

## ICOM MUSEUM & POLITICS CONFERENCE St. Petersburg, September 2014

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

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Conference on Jewish Material Claims Against Germany and World Jewish  
Restitution Organization

*The main organizations of the world Jewish community active in the restitution of property looted from victims of the Holocaust, namely the Conference on Jewish Material Claims Against Germany (Claims Conference) and the World Jewish Restitution Organization (WJRO) have been focusing on the systemic issues involved in restitution of cultural property throughout the world with the intent of improving and creating processes to enable more owners and heirs to recover their property. They have been working with Jewish communities around the world to bring increased attention to the restitution of looted artwork and movable cultural and religious property and in this regard have conducted extensive research over the past years on the status of provenance research and of claims processes for the restitution of artworks and other cultural property in most, if not all, relevant countries. For an overview of the Claims Conference's and WJRO's activities in regard to looted cultural property, please see: <http://art.claimscon.org>*

*The following paper represents the results of the current best efforts research of the Conference on Jewish Material Claims Against Germany ("Claims Conference") and the World Jewish Restitution Organization ("WJRO") and is based upon information obtained by the Claim Conference/WJRO to date. It may contain factual or other errors. Governments, non-governmental organizations, and individual experts are invited to make corrections and comments.*

The identification and restitution of art and other cultural property plundered or otherwise taken during the Nazi era is a major part of the unfinished business of the twentieth century. It is an issue ranging over a great number of museums in a wide range of countries. In terms of morality, it is particularly important in regard to art objects, cultural and religious property taken from victims of the Holocaust – in other words not simply plundered but plundered in the context of genocide. To quote the Prophet Elijah, “Have you murdered and would you also inherit?”<sup>1</sup>

The International Council of Museums (ICOM) adopted the **ICOM Code of Professional Ethics** in 1986. Since amended, revised, and re-titled as the **ICOM Code of Ethics for Museums**, the Code contains numerous sections that are relevant to questions of art and cultural and religious property plundered by the Nazis and their allies. In particular, Principle 2, asserts that “Museums that maintain collections hold them in trust for the benefit of society and its development...Inherent in this public trust is the notion of stewardship that includes rightful ownership, permanence, documentation, accessibility, and responsible disposal” and calls upon museums to establish the full provenance of items in their collections and to take particular care in regard to material of sacred significance.<sup>2</sup>

No mechanism exists to monitor adherence to the **ICOM Code of Ethics for Museums**.

Major intergovernmental conferences and resolutions during the past decade and a half established international principles regarding the restitution of art and other cultural property plundered during the Nazi era, most notably the **Washington Conference Principles on Nazi-Confiscated Art** (1998), **Resolution 1205** of the Parliamentary Assembly of the Council of Europe (1999), the **Declaration of the Vilnius International Forum on Holocaust-Era Looted Cultural Assets** (2000), and the **Terezin Declaration** that resulted from the **Holocaust-Era Assets Conference in Prague** (2009).<sup>3</sup>

No mechanism exists to monitor progress by the 44 countries that endorsed the 1998 **Washington Conference Principles on Nazi-Confiscated Art** or by the 47 countries that endorsed the 2009 **Terezin Declaration**.<sup>4</sup>

It is clear, however, that some sort of independent examination of progress is necessary, both within individual countries and among them. When in 2005 the Claims Conference requested the Association of American Museums (AAM; now the American Alliance of

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<sup>1</sup> I Kings 21:23

<sup>2</sup> See page 3 of the 2013 English version of the ICOM Code of Ethics for Museums at [http://icom.museum/fileadmin/user\\_upload/pdf/Codes/code\\_ethics2013\\_eng.pdf](http://icom.museum/fileadmin/user_upload/pdf/Codes/code_ethics2013_eng.pdf)

<sup>3</sup> Links to the texts of these and related documents may be found at <http://art.claimscon.org/resources/additional-resources-2/> In addition, the texts of the Washington Conference Principles and the Terezin Declaration are appended to the end of this paper.

<sup>4</sup> While a mechanism to report on progress by the countries that endorsed the **Terezin Declaration** – the European Shoah Legacy Institute (ESLI) – was established by the Government of the Czech Republic following the Holocaust Era Assets Conference in Prague in 2009, so far it has not done such reporting. For further information about ESLI, see <http://www.shoahlegacy.org>.

Museums) to survey the progress of U.S. museums in adhering to guidelines that the AAM itself had established for provenance research and restitution procedures, the AAM responded that it was not a policing organization and would not do such research. The Claims Conference response was that the Claims Conference also was not a policing organization but in the absence of any other choice, it would undertake to ask U.S. museums to provide information themselves regarding implementation of the guidelines.<sup>5</sup> Partly based on that experience, the Department of Canadian Heritage commissioned the Canadian Art Museum Directors' organization (CAMDO) to conduct a survey in 2007 of 84 member institutions in Canada<sup>6</sup>, and the Swiss Federal Office for Culture in cooperation with others conducted a survey in 2008 of Swiss museums.<sup>7</sup>

Subsequently, based on previous research on many countries, the Claims Conference/WJRO presented a worldwide report at the Holocaust-Era Assets Conference in Prague in 2009.<sup>8</sup> Since then more than five years have passed, and it is worth reviewing what has happened in the interim. This paper will attempt to present an updated worldwide report by summarizing developments in 50 countries taking into consideration the variations among countries' historical experiences and legal systems, as well as the complexities of provenance research and the establishment of claims processes. There will then be a brief analysis of the consequences of the current worldwide situation, followed by some recommendations for the future.

### **Definition of Looted Art**

“Looted art,” as defined for the purposes of this paper, consists of artworks, including paintings, prints and sculptures, as well as other cultural property plundered from Jews by the Nazis, their allies and collaborators. It includes Judaica, meaning not only ritual objects but also library and archival materials relating to Judaism and to Jewish organizations and Jewish life generally.

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<sup>5</sup> The result, *Nazi-Era Stolen Art and U.S. Museums: A Survey*, may be seen at <http://art.claimscon.org/policy/museum-survey/>

<sup>6</sup> See <http://www.pch.gc.ca/pc-ch/org/sectr/cp-ch/p-h/publctn/camdo/index-eng.cfm>

<sup>7</sup> See <http://www.bak.admin.ch/kulturerbe/04402/?lang=en>

<sup>8</sup> See <http://www.claimscon.org/forms/prague/looted-art.pdf>

## **Overview of Countries' Progress in Implementing the Washington Conference Principles and the Terezin Declaration in regard to Looted Art**

Based on the information gathered by the Claims Conference as summarized below, each country was placed into one of four broad categories: a) countries that have made *major progress* towards implementing the Washington Conference Principles on Nazi-Confiscated Art and the Terezin Declaration; b) countries that have made *substantial progress* towards implementing the Washington Conference Principles on Nazi-Confiscated Art and the Terezin Declaration; c) countries that have taken *some steps* towards implementing the Washington Conference Principles on Nazi-Confiscated Art and the Terezin Declaration; and d) countries that *do not appear to have made significant progress* towards implementing the Washington Conference Principles on Nazi-Confiscated Art and the Terezin declaration. The placement of a country in one or another category was based on available data regarding whether or not during the past decade and a half a country put in place mechanisms to carry out provenance research and to process claims for restitution.

