculum of their public education systems and to provide funding for the training of teachers and the development or procurement of the resources and materials required for such education.
3. Believing strongly that international human rights law reflects important lessons from history, and that the understanding of human rights is essential for confronting and preventing all forms of racial, religious or ethnic discrimination, including Anti-Semitism, and Anti-Romani sentiment, today we are committed to including human rights education into the curricula of our educational systems. States may wish to consider using a variety of additional means to support such education, including heirless property where appropriate.
4. As the era is approaching when eye witnesses of the Holocaust (Shoah) will no longer be with us and when the sites of former Nazi concentration and extermination camps, will be the most important and undeniable evidence of the tragedy of the Holocaust (Shoah), the significance and integrity of these sites including all their movable and immovable remnants, will constitute a fundamental value regarding all the actions concerning these sites, and will become especially important for our civilization including, in particular, the education of future generations. We, therefore, appeal for broad support of all conservation efforts in order to save those remnants as the testimony of the crimes committed there to the memory and warning for the generations to come and where appropriate to consider declaring these as national monuments under national legislation.

### **Future Action**

Further to these ends we welcome and are grateful for the Czech Government's initiative to establish the European Shoah Legacy Institute in Terezin (Terezin Institute) to follow up on the work of the Prague Conference and the Terezin Declaration. The Institute will serve as a voluntary forum for countries, organisations representing Holocaust (Shoah) survivors and other Nazi victims, and NGOs to note and promote developments in the areas covered by the Conference and this Declaration, and to develop and share best practices and guidelines in these areas and as indicated in paragraph four of Immovable (Real) Property. It will operate within the network of other national, European and international institutions, ensuring that duplicative efforts are avoided, for example, duplication of the activities of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research (ITF).

Following the conference proceedings and the Terezin Declaration, the European Commission and the Czech Presidency have noted the importance of the Institute as one of the instruments in the fight against racism, xenophobia and anti-Semitism in Europe and the rest of the world, and have called for other countries and institutions to support and cooperate with this Institute.

To facilitate the dissemination of information, the Institute will publish regular reports on activities related to the Terezin Declaration. The Institute will develop websites to facilitate sharing of information, particularly in the fields of art provenance, immovable property, social welfare needs of survivors, Judaica, and Holocaust education. As a useful service for all users, the Institute will maintain and post lists of websites that Participating

States, organizations representing Holocaust (Shoah) survivors and other Nazi victims and NGOs sponsor as well as a website of websites on Holocaust issues.

We also urge the States participating in the Prague Conference to promote and disseminate the principles in the Terezin Declaration, and encourage those states that are members of agencies, organizations and other entities which address educational, cultural and social issues around the world, to help disseminate information about resolutions and principles dealing with the areas covered by the Terezin Declaration. A more complete description of the Czech Government's concept for the Terezin Institute and the Joint Declaration of the European Commission and the Czech EU Presidency can be found on the website for the Prague Conference and will be published in the conference proceedings.

*List of States*

1. Albania
2. Argentina
3. Australia
4. Austria
5. Belarus
6. Belgium
7. Bosnia and Herzegovina
8. Brazil
9. Bulgaria
10. Canada
11. Croatia
12. Cyprus
13. Czech Republic
14. Denmark
15. Estonia
16. Finland
17. France
18. FYROM
19. Germany
20. Greece
21. Hungary
22. Ireland
23. Israel
24. Italy
25. Latvia
26. Lithuania
27. Luxembourg
28. Malta
29. Moldova
30. Montenegro
31. The Netherlands
32. Norway
33. Poland
34. Portugal
35. Romania
36. Russia
37. Slovakia
38. Slovenia
39. Spain
40. Sweden
41. Switzerland
42. Turkey
43. Ukraine
44. United Kingdom
45. United States
46. Uruguay
- The Holy See (*observer*)
- Serbia (*observer*)

### *III. Declaration of undersigned art museums in Switzerland on cultural property looted during national socialist rule and the Second World War (1998)*

