

“70 YEARS AND COUNTING: THE FINAL OPPORTUNITY?” AGREED OUTCOMES AND RECOMMENDATIONS

Session 1: Lost Art – Experience of Claimants and Institutions

1. The Panels should address the difference between them in approaches to common definitions of spoliation, such as “loss” and “forced sale”.
2. The Panels should publish information about those claims which have already been dealt with by them, and their outcomes.
3. The Panels should consider three primary inconsistencies between them (inconsistencies in the process applied, inconsistencies in information provided (from both public and private institutions), and inconsistencies in the criteria used to determine claims), and see what can be done to unify processes, improve access to information, to develop common criteria, and to inform the best practice guidance.
4. The claims consideration Panels from the five nations (Austria, France, Germany, the Netherlands and the United Kingdom) should prepare a written framework of best practice so that those claimants and countries that have no formal established process can look to that for guidance in dealing with claims for cultural objects lost during the Nazi-era.
5. The Panels should prepare international guidelines setting out best practice for claims involving privately owned works of art, and offer themselves as mediators in those cases.
6. So far as the question of lineage and genealogy is concerned, does being related remain relevant?
7. The Panels should examine why other signatories to the Washington Conference Principles and Terezín Declaration have not made better progress in implementing their terms.
8. The Panels should examine why some countries limit the class of claimants to direct descendants, and not the otherwise lawful heirs, and ask their respective countries’ Holocaust special envoys to see what can be done to extend the class of claimants to lawful heirs.
9. The Panels should encourage both public and private collections to publish their inventories.

10. The Panels should consider whether different incentives, such as tax breaks, monetary compensation, or perhaps even compulsory title insurance, would serve to encourage current holders of artworks to engage in the restitution of Nazi-era looted artworks.

Session 2: National claims processes

11. The Washington Conference Principles are not confined to owners who suffered Nazi-persecution. Should claims processes be limited otherwise?
12. Should the law of limitation in the United Kingdom be re-examined at least to consider whether some limited exceptions might be added to include objects lost during the Nazi-era but in accordance with the United Kingdom Panel's terms?
13. Should the Panels seek to create a database or some other means of information-sharing?
14. To expand bilateral links, the Panels will form a working party, to meet within the next six months, to explore such things as improved IT links and ways of co-operating moving forward, and perhaps putting a permanent secretariat or liaison officer in place to facilitate the working group.
15. Another conference is planned in Vienna or Paris in two to three years' time to take stock of progress on these points.

Session 3: Unlocking the Archives – Accessibility and Disclosure

16. There should be an EU-wide drive to digitise dealer records and other archives, perhaps as a joint initiative between dealers and government.
17. Each nation should identify, provide and properly resource a dedicated provenance researcher at home with the requisite knowledge and expertise to undertake training internally, domestically and internationally.
18. Guidance should extend to educating cataloguers across the country on what constitutes valuable information to prospective researchers.
19. There should be one central source of information for provenance research in each country, which could serve as a one stop-shop for claimants and be especially valuable to casual researchers and all those interested in the field.

20. There should be consistency of standards in the presentation of provenance research. This could be done by the profession of provenance researchers themselves, with the aid and assistance of other stakeholders.

Session 4: Private Collections

21. Knowing what we now know from our shared experience over the past 20 years, is it time to revisit the Washington Principles? For example, we now know that the use of the word “confiscation” in the Principles doesn’t accurately describe each situation. See also point 2 above.
22. It is also time to re-look at the Washington Principles from a procedural front. The Panels should create working groups to look at this now.
23. The Panels, working with other stakeholders, should take steps to improve education in the art-dealing market, and focus on a tailored training course for professionals, both in-house and in smaller museums.
24. Funding remains a perennial issue, not only for provenance research but also for the proposed training and education as outlined above and possibly for “no or low cost” mediation. Consider what steps can be taken to improve funding and where this funding should come from?