Of the 50 countries for which summaries are appended to this report, only 4 may be said to have made major progress towards implementing the Washington Conference principles and the Terezin Declaration, while an additional 11 have made substantial progress in this regard. Of the remaining countries, 7 have taken some steps, while fully 23 appear not to have made significant progress towards implementing the Washington Conference principles and the Terezin Declaration. For 6 of the countries there is not enough information to be able to make a judgment. Put differently, only 34% of the 43 countries for which there is at least some information have made major or substantial progress towards implementing the Washington Conference Principles and the Terezin Declaration.

Obviously the situations faced by countries vary greatly. Perhaps the most obvious divide is between countries on whose territory the killings and robbery of the Holocaust took place and those countries that may have been involved in the history of the Holocaust and its aftermath but were not sites of the genocide as such. Whether perpetrator or victim nations, countries where the local Jewish population was robbed face greater complications and generally larger quantities of looted cultural property in their museums than do countries that were simply the recipients of looted art and Judaica. Thus the challenges facing countries such as Germany and Ukraine are far greater than those facing countries such as Portugal and Canada.

Judgments regarding some of the countries may be open to question, but the fact remains that about two-thirds of the countries that participated in the Washington Conference in 1998, and the Holocaust Era Assets Conference in Prague in June 2009, may be said only to have taken at least some steps or do not appear to have made significant progress towards putting the Washington Conference Principles on Nazi-Confiscated Art and the Terezin Declaration into practice. These countries may have taken important steps – e.g., the extensive work by the Russian Federation documenting the cultural losses of Russia – but they have not yet put in place the mechanisms necessary for provenance research and restitution of Nazi-confiscated cultural property.

Note that in addition to most of them having endorsed the Washington Conference Principles and the Terezin Declaration, the countries in question – almost without exception – are signatories to the Code of Ethics of the International Council of Museums (ICOM), which calls for provenance research to be done on collections.

## **CLASSIFICATION OF COUNTRIES**

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

*Countries in which the Holocaust took place:*

Austria, Czech Republic, Germany, Netherlands

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

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

*Countries in which the Holocaust took place:*

Belgium, France, Luxembourg, Norway, Slovakia

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

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

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

*Countries in which the Holocaust took place:*

Croatia, Denmark, Greece, Lithuania, Russian Federation

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

Australia, Finland, Ireland

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

*Countries in which the Holocaust took place:*

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

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

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

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

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

Figure (1)

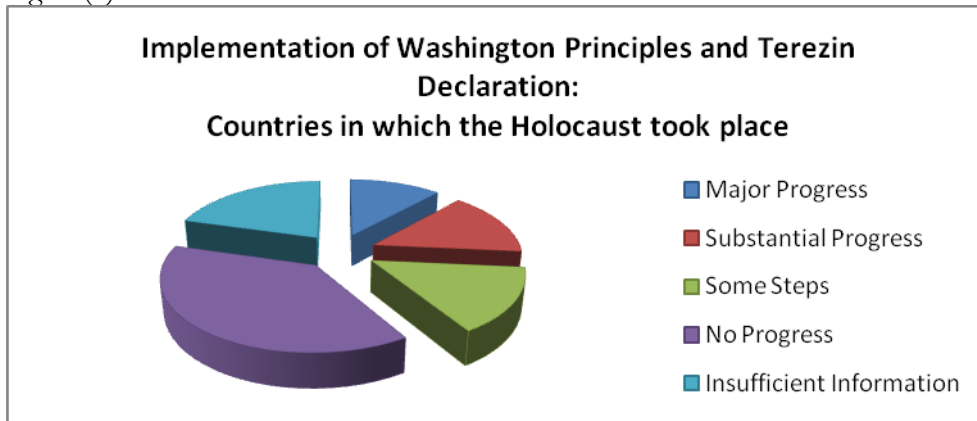
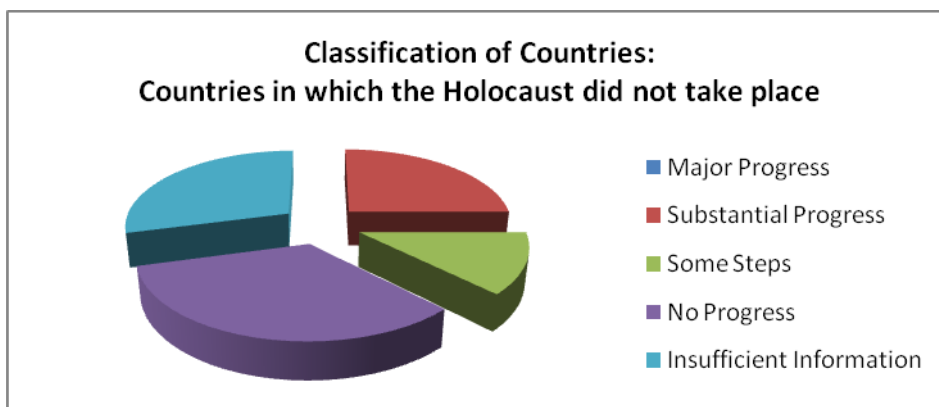


Figure (2)



## Principal International Developments since the 2009 Holocaust-Era Assets Conference in Prague

The following are the main international developments – or developments with major international impact – in regard to Nazi-era looted art that have taken place during the past five years:

### *Monitoring and Advocating:*

In accordance with the Terezin Declaration, in 2010 the Government of the Czech Republic established the European Shoah Legacy Institute (ESLI). The Institute was expected to report on activities (or lack thereof), including in regard to looted art, in the 47 countries that endorsed the Terezin Declaration, but has yet to do so.<sup>9</sup>