1. Die unterzeichnenden Kunstmuseen sind problembewusst und sind so weit irgend möglich um Abklärung und Aufklärung in Bezug auf Kulturgüter, die während der nationalsozialistischen Herrschaft und des Zweiten Weltkriegs geraubt wurden, bemüht.
2. Die unterzeichnenden Kunstmuseen missbilligen grundsätzlich die unrechtmässige Aneignung von Kulturgütern und unterstützen die Bemühungen solche Objekte entweder ihren rechtmässigen Eigentümern bzw. ihren Erben zurückzuerstatten oder eine für beide Seiten angemessene Lösung zu finden.
3. Die unterzeichnenden Kunstmuseen sind bereit, bei der Geltendmachung von Besitzansprüchen im Zusammenhang mit Kulturgütern aus der fraglichen Zeit, solche Gesuche gründlich zu prüfen und im Fall zurecht bestehender Ansprüche konstruktiv zu einer gemeinsamen Lösung beizutragen.
4. Die unterzeichnenden Kunstmuseen setzen auf Transparenz ihrer Inventare; diese sind sowohl zu Forschungszwecken als auch für Personen mit ausgewiesenem Interesse zugänglich.
5. Die unterzeichnenden Kunstmuseen stehen der Einrichtung einer Dokumentations- und Koordinationsstelle sowie einer Datenbank von Kulturgut, das von den Nationalsozialisten geraubt wurde, positiv gegenüber.
6. Die unterzeichnenden Kunstmuseen weisen darauf hin, dass einige unter ihnen dazu beigetragen haben, Kulturgut aus jüdischem Besitz vor dem Angriff der Nationalsozialisten zu bewahren: Dabei wurden Sammlungen während des Krieges zur Aufbewahrung entgegengenommen, um die Eigentümer vor Enteignung zu schützen; nach dem Krieg konnten die Kulturgüter den Eigentümern unversehrt übergeben werden.

Gezeichnet: Aargauer Kunsthaut; Öffentliche Kunstsammlung Basel; Kunstmuseum Bern; Bündner Kunstmuseum; Musée d'Art et d'Histoire Genève; Kunsthaut Glarus; Musée Cantonal des Beaux-Arts Lausanne; Kunstmuseum Luzern; Kunstmuseum Solothurn; Kunstmuseum St. Gallen; Kunstmuseum Winterthur; Kunsthaut Zürich



#### *IV. FDHA / FDFA letter of July 15, 2008 on the state of provenance research at Swiss museums*

##### **Fragebogen zum Stand der Provenienzrecherchen betreffend Raubkunst in Schweizer Museen**

Sehr geehrte Damen und Herren

Im Auftrag des Bundesrates wenden wir uns in Zusammenarbeit mit den Kantonen, vertreten durch die Präsidentin der Schweizerischen Konferenz der Erziehungsdirektoren, dem Verband der Museen der Schweiz und der Vereinigung Schweizer Kunstmuseen, beide jeweils vertreten durch ihre Präsidenten, mit folgendem Anliegen an Sie:

Am 3. Dezember 1998 haben die Schweiz sowie 43 andere Staaten die «Washington Conference Principles on Nazi-Confiscated Art» unterzeichnet und damit erklärt, dass sie die Aufarbeitung der NS-Raubkunstproblematik fördern wollen. Der Bundesrat misst dem transparenten, rechtmässigen und angemessenen Umgang mit dieser Thematik eine grosse Bedeutung zu.

Zehn Jahre später sind die Raubkunstproblematik und insbesondere die Frage nach der Provenienz von Kulturgütern immer noch von grossem öffentlichem Interesse, in der Schweiz genauso wie auch in anderen Staaten. Im Bestreben, die «Washington Conference Principles on Nazi-Confiscated Art» bestmöglich umzusetzen, hat der Bundesrat dem Eidgenössischen Departement des Innern und dem Eidgenössischen Departement für auswärtige Angelegenheiten den Auftrag zur Berichterstattung über den Stand der Provenienzrecherchen bezüglich NS-Raubkunst in Schweizer Museen erteilt.

Der beiliegende Fragebogen dient als Grundlage für den Bericht. Er wurde gemeinsam mit den Kantonen und erwähnten Museumsverbänden erarbeitet. Um gemeinsam mit Ihnen, den Kantonen und den Museen einen weiteren Schritt in der Aufarbeitung der Raubkunstproblematik zu gehen, ersuchen wir Sie den Fragebogen auszufüllen. Die Antworten des Fragebogens werden durch die eidgenössische Verwaltung zuhanden des Berichts an den Bundesrat ausgewertet. Der Zugang Dritter zu den individuellen ausgefüllten Fragebogen ist nur im Einvernehmen mit den jeweiligen Institutionen möglich.

