

## **Statement of Ruediger Mahlo, Claims Conference Representative in Germany 28 June 2016**

The recent scandal in Bavaria about Nazi looted art shows that there is a considerable discrepancy between the state enacted readiness to return looted art and cultural assets of Jewish ownership and the implementation of just and fair solutions. As long as cover-ups and concealment predominate even in high-ranking institutions such as the Bavarian State Paintings Collections it will hardly be possible to find solutions that are satisfactory and conciliatory, let alone just and fair as defined by the Washington Principles.

In view of this virulent dilemma the question must be raised as to whether the lawful owners and their heirs will not have to be provided means of legal redress in order to achieve their legal rights. Is it not the legislator who is required here to provide legal means for both the public and the private sectors?

It is shameful that even responsible persons in public institutions are still not contributing to the transparency essential for provenance research but blocking access to archive records and preventing them from being used. Nor is the reversal of the burden of proof by any means being applied as required.

After the failure of the Gurlitt taskforce Germany must now make every effort to ensure comprehensive clarification, to meet the concerns of the lawful owners and to cooperate with them. Actions must now follow the lengthy verbal exchange. Apart from unrestricted access to all archive records this logically includes making use of them professionally. Furthermore, research must be carried out immediately on the whereabouts of works of art and cultural assets of Jewish ownership that were sold by the German authorities during the post-war years.

It is at the same time becoming clear that the tight contacts between leading Nazis and their families continued to have an effect well into the post war era, even in national institutions, with serious consequences for the Holocaust survivors who had been deprived of their property. With this the fact of persecution was and is deliberately being maintained and victims' property rights violated.