### *Access to Archives:*

A collaboration of national and other archival institutions with records that pertain to Nazi-era cultural property, the International Research Portal for Records Related to Nazi-Era Cultural Property was launched in 2011 at the National Archives and Records Administration of the United States with the aim of extending public access to the widely-dispersed records. While useful in some respects, its further development since the launch has been slow.<sup>10</sup> There has, however, been a significant increase in the establishment of research databases that assist in researching looted art. Among these has been the sponsorship by the Claims Conference of a series of interlocking projects concerning the records of the Einsatzstab Reichsleiter Rosenberg (ERR), including the database *Cultural Plunder of the Einsatzstab Reichsleiter Rosenberg: Art Objects at the Jeu de Paume* that brings together for the first time in searchable illustrated form the remaining registration cards and photographs produced by the ERR covering more than 20,000 art objects taken from Jews in German-occupied France and, to a lesser extent, in Belgium, with information on the original owners and whether or not the objects have been restituted.<sup>11</sup> A number of national organizations have in recent years set up research databases that assist in researching looted cultural property. Among them, for example, are the databases created by the German Historical Museum or the Getty Research Institute's *German Sales Catalogs*.<sup>12</sup> A few countries have begun to open their postwar claims for looted art – generally only onsite but in the case of the Netherlands with the planned intention of making such postwar claims available over the internet. Such efforts may be adversely affected by greater data privacy restrictions being adopted by the European Union and individual governments, however.

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<sup>9</sup> For more information, see <http://shoahlegacy.org/>

<sup>10</sup> For further information, see <http://www.archives.gov/research/holocaust/international-resources/>

<sup>11</sup> See <http://errproject.org/>

<sup>12</sup> For an overview of looted art related databases please see: <http://art.claimscon.org/resources/overview-of-worldwide-looted-art-and-provenance-research-databases/>

*Training in Provenance Research:*

The Provenance Research Training Program (PRTP), a program of ESLI and with financial and administrative support by the Claims Conference, began in 2012 and has since conducted four weeklong workshops in Germany, Croatia, Lithuania, and Greece on researching Nazi-looted art, Judaica, and other cultural property.<sup>13</sup> There has in addition been some training through the Smithsonian Provenance Research Initiative<sup>14</sup> and other national organizations, as well as the beginnings of inclusion of such training in the art history departments of one or two universities, notably the Free University of Berlin<sup>15</sup> and the University of Jyväskylä.<sup>16</sup>

*Impact of Discovery of the Gurlitt Collection:*

The revelation in November 2013 that in March 2012 German authorities had discovered artworks, many of which were suspected of having been looted by the Nazis, in the Munich apartment of Cornelius Gurlitt, the son of Nazi-associated art dealer Hildebrand Gurlitt, caused a sensation not only in Germany but throughout the world. The discovery of the “Schwabing Art Trove” has brought renewed interest in Nazi-era looted art and has sparked greater attention to it in such countries as France, Israel, Sweden, and the United States. In Germany in response to the Gurlitt scandal, in February 2014 Germany’s culture minister Monika Grütters proposed the establishment of a *Deutsches Zentrum Kulturgutverluste* – German Lost Art Foundation (preliminary name). The proposed center would aim to research public institutions as well as private ones that adhere to the Washington Principles and the Terezin Declaration. The Center would also serve as a central place for already existing institutions, and thus combine the *Koordinierungsstelle Magdeburg*, the *Arbeitsstelle für Provenienzforschung*, the “Schwabing Art Trove” Task Force and the research project at the Freie Universität Berlin *Entartete Kunst*. There is also discussion of changes in German legislation. But the Gurlitt Collection has also called attention to the international nature of work in this area, with appointments of provenance experts from outside Germany to the “Schwabing Art Trove” Task Force (including two by the Claims Conference and two by Israel) and calls for a German commission with international representation to determine the disposition of looted works in the public collections of Germany.

*Sharing of Experience in Provenance Research and Restitution:*

Immediately following the 2009 Prague Conference, there was a slowdown in meetings in the field, possibly due to the expectation that the European Shoah Legacy Institute would take the lead. This has now changed, however, with most notably the Symposium on International Collaboration on Claims for Nazi-Looted Art in November 2012 organized by

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<sup>13</sup> See <http://provenanceresearch.org/>

<sup>14</sup> See Jane Milosch, “Creating a Community of International Exchange: World War II-Era Provenance Research Projects at the Smithsonian Institute,” pp.53-67 in Mečislav Borák, ed., “*The West*” Versus “*The East*” or *The United Europe? Proceedings of an international academic conference held in Poděbrady on 8-9 October, 2013*. Prague: Documentation Centre for Property Transfers of Cultural Assets of WWII Victims, p.b.o., 2014.

<sup>15</sup> Meike Hoffmann, “A New Challenge for an Old and Almost Forgotten Academic Discipline: Provenance Research Training at the Free University of Berlin,” pp. 155-165 in *ibid*.

<sup>16</sup> Tiina Koivulahti-Hanna Pirinen, “Provenance Research as a Challenge for Teaching and Researching Art History: A Finnish Example,” pp. 151-154 in *ibid*.



the Dutch Restitutions Committee<sup>17</sup> and the international conference held in October 2013 by the Czech Documentation Centre for Property Transfers of Cultural Assets of WWII Victims.<sup>18</sup> An international conference on “Looted Art and Restitution in the Twentieth Century: Europe in transnational and global perspective” is shortly scheduled to be held at Cambridge University, and there are a number of scholarly discussions planned elsewhere.

## **ASSESSMENT AND RECOMMENDATIONS FOR THE FUTURE**

While there have been some positive developments, the strong spirit that resulted from the 2009 Prague Holocaust Era Assets Conference and the Terezin Declaration has largely now been dissipated, though some renewed energy may be seen, partly as the result of the discovery of the Gurlitt collection. At the same time buyers in the art market have become increasingly insistent that art objects they purchase be thoroughly researched so that clean title may be obtained.

Museums in a number of countries have been researching their collections more than previously, but overall there have not been any dramatic changes in the progress of countries since 2009. And the majority of countries that endorsed the Washington Conference Principles and the Terezin Declaration have still done little or nothing in regard to provenance research and the establishment of claims processes. For the most part, the “unfinished business of the twentieth century” has remained unfinished.