Im Bestreben nach Transparenz, Rechtmässigkeit und Angemessenheit ist es dem Bundesrat, den Kantonen und den erwähnten Museumsverbänden ein grosses Anliegen, dass möglichst viele Fragebögen ausführlich und innerhalb nützlicher Frist beantwortet werden.

Für eine Rücksendung des Fragebogens bis am 15. September 2008 mittels beiliegendem Antwortcouvert an die Anlaufstelle Raubkunst des BAK wären wir Ihnen dankbar. Wichtige Ausdrücke sind im beiliegenden Glossar erklärt. Sodann enthält die Rubrik «Raubkunst» der Homepage des BAK relevante Informationen zum Thema ([www.bak.admin.ch](http://www.bak.admin.ch)). Bei allfälligen Fragen können Sie sich an die Anlaufstelle Raubkunst des BAK ([kgt@bak.admin.ch](mailto:kgt@bak.admin.ch)) wenden.

Wir danken Ihnen im Voraus für Ihr Engagement und die gute Zusammenarbeit und verbleiben mit freundlichen Grüssen

Dr. Jean-Frédéric Jauslin  
Direktor Bundesamt für Kultur, EDI

Dr. Jacques Pitteloud, Botschafter  
Politisches Sekretariat, EDA

Beilagen: Fragebogen, Glossar, Antwortcouvert / Verteiler: Öffentlich zugängliche Museen in der Schweiz: Insbesondere Kunstmuseen, Regional- und Heimatmuseen und naturhistorische Museen / Kopie an: Schweizerische Konferenz der kantonalen Erziehungsdirektoren (EDK), Verband der Museen der Schweiz (VMS), Vereinigung Schweizer Kunstmuseen (VSK)

*V. Questionnaire on the state of provenance research, glossary*

*Author: FDHA (Contact Bureau on Looted Art, FOC) and FDFA (Historical Service) in cooperation with EDK, KBK, VSK and VMS*

**Fragebogen  
«STAND DER PROVENIENZRECHERCHEN»  
in Schweizer Museen betreffend die  
«Washington Conference Principles on Nazi-Confiscated Art»  
der Washington Conference on Holocaust-Era Assets 1998**

**Bitte senden Sie den ausgefüllten Fragebogen innert zwei Monaten,  
d. h. bis am 15. September 2008 mit dem beiliegenden Antwortcouvert  
an die Anlaufstelle Raubkunst, Hallwylstr. 15, 3003 Bern, zurück**

Name der Institution: \_\_\_\_\_

Kontaktperson für Fragen  
betreffend diesen Fragebogen: \_\_\_\_\_

**Zusammenfassung:**

Die Schweiz hat im Dezember 1998 an der internationalen Konferenz über „Holocaust-Era Assets“ neben 43 weiteren Staaten die „Washington Conference Principles on Nazi-Confiscated Art“ unterzeichnet und damit erklärt, dass sie die Aufarbeitung der NS-Raubkunstproblematik grosse Bedeutung zumisst.

Der Fragebogen ist das Ergebnis eines Auftrags des Bundesrats zur Berichterstattung an das Eidgenössische Departement des Innern (EDI) und das Eidgenössische Departement für auswärtige Angelegenheiten (EDA). Die Umfrage dient als Grundlage für den zu erarbeitenden Bericht an den Bundesrat zum Stand der Provenienzzrecherchen bei der NS-Raubkunstproblematik in der Schweiz.

Ein Schritt in der Umsetzung der Washingtoner Absichtserklärung ist der hiermit vorliegende Fragebogen zum Stand der Provenienzzrecherchen bezüglich NS-Raubkunst in Schweizer Museen.

Die Antworten werden von der Anlaufstelle Raubkunst des Bundesamts für Kultur (BAK, EDI) sowie dem historischen Dienst des EDA für einen zusammenfassenden Bericht an den Bundesrat ausgewertet. Individuelle Fragebogen werden Dritten nur mit ausdrücklicher Zustimmung der Institution zugänglich gemacht.