There are, however, several steps that can be taken by the world museum community that would be helpful not only to the resolution of at least that part of the greatest art theft in history that was accompanied by genocide, but also to the greater professionalism and ethical standing of the museum community. Specifically, the following is proposed:

- Adherence to the ICOM Code of Ethics for Museums should be monitored. While such monitoring may not be feasible for ICOM as a whole, it should be possible for the ICOM country organizations to do it. While issues of restitution may depend on national laws and other factors, the carrying out of provenance research on collections is simply a part of professional, good, moral stewardship by museums of their collections, and it is reasonable to expect that the museum field adhere to its own Code of Ethics. Accreditation should not be awarded unless such provenance research is conducted.
- Those countries that have done the most in regard to provenance research on Nazi-era art are countries that have established a centralized mechanism for ensuring that provenance research is independent and of high quality. Thus, for example, the Austrian Provenance Commission has the legal right to go into the state museums of

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<sup>17</sup> See [http://www.restitutiecommissie.nl/en/pressreleases/symposium\\_november\\_26\\_27.html](http://www.restitutiecommissie.nl/en/pressreleases/symposium_november_26_27.html)

<sup>18</sup> See Mečislav Borák, ed., *“The West” Versus “The East” or The United Europe? Proceedings of an international academic conference held in Poděbrady on 8-9 October, 2013*. Prague: Documentation Centre for Property Transfers of Cultural Assets of WWII Victims, p.b.o., 2014.

Austria and carry out provenance research itself. In the Netherlands, while the staff of each museum is responsible for provenance research, their work is reviewed by a committee headed by Dr. Rudi Ekkart. This is important, since provenance research is often carried out by persons working for claimants or by members of museum staffs sensitive to the desires of their institutions, and there needs to be a way to ensure that the work is as independent as possible. Organizing a centralized mechanism for ensuring that provenance research is independent and of high quality is most obviously either the task of the government or of the museum profession, or both. It is an appropriate task for the ICOM country organizations to assume.

- Secrecy does no one any good. Restitution may not be legally possible, but keeping secret what is in a collection only creates the suspicion that the objects have been obtained by illegal or immoral means. Whether the secrecy is the result of information being classified as a political matter or the result of a general fear of making the contents of a collection known, the result is the same: the outside world assumes there is something to hide, the art world suffers from a lack of knowledge of what exists and where it is, loan exhibitions are thwarted, and there can be no resolution simply of history, let alone anything else. Information on collections needs to be made public.
- It is clear that the time has come to remove the question of provenance research as much as possible from political concerns and to make it simply part of good, ethical, common museum practice. Given that movable art objects are to be found all over the world and that the Nazi-era history involves many countries, this needs to be an international effort. An **International Association of Provenance Researchers** needs at long last to be established. There have been a number of initiatives in this direction – e.g., the meetings under the German “Arbeitskreis Provenienzforschung” that presumably will continue under the larger *Deutsches Zentrum Kulturgutverluste* – German Lost Art Foundation, the ESLI Provenance Research Training Program, and others. It is proposed that representatives of the principal organizations with an interest in seeing the field move forward meet in the near future to arrange for the establishment of such an international association of provenance researchers. The list of such organizations includes but is not limited to the International Council of Museums, representatives of the main ministries of culture, the *Deutsches Zentrum Kulturgutverluste* – German Lost Art Foundation, the principal relevant international Jewish organizations (Claims Conference/World Jewish Restitution Organization/World Jewish Congress), the European Shoah Legacy Institute, representatives of the relevant provenance commissions, etc. Eventually over time such an international association of provenance researchers would take on the tasks that professional organizations usually do, including fostering communication among provenance researchers, creating standards for the field, professional training, specialized groups (for example, on Judaica), and the like. To this end the Claims Conference/WJRO has entered into discussions concerning the holding of a preliminary organizational meeting in the near future.

The above proposals are doable by the museum communities in the various countries. We need to absorb our own ethical principles and understand that care for collections includes ensuring that they are clean collections that do not consist of stolen objects – or at least that we know which objects may have been stolen and which have not. This is not a matter of “public relations” but of historical truth and basic morality.

## **SUMMARIES BY COUNTRY**

[The following summaries are based on draft position papers maintained by the Claims Conference/WJRO. Footnotes have generally been omitted here, but the authors will supply source information in response to inquiries.]

### **Country Name: ALBANIA**

Albania has no restitution law in place that covers movable property.

Albania's cultural institutions do not conduct provenance research, and it is not known if restitution of any objects from cultural institutions has taken place. Little or no information is available as to whether Albania holds any significant Judaica.

Albania participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Albania is also a signatory to ICOM's Code of Ethics.

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### **Country Name: ARGENTINA**

In 1997, Argentina created the "Argentine Commission of Inquiry into the Activities of Nazism in Argentina" (CEANA). CEANA concluded that no looted art was or is held by the Museo Nacional de Bellas Artes but admitted that it had not checked any other state-run museum and that it faced difficulties researching the activities of Argentina's art market during the Holocaust, particularly those of the Witcomb, Wildenstein and Muller art galleries. The work of the Commission as well as its final report was criticized by several historians.

Argentina's cultural institutions do not conduct provenance research. No restitutions of cultural and religious objects have taken place.

#### *Judaica:*

Argentina received 5,053 books and 150 museum and synagogue pieces from the JCR (Jewish Cultural Reconstruction)<sup>19</sup> after World War II. So far as is known, no provenance research has been conducted on these JCR holdings or on other Judaica that may have reached Argentina during or after World War II.

Argentina participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Argentina is also a signatory to ICOM's Code of Ethics.

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<sup>19</sup> Information on object distribution by the JCR/JRSO kindly provided by Dana Herman (Herman, Dana, *Hashavat Avedah: A History of Jewish Cultural Reconstruction, Inc.* PhD thesis, Department of History, McGill University, Montreal, October 2008, p 264).

**Country Name: AUSTRALIA**

No research has thus far been conducted on looted cultural and religious artworks that might have entered Australia during or after World War II. Due to the lack of research it is not possible to determine if looted cultural and religious artworks are currently held in Australia except for the findings by those of Australia's major museums that have launched provenance research. In early 2014, the National Gallery of Victoria agreed to restitute an object believed to have been sold under duress. This was the first case of its kind in Australia involving the restitution of an item from a forced sale in Nazi Germany.

In April 2014, the Council of Australasian Museum Directors, Council of Australian Art Museum Directors, ICOM-Australia and Museums Australia issued a statement on Ethical Standards in Collections Development, which included a mention of the looting of cultural objects by the Nazis.

*Judaica:*

Australia received 3,307 books from the JCR after World War II. So far as is known, no provenance research has been conducted on these JCR holdings or on other Judaica that may have reached Australia during or after World War II.

Australia participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Australia is also a signatory to ICOM's Code of Ethics.

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**Country Name: AUSTRIA**

While Austria had some restitution laws in place immediately after World War II ended, it did not provide a hospitable climate for claimants trying to retrieve their artworks. The situation changed with the 1996 *Mauerbach Auction*, at which the remaining looted artworks kept by the Austrian state were auctioned off for the benefit of its Jewish community. This was followed by the creation of the 1998 Federal Art Restitution Law, the establishment of a Historical Commission, the creation of a Commission for Provenance Research, and the formation of a Restitution Committee that *de facto* decides on specific restitution cases. In 2009, Austria updated and amended its Restitution Law in order for it to be less restrictive. The Restitution Law allows state-run museums to de-accession artworks if they are proven to have been looted or otherwise misappropriated. On the basis of the previous Art Restitution Law around 10,000 art objects have so far been restituted, with restitutions still ongoing.

Heirless objects, in accordance with the Federal Art Restitution Law, are to be transferred to the National Fund of the Republic of Austria for Victims of National Socialism. In 2006, the National Fund posted an online database of some of these heirless objects ([www.kunstrestitution.at](http://www.kunstrestitution.at)) to allow additional claimants to come forward. Currently some 10,000 objects are listed: 2,631 objects are categorized as restitution cases (of which 61 were returned to their legal owners or heirs.)

Austria's state-run cultural institutions - mostly museums, but also libraries and archives - are conducting provenance research and have restituted objects. Some private museums, notably the Leopold Foundation, have equally been conducting provenance research. In 2010, the legal case surrounding Egon Schiele's "Portrait of Wally" was settled when the Leopold Museum agreed to pay \$19 million to the heirs of the original owner.

In early 2014, 238 artworks owned by the late Cornelius Gurlitt were found in an abandoned house in Salzburg. Art experts assume that the Salzburg collection might be even more valuable than the more than 1,000 artworks found in Munich Schwabing in late 2013. At the same time, while there is a clear indication that a number of artworks found in Gurlitt's apartment were looted, it is generally believed that the Salzburg collection stemmed from Cornelius Gurlitt's grandfather. (For more information on the Gurlitt case, please see entry on Germany).

#### *Judaica:*

A number of provenance research projects in Austria have focused at least in part on Judaica holdings, with at least one project, notably that of the Austrian Museum of Folk and Life and Folk Art, that exclusively dealt with the topic.

Some Judaica objects have been restituted along with other looted cultural property, following a positive recommendation by the Restitution Committee.

The database of the National Fund of the Republic of Austria for Victims of National Socialism (National Fund) provides an online listing of art objects "which might have been, according to latest provenance research, seized under the National Socialist regime." The database does not provide a separate listing for Judaica, but a few Judaica objects can be found in various categories; among them several issues of the Talmud Babli at Austria's Museum of Ethnology.

The Jewish Museum of Vienna has been conducting provenance research from which it has established that 270 objects from the IKG (Jewish Community collection), as well as 220 pieces from the municipal collection have provenance gaps. Past research has shown that the Museum, which is not the legal successor to Vienna's pre-war Jewish museum, holds 50% of the collection of the pre-War museum, while the other 50% has been lost. Some of the ongoing research is on private donations – e.g., objects from the Max Berger collection. In addition, provenance research has been carried out on the Jewish Community's library holdings, which, like the ceremonial objects, are on permanent loan to the Jewish Museum. Preliminary research indicates that due to restitution errors after the war, part of the Community's library holdings today do not correspond to the holdings of the original library. After World War II, less than 5% were returned, while so-called "ownerless" books were entrusted to it.

It is not known to what extent provenance research is being conducted on Judaica holdings in Austria's state and regional museums. However, Austria is continuing restitution talks with Russia for the return of Vienna's Jewish Community Archive.

Austria participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Austria is also a signatory to ICOM's Code of Ethics.

**Country Name: BELARUS**

Belarus has no restitution law in place that covers movable property. However, some cultural institutions hold objects of unclear provenance, including the State Museum of History and Culture of Belarus in Minsk, the National Library of Belarus, and the State Historical Archive of Belarus.

Belarus' cultural institutions do not conduct provenance research. It is not known if any restitution has taken place.

*Judaica:*

Libraries in Belarus, in particular the National Library of Belarus (NBB), hold books and other Judaica looted by the Nazis and their allies from a number of Jewish communities in Europe. Many of these books have not been identified or catalogued. Specific library collections known to be held by the NBB include the libraries of French Jewish organizations (e.g., the “Bibliothèque ‘Efim Pernikof’”) and the libraries of prominent French Jewish families such as that of the Rothschild family. Some books stemming from Yugoslav Jewish communities, as well as a few books from the Jewish Sephardic community in Salonika are also held in Belarus.

In addition to books, Jewish religious artifacts are in various archives and museums such as the State Museum of History and Culture of Belarus in Minsk. Torah scrolls are known to be in the State Historical Archive of Belarus, the Historical Museum of Mogilev, and the Historical Museum of Vitebsk., and presumably are to be found in other state institutions as well.

Belarus participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Belarus is also a signatory to ICOM's Code of Ethics.

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**Country Name: BELGIUM**

In 2001, the “Commission for the Indemnification of Members of the Belgian Jewish Community Whose Assets Were Plundered, Surrendered or Abandoned during World War II” was created. In 2008, the Commission released its final report. The Commission was preceded by the so-called “Study Commission on Jewish Assets” which had as its goal research on the provenance of objects held in cultural institutions. The Study Commission unveiled 331 objects with unclear provenance in 24 participating state institutions, but noted that its provenance research was not completed and that further research was required.

Of these 331 objects, 298 objects were of unknown Jewish origin (with 7 being of known origin). Participating institutions included the National Museum, the National Library and, for example, the Jewish Museum. Two institutions that hold objects of unknown provenance (notably Judaica objects in their public display) did not participate in the survey.

In January 2014, a Belgian journalist reported that only 9% of the artworks restituted to Belgium after the war were returned to their rightful owners. One third was auctioned off and more than half of the paintings, 639, were divided among 15 museums. The report further noted that Belgium had not made public a database located at the Prime Minister's Chancellery with information on 4,500 items. Lastly, the reporter mentioned that the

Heulens collection with paintings by Pieter II Breughel at the Museum of Fine Arts in Brussels, which was donated in 1988 and is on permanent loan, has a questionable provenance.

*Judaica:*

Belgium received 824 books from the JCR after World War II.

Between 1944 and 1967 the Office de Récupération Économique (ORE) became the official Belgian service for the discovery, identification, and restitution of cultural goods on an international level. Among other responsibilities, the ORE was also entrusted with auctioning off objects, including 565 Hebrew books whose origins were unknown but were assumed to have been plundered and were of Jewish origin. The books were sold to the Central Jewish Consistory of Belgium in 1948.

The Jewish Museum of Belgium conducted full provenance research in 2002 in conjunction with the country's Historical Commission. Additional provenance research, as far as is known, especially on the above-mentioned Judaica or on other Judaica held in Belgium, is not being conducted.