Es ist dem Bundesrat, den Kantonen und den Museumsverbänden VMS und VSK ein Anliegen, dass möglichst viele Fragebögen beantwortet und zurückgeschickt werden.

Für eine Rücksendung des Fragebogens bis am 15. September 2008 mittels beiliegendem Antwortcouvert wären wir Ihnen dankbar. Wichtige Ausdrücke sind im beiliegenden

Glossar erklärt. Sodann können Sie sich bei allfälligen Fragen an kgt@bak.admin.ch (Anlaufstelle Raubkunst / BAK) wenden.

1) Ist Ihre Institution potentiell von der NS-Raubkunstproblematik betroffen?

- a. Betreffend Werke im Eigentum Ihrer Institution
- b. Betreffend Werke in Ihrer Institution, die zum Eigentum Dritter gehören

2) a. Hat Ihre Institution im Lichte der NS-Raubkunstproblematik aktiv Provenienzrecherchen betrieben?

- aa) Betreffend Werke im Eigentum Ihrer Institution
- bb) Betreffend Werke in Ihrer Institution, die zum Eigentum Dritter gehören

b. Wenn ja, was sind die Resultate und Schlussfolgerungen? (allenf. Verweis auf Beilagen)

- aa) Betreffend Werke im Eigentum Ihrer Institution
- bb) Betreffend Werke in Ihrer Institution, die zum Eigentum Dritter gehören

c. Wenn nein, was sind die Gründe für das Unterbleiben der Recherchen?

- aa) Betreffend Werke im Eigentum Ihrer Institution
- bb) Betreffend Werke in Ihrer Institution, die zum Eigentum Dritter gehören

3) Wie viele Werke hat Ihre Institution im Zeitraum 1933 bis 1945 erworben?

- a.                   Gemälde .....
- .....
- b.                   Zeichnungen .....
- .....
- c.                   Druckgraphiken .....
- .....
- d.                   Skulpturen .....
- .....
- e.                   Weitere .....
- .....

4) Umfasst Ihre Sammlung Judaica?

5) Sind die Provenienzen der Erwerbungen (Ankäufe, Schenkungen, Legate, etc.) im Zeitraum 1933 bis 1945 geklärt?

- 6) Sind die Provenienzen der Erwerbungen ab 1945 hinsichtlich der NS-Raubkunstproblematik geklärt?
- 7) Welchen Schwierigkeiten sind Sie bei der Nachforschung der Provenienzen begegnet?
- a. Betreffend Werke im Eigentum Ihrer Institution
  - b. Betreffend Werke in Ihrer Institution, die zum Eigentum Dritter gehören
- 8) Wird bei Aufnahme von Werken in Ihre Sammlung der Provenienzfrage hinsichtlich der NS-Raubkunstproblematik besondere Beachtung geschenkt?
- a. Betreffend Werke im Eigentum Ihrer Institution
  - b. Betreffend Werke in Ihrer Institution, die zum Eigentum Dritter gehören
- 9) Sind die Sammlungsbestände Ihrer Institution oder Teile davon samt Provenienzen inventarisiert, sind die Inventare publiziert oder öffentlich zugänglich?
- a. Betreffend Werke im Eigentum Ihrer Institution
  - b. Betreffend Werke in Ihrer Institution, die zum Eigentum Dritter gehören

Wenn ja, können Sie bitte die Quellen angeben?

Wenn nein, besteht die Absicht einer Inventarisierung oder Publikation? Zeithorizont?

- 10) Sind bei Ihrer Institution Restitutionsbegehren betreffend mutmasslicher NS-Raubkunst eingegangen?

Ja ☐

Nein ☐

Wenn ja, können Sie uns weitere Angaben darüber machen?

- 11) Hat Ihre Institution Restitutionsverfahren von NS-Raubkunst oder anderweitige Lösungen/Absprachen in diesem Bereich zu verzeichnen?

Ja ☐

Nein ☐

Wenn ja, können Sie uns weitere Angaben darüber machen?

12) Wie sind Sie gegenüber allfälligen Restitutionsbegehren eingestellt? Was ist Ihre Haltung?

Weitere Bemerkungen : .....