Belgium participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Belgium is also a signatory to ICOM's Code of Ethics.

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**Country Name: BOSNIA AND HERZEGOVINA**

Bosnia and Herzegovina has no restitution law in place that covers movable property.

Bosnia and Herzegovina's cultural institutions do not conduct provenance research, and it is not known if restitution of any objects from cultural institutions has taken place. At the same time, some museums, notably the National Museum of Bosnia and Herzegovina, hold artifacts of unclear provenance.

*Judaica:*

It is unclear how much Judaica and of what sort is in Bosnia and Herzegovina. The Library of the National Museum of Bosnia and Herzegovina holds ancient Jewish books, including a Haggadah, but the provenance of these books is unclear.

So far as is known, no provenance research is being conducted on Judaica held in Bosnia and Herzegovina.

Bosnia and Herzegovina participated in the 1998 Washington Conference on Holocaust- Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Bosnia and Herzegovina is also a signatory to ICOM's Code of Ethics.

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**Country Name: BRAZIL**

In 1997, Brazil set up a "Commission for the Investigation of Nazi Assets" that tried to establish if illicitly confiscated assets were transported into the country, including more than a hundred works of art which were known to have been exported to and sold in Brazil. It is not known if the Commission published a final report or issued any recommendations.

Brazil's cultural institutions do not seem to conduct provenance research, and it is not known if restitution of any objects from cultural institutions has taken place.

*Judaica:*

Brazil received 2,463 books from the JCR after World War II. In addition, the Advisory Council on the Question of Jewish Cultural and Religious Objects that was established by the Jewish Trust Corporation under the British Occupation Authorities donated looted Jewish books to the Jewish community in Sao Paulo.

Brazil participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Brazil is also a signatory to ICOM's Code of Ethics.

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**Country Name: BULGARIA**

In 1992, Bulgaria passed the Law on Restoration of Property Rights, but it is not clear to what extent there has been restitution of moveable property.

Bulgaria's cultural institutions do not conduct provenance research, and it is not known if restitution of any objects from cultural institutions has taken place.

*Judaica:*

Due to the lack of a Jewish library within the boundaries of contemporary Bulgaria, the Jewish Research Institute at the Central Consistory of Jews was founded in 1947. An infusion of money allowed the purchase of several hundred manuscripts as well as 6,000 books in Hebrew, Ladino and Bulgarian. By 1951, the decision was made to move the institute into the system of the Bulgarian Academy of Sciences, first to the Institute of Bulgarian History and, from January 1964 onwards, to the Institute of Balkan Studies. Religious objects, on the other hand, were kept at the Central Sofia Synagogue. Today most of these pieces may be found at the General Religious Council of Israelites and at the Jewish Museum of History in Sofia, founded in 1993 (under the guidance of the National Museum Centre at the Ministry of Culture). During the 1960s and 1970s, some of the Hebraica was moved from the Ashkenazi synagogue to the library of the Bulgarian Academy of Sciences and in 1980, this collection became part of the Central Record Office.

So far as is known, no provenance research is being conducted on Judaica held in Bulgaria.

Bulgaria participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Bulgaria is also a signatory to ICOM's Code of Ethics.

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**Country Name: CANADA**

In 2001, the Canadian Museums Association, together with the Canadian Jewish Congress, sponsored the conference "A Matter of Justice" that proposed recommendations on Holocaust-era cultural property. Five years after that, a subsequent meeting was held with the participation of the Claims Conference/WJRO at which the decision was made to survey Canadian cultural institutions in regard to their efforts at provenance research.



Consequently, the Department of Canadian Heritage commissioned the Canadian Art Museum Directors' Organization (CAMDO) to conduct a survey of 84 member institutions. While the survey only yielded twelve completed surveys, the total number of works that require provenance research was estimated to be 822, which includes 378 paintings and sculptures. The survey also showed that none of the responding museums have a dedicated provenance research budget. Only three institutions have had claims made against works in their collections, with one carrying out the restitution. The findings were summarized in a report entitled "Report on Provenance Research Needs for Holocaust-Era Cultural Property in Canadian Art Museums – Summary" (February 2008).

A number of Canada's cultural institutions conduct provenance research and have restituted objects that were previously spoliated. In conjunction with Canada's 2013-2014 chairmanship of the International Holocaust Remembrance Alliance (IHRA), the Canadian Art Museum Directors Organization (CAMDO) began in March 2013 the Canadian Holocaust-Era Provenance Research and Best-Practice Guidelines Project. The aim of the project is threefold: a. To research a number of paintings in the European art collections of six Canadian public galleries located across Canada in the provinces of Ontario, Manitoba and Alberta; b. To create and disseminate best-practice guidelines for Canadian institutions to share expertise and to help them develop the tools necessary to carry out provenance research on paintings in their collections; and c. To work with an existing national online database to upload all new research information, and to perfect search tools within the database so that provenance information can be accessed both by institutions and by individuals looking for lost art.

Canada is also home to the Max Stern Art Restitution Project: Based in Montreal, the Project aims to locate and subsequently initiate the restitution of artworks initially owned by Max Stern. Beneficiaries of successful restitutions are Montreal's Concordia and McGill Universities, in addition to the Hebrew University in Jerusalem.

#### Judaica:

Canada received 2,031 books and 151 museum and synagogue pieces from the JCR after World War II. Special attention in the distribution of objects was given to the Jewish Studies Department at the University of Manitoba and to the Dominican Institute of Medieval Studies in Montreal. In addition, one special book, a Usiel Hague book on Jews in China, was presented to the Royal Ontario Museum in Toronto. The Canadian Jewish Congress was responsible for distributing these books and ceremonial objects. There are no surviving inventories that would help establish what kinds of objects were distributed and where they went, so the current location of many of these objects is unknown. Generally speaking, most objects were silver chanukiot, Torah ornaments, and old books, including prayer books. No or few items were Torah scrolls or other items with a quality of holiness. About 400 books are still in the collection of the former Canadian Jewish Congress, though some may have gone to Montreal's Jewish Public Library. About 45 European ceremonial objects are also still with the former Canadian Jewish Congress, although a few are on loan to various museums. In addition, the Aron Museum in Montreal, Canada's first museum of Jewish ceremonial art objects, holds an extensive Judaica collection that includes objects that surfaced on the antiques market in the aftermath of World War II, as well as Judaica objects received from Jewish Cultural Reconstruction.

Canada participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Canada is also a signatory to ICOM's Code of Ethics.

**Country Name: CROATIA**

In 1996, Croatia enacted a Property Restitution Law that enables persons whose property was expropriated by the Yugoslav government to file for restitution. The law is only applicable to persons who held Croatian citizenship at the time of the law's passage or citizens of countries with bilateral treaties with Croatia. Amendments to the law were subsequently proposed but not followed through by Croatia's government.

In 1997, the government of Croatia established a Historical Commission to investigate the fate of property of victims of National Socialism. In 1989, some library collections that had been looted from Jews and handed over to the National and University Library were restituted to the Jewish community.

Croatia's cultural institutions do not conduct provenance research, but awareness was raised during the 2013 ESLI Provenance Research Training Program workshop held in Zagreb. The workshop was under the auspices of Croatia's Ministry of Culture and co-hosted by the Museum Documentation Center and the Croatian State Archives, along with the Jasenovac Memorial.

Spoliated objects are believed to be in a number of institutions throughout Croatia, including art objects that Ante Topic Mimara "recovered" after World War II. Mr. Mimara, who pretended to be a Yugoslav restitution official after 1945, was able to swindle from various Allied repositories of looted cultural property several hundred works and objects of art. Some of these art objects are believed to be held in Croatia's State collections, especially the Mimara Museum, the Strossmayer Galerie, and the Museum of Arts and Crafts of Zagreb.

**Judaica:**

Jewish archival sources, including items presumably looted by the Nazis and their allies, are held by the Central State Archives in Zagreb and 12 regional archives in Croatia as well as by the National and University Library in Zagreb, the Archive of the Croatian Academy of Sciences and Arts in Zagreb, and many museums throughout Croatia. The Museum of Arts and Crafts likely holds looted cultural and ritual objects.

The Jewish community of Zagreb holds about 7,000 Hebrew books (Talmudim, prayer books, etc.) that most likely belonged to Jews who fled to Yugoslavia after the Nazis' accession to power. These books were transferred from the National and University Library to the Jewish Community in 1990. A selection of these books has been kept at the National Library to ensure their preservation.

Croatia participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Croatia is also a signatory to ICOM's Code of Ethics.

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**Country Name: CYPRUS**

It is unknown if any cultural and religious property looted from Jews is located in Cyprus. No research has taken place, and it seems unlikely that cultural institutions in Cyprus are conducting provenance research.

Cyprus participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Cyprus is also a signatory to ICOM's Code of Ethics.

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**Country Name: CZECH REPUBLIC**

In 1998, the Czech Republic formed a Joint Working Commission aimed to mitigate property injustices inflicted on Holocaust victims. Two years later, in 2000, the Parliament passed Restitution Act No. 212/2000, which stipulates the responsibility of the director of a contacted cultural institution to return art objects if they were looted. In case of a dispute, the ruling by an independent court is decisive. The original deadline of December 2006 for presenting claims was subsequently abolished. The database "Restitution-Art", sponsored by the Ministry of Culture, lists about 3,400 cultural objects with provenance gaps.

A year after the restitution law was passed, the "Documentation Centre of Property Transfers of Cultural Assets of WW II Victims" was founded. Initially set up as working under the auspices of the Ministry of Culture, the Center's status is now that of a public benefit organization. The Center's major aim is to research historical and economic questions regarding confiscated Jewish cultural property, in particular art objects.

In 2009, the Czech Republic was host to the Holocaust Era Assets Conference in Prague (<http://www.holocausteraassets.eu/>), which concluded with the Terezin Declaration. As a follow-up to the Terezin Declaration, in 2010 the European Shoah Legacy Institute was founded by the Ministry of Foreign Affairs. The institute's aim is – in cooperation with governments, non-governmental organizations and independent experts – to deal with issues relating to restitution of property, including Jewish cultural assets stolen by the Nazis.

Cultural institutions in the Czech Republic are conducting provenance research and have restituted objects that were spoliated. However, some looted artifacts, notably hundreds of thousands of books that went to the National Library in Prague, the "Klementinum," that either belonged to the "Terezin collection" or that were looted by the RSHA, have not been researched or restituted. Some private museums, which are not bound by the restitution law, particularly the Jewish Museum, are also conducting provenance research and have restituted objects. Objects that have been restituted may nonetheless be subject to export restrictions.

*Judaica:*

Large numbers of Jewish ritual objects, books and other individual and communal Jewish property resulting from Nazi looting policies in the Protectorate of Bohemia and Moravia as well as elsewhere are located in the Czech Republic.

As noted, the Jewish Museum in Prague has been conducting provenance research on most of its holdings, including its library collection (based on owners' marks, dedications, *ex libris*, and other provenance clues). As part of the Museum's continuous research efforts, war-time inventories and postwar catalogues are being digitized.

Additional provenance research is being carried out by the Czech Republic's governmental institutions, with information on objects with provenance gaps being noted in "The Database of Works of Art from Property of Victims of the Holocaust." The database holds approximately 3,400 looted works, including Jewish ritual objects. A brief survey of the database shows that probably more than 380 religious objects are held in Czech government museums. These objects include rare Hebrew books and manuscripts, Torah scrolls and

ceremonial objects. The database lists 42 manuscripts that were originally from the Jewish seminary in Wroclaw that were deposited in the National Library of the Czech Republic. These manuscripts have since been restituted to Wroclaw. Similarly, 40 manuscripts and incunabula stemming from the Saraval Collection that were identified in the National Library were subsequently restituted to Poland.

Since the Documentation Center's transformation into an independent body aimed at researching looted property within the Czech Republic, it has posted numerous objects on its own database entitled "Database of Works of Art". The database, with a majority of looted art objects, also lists over 140 Judaica items, such as a Megillat Shir Ha Shirim and several Machzorim. If known, the original owner is mentioned. However, the database does not mention any successful restitutions, or any restitutions that are a result of the Documentation Center's research.

*(See also Israel, Russian Federation, and United Kingdom.)*

The Czech Republic participated in the 1998 Washington Conference on Holocaust Era-Assets and was the host of the Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. The Czech Republic is a signatory to ICOM's Code of Ethics.

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**Country Name: DENMARK**

At a meeting in 2007 with the Claims Conference/WJRO and the Jewish Community of Denmark, the Ministry of Culture of Denmark pledged to make public an investigation of the holdings of the national institutions that was done in 2001. The investigation showed that none of the Danish museums had relevant objects in their collections, and the Ministry of Culture concluded that it is not necessary to have museums research their entire collections, in view of the perception that Denmark does not in fact have any looted items. Provenance research will only be carried out by Danish museums if they are faced with a restitution claim.

In December 2013, Denmark's National Gallery was accused of owning three works of art that were confiscated by the Nazis in the late 1930s. All three paintings were considered "degenerate art" and were most likely confiscated from German museums.