Ausgefüllt durch: \_\_\_\_\_

Funktion: \_\_\_\_\_

Ort, Datum: \_\_\_\_\_

Unterschrift Direktion: \_\_\_\_\_

**Glossar zum Fragebogen Stand der Provenienzforschungen in Schweizer Museen betreffend die «Washington Conference Principles on Nazi-Confiscated Art» der «Washington Conference on Holocaust-Era Assets» 1998**

Das nachfolgende Glossar dient lediglich als Verständnishilfe für den Fragebogen. Es erhebt explizit keinen Anspruch darauf, allgemeingültige Definitionen festzulegen. Weiterführende Informationen zum Thema NS-Raubkunst sind unter [www.bak.admin.ch/bak/themen/raubkunst](http://www.bak.admin.ch/bak/themen/raubkunst) zu finden.

- *Erwerbung*: Unter Erwerbung werden im Fragebogen z.B. Ankauf, Schenkung sowie Legat von Kulturgütern verstanden.
- *Institution*: Unter Institution sind im Fragebogen öffentlich zugängliche Museen zu subsumieren.
- *Inventarisierung*: Eine Inventarisierung ist eine ausführliche Bestandsaufnahme oder ein Verzeichnis aller Kulturgüter, die sich im Besitz einer Institution befinden.
- *Judaica*: Judaica ist ein Sammelbegriff für jüdische Werke in einem rituellen oder sakralen Kontext.
- *Öffentlicher Zugang*: Öffentlich zugänglich sind
  - Institutionen, wenn sie ohne Einschränkung von jeder Person besucht werden können;
  - Inventare, wenn sie ohne Einschränkung von jeder Person eingesehen werden können.
- *Provenienz*: Mit Provenienz wird die Herkunft eines Werks bezeichnet.

- *NS-Raubkunst*: Gemäss Art. 5 der Washington Conference Principles on Nazi-Confiscated Art werden darunter Werke verstanden, die von den Nationalsozialisten konfisziert wurden.
- *Restitution*: Unter Restitution kann die Rückgabe von Raubkunst verstanden werden.
- *Washingtoner Prinzipienklärung (Washington Conference Principles on Nazi-Confiscated Art)*: Das 1998 von der Schweiz unterzeichnete Übereinkommen im Sinne einer Absichtserklärung mit Richtlinien zum Umgang mit der NS-Raubkunst (vgl. [www.bak.admin.ch/bak/themen/raubkunst](http://www.bak.admin.ch/bak/themen/raubkunst)).
- *Werk*: Ein Werk ist, unabhängig von seinem Wert oder Zweck, eine rein geistige Schöpfung der Literatur und Kunst, die individuellen Charakter hat (vgl. Art 2 des Bundesgesetzes über das Urheberrecht und verwandte Schutzrechte, SR 231.1).

### **Verwendete Abkürzungen**

|     |  |
|-----|--|
| BAK | Bundesamt für Kultur   |
| EDA | Eidgenössisches Departement für auswärtige Angelegenheiten   |
| EDI | Eidgenössisches Departement des Inneren                      |
| EDK | Schweizerische Konferenz der kantonalen Erziehungsdirektoren |
| KBK | Konferenz der kantonalen Kulturbeauftragten                  |
| VMS | Verband der Museen der Schweiz                               |
| VSK | Vereinigung Schweizer Kunstmuseen                            |

## VI. Comments

<sup>1</sup> Press release available at:

<<http://www.eda.admin.ch/eda/en/home/recent/media/single.html?id=27726>>

Delegation head: Ambassador Jacques Pitteloud, head of the Political Affairs Secretariat at the FDFA. Member of the delegation for looted art: Yves Fischer, deputy director of the Federal Office of Culture; Benno Widmer, head of Contact Bureau on Looted Art at the Federal Office of Culture; Prof. Marc-André Renold, co-director of the Institut du droit de l'art, Université de Genève; Lorenz Homberger, former President of ICOM Switzerland and Curator of the Museum Rietberg Zurich.

<sup>2</sup> The Conference on Jewish Material Claims Against Germany (Claims Conference), Policy Reports, Holocaust Era Assets Conference Prague 2009, June 2009, III.6; available at <[www.claimscon.org](http://www.claimscon.org)>.

<sup>3</sup> <<http://www.bak.admin.ch/themen/raubkunst/index.html?lang=en>>.

<sup>4</sup> Buomberger, Thomas: *Raubkunst - Kunstraub*, Zürich 1998.

<sup>5</sup> Tisa Francini, Esther/Heuss, Anja/Kreis, Georg: «Fluchtgut - Raubgut. Der Transfer von Kulturgütern in und über die Schweiz 1933-1945 und die Frage der Restitution» (Independent Commission of Experts Switzerland - Second World War - Commission Indépendante d'Experts Suisse - Seconde Guerre Mondiale; Vol. 1), Zurich 2001. Error in the ICE final report were corrected; the corrections are available at the ICE website (<[www.uek.ch](http://www.uek.ch)>; reports 2001/2002; Volume 1, Corrigenda).

<sup>6</sup> The Contact Bureau on Looted Art established in 1998 at the FOC is responsible for queries on looted art falling within the competence of the federal government, i.e. art collections owned by the federal government, the Swiss National Museum and the Swiss National Library. The bureau forwards queries within the competence of other institutions or private parties to the competent institutions and persons. The bureau is available for queries on general information as needed.

<sup>7</sup> As part of *Looted Jewish Art and Cultural Property Initiative*. Available at: <[http://www.claimscon.org/index.asp?url=looted\\_art](http://www.claimscon.org/index.asp?url=looted_art)>

<sup>8</sup> Members of the working group: Yves Fischer (until 2008) and Benno Widmer, Head of Contact Bureau on Looted Art FOC / FDHA; Marco Eichenberger, Diego Sigrist, Contact Bureau on Looted Art FOC / FDHA; François Wisard, Head of Historical Service FDFA; François Wasserfallen (until 2008) and Bernard Wicht, Head of coordination Culture & Society EDK; Dorothee Messmer, president of VMS; Dr. Dieter Schwarz, president of VSK.

<sup>9</sup> The address list of publicly accessible Swiss museums was provided to the working group by the association of Swiss museums.

<sup>10</sup> The final included response was received on October 6, 2010.

<sup>11</sup> Of these 416 museums, 397 museums filled out the questionnaires that provided assessable data. A base value of (=100%) 416 museums was assumed to determine percentages as calculated in the assessment.

<sup>12</sup> The groups may overlap, since multiple appointments were possible. It should be noted that Nazi-looted art could also make its way into Switzerland after 1945 (refer in this regard to Chapter 3.3. Assessment of supplied data by the working group Swiss Confederation / cantons / museum associations).



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<sup>13</sup> 19 museums indicated having conducted provenance research and 5 museums indicated conducting partial provenance research.

<sup>14</sup> Multiple responses were possible.

<sup>15</sup> The difference in the number of museums that conducted provenance research is derived from the answers supplied by the museums. It was noted previously on the, to some extent, difficult condition of the data.

<sup>16</sup> The terms ethnographic / archaeological have an periodic as well as topical wingspan and cannot be a priori classified as potentially unaffected object categories. Potential impact is, however, peripheral or minimum as was the case for clarifications of declared objects.

<sup>17</sup> 23 museums did not further specify whether their inventories were openly accessible.

<sup>18</sup> 22 museums explicitly have no works owned by third parties.

<sup>19</sup> During the assessment of the survey, the petitioner filed a complaint in December 2009 in this case for restitution against the impacted institution.

<sup>20</sup> The representative nature is therefore only partially given, since important museums are more likely to have the means to acquire works of art on the international art market.

<sup>21</sup> Quote from questionnaire at the local museum Küsnacht. Quoted with the permission of the museum director.

<sup>22</sup> Refer to Appendix III.

<sup>23</sup> 19 museums indicated having conducted provenance research and 5 museums indicated conducting partial provenance research.

<sup>24</sup> Quote from the questionnaire for the art museum Winterthur. Quoted with the permission of the museum director.

<sup>25</sup> Code of ethics of the International Council of Museums, available at: <<http://icom.museum/ethics.html>>.

<sup>26</sup> Washington Conference Principles on Nazi-Confiscated art, available at: <<http://www.bak.admin.ch/themen/raubkunst/index.html?lang=en>>.

<sup>27</sup> Terezin Declaration, available at: <<http://www.holocausteraassets.eu>>.