Judaica:

No provenance research is being carried out on Judaica holdings in Denmark's cultural institutions other than the Danish Jewish Museum.

Denmark participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Denmark is also a signatory to ICOM's Code of Ethics.

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**Country Name: ESTONIA**

At the time Estonia regained its independence in 1991, illegally alienated property was largely restored to former legal owners, or compensation was paid. There was no distinction drawn between Jewish property that was nationalized and non-Jewish property, especially since no

information is available if valuable works of art belonging to Jews in 1940-1941 or expropriated in 1941 after the German occupation had begun were nationalized.

In 1998 the “Estonian International Commission for Investigation of Crimes Against Humanity” was formed. The specific topic of looted cultural property was not part of the Historical Commission’s research task. It does not seem that cultural institutions in Estonia are conducting provenance research, including on Judaica.

Estonia participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Estonia is also a signatory to ICOM’s Code of Ethics.

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**Country Name: FINLAND**

Finnish museums have recently begun to conduct provenance research. A brief overview of art objects with provenance gaps among three museums may be found at:

[http://www.nba.fi/en/information\\_services/the\\_historical\\_collections/provenance](http://www.nba.fi/en/information_services/the_historical_collections/provenance).

Until funding ran out, the DEAL project (Distributors of European Art Legacy - Finland as Relocation Region of Nazi-Looted Art), founded in 2001, was carrying out research into spoliated art in Finland. More recently, provenance research has become part of the curriculum in art history at the University of Jyväskylä.

So far as is known, no provenance research is being carried out on Judaica holdings in Finland’s cultural institutions.

Finland has no restitution law, and no artwork has been restituted.

Finland participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Finland is also a signatory to ICOM’s Code of Ethics.

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**Country Name: FRANCE**

Following the end of World War II, France enacted a number of restitution laws. In 2000, a Historical Commission, chaired by Jean Mattéoli (“Mattéoli Commission”), was formed. One of the Historical Commission’s recommendations was for the creation of an office dealing specifically with spoliated Jewish property. In 1999, the “Commission for the Compensation of Victims of Spoliation (CIVS)” was formed. The CIVS office deals, among other claims, with requests for looted cultural property, but it can only provide for monetary compensation payments and does not exert any influence over the restitution of objects held in French cultural institutions.

As there is no restitution law or clear procedure that allows for the restitution *in rem* of a looted cultural object in France’s museums, requests for artworks held by France’s cultural institutions have to be pursued through lawsuits. The situation is slightly different concerning the approximately 2000 MNR objects (“Musées Nationaux Récupération”), all of which were recovered from Germany after World War II and given to the custody of the French National Museums. Most MNR objects are thought to be heirless, although the

French government does not question the fact that the Germans acquired or “appropriated” them in France between 1940 and 1944. Today the remaining MNR artworks are still to be found in museums throughout France, including in the Louvre, the Musée d'Orsay, and the Centre Georges-Pompidou. In 1996, the Museums Department of the French Ministry of Culture and Communication ([www.culture.gouv.fr](http://www.culture.gouv.fr)) published an online listing of its MNR collection. Eight years later, in 2004, a Catalogue raisonné of some of the MNR collection held in France’s cultural and governmental institutions was published. Since 1997, 41 MNR paintings, including works by Picasso or Monet, have been restituted.

More recently, in 2008, some of the MNR paintings were exhibited at the Israel Museum in Jerusalem and then in Paris. The exhibition, entitled “*Looking for Owners: Custody, Research and Restitution of Art Stolen in France during World War II*,” aimed to potentially find more pre-World War II owners.

In early 2013, France’s president Francois Hollande established a new group of experts and curators to proactively track down families of unclaimed art works. This followed a senate report that called on the government to be more proactive and transparent considering that some 2,140 artworks that are thought to have been looted from Jewish families during World War II are still in some 57 cultural institutions nationwide. In January 2014, France announced that it would restitute three (3) paintings to the heirs of their original Jewish owners currently held at the Louvre and the Musée des Beaux-Arts de Dijon. All three (3) paintings are part of the MNR collection.

#### *Judaica:*

France received 8,193 books and 125 museum and 219 synagogue pieces from the JCR after World War II. Specifically, the Musée d’art et d’histoire du Judaïsme, the successor museum to the Musée d’art juif de Paris, established in 1948 by a private association in order to pay homage to a culture that had been destroyed by the Holocaust, received Judaica objects from the JCR, and the Centre de Documentation Juive Contemporaine received books.

Although provenance research on art objects is partially carried out in France – e.g., the MNR collection – so far as is known, no provenance research is being conducted on Judaica holdings in France’s cultural institutions.

France participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. France is also a signatory to ICOM’s Code of Ethics.

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#### **Country Name: GERMANY**

After the end of World War II, Germany passed several restitution laws that, among other issues, also covered looted cultural objects – e.g., the 1957 Federal Restitution Law (BRÜG). More recently, in 1999, Germany announced a mutual statement and agreement aimed at the identification and restitution of Nazi-looted cultural items, especially if they had belonged to Jews. This mutual agreement is a request, and therefore not binding. It does not obligate Germany’s museums to investigate their cultural assets. However, for a number of museums, in addition to the regional finance office (Oberfinanzdirektion), the mutual agreement was an impetus to start provenance research.

In 1994, the Coordination Office of the States for the Return of Cultural Treasures was established, and in 2001, the Central Office for the Documentation of Lost Cultural Assets was inaugurated in Magdeburg. 2001 also marked the launch of the web-based database [www.lostart.de](http://www.lostart.de), which serves as a depository for information on public losses, trophy art, and on cultural goods which were transported or stolen as a result of Jewish persecution. One listing deals exclusively with Jewish collectors and their losses. Only very few restitutions have resulted from [www.lostart.de](http://www.lostart.de)

A number of Germany's cultural institutions conduct provenance research, and restitutions have taken place. The results of this provenance research is in most cases available on [www.lostart.de](http://www.lostart.de)

Also in 2001, Germany issued the legally non-binding "Handreichung" (*Handreichung zur Umsetzung der Erklärung der Bundesregierung, der Länder und der kommunalen Spitzenverbände zur Auffindung und zur Rückgabe NS-verfolgungsbedingt entzogenen Kulturgutes, insbesondere aus jüdischem Besitz*) or guidelines outlining ways to discover and restitute looted cultural property. In November 2007, the handout was revised following the disputed restitution of a painting by Ernst Ludwig Kirchner.

In 2003, the Advisory Commission on the Return of Cultural Property Seized as a Result of Nazi Persecution („Beratende Kommission im Zusammenhang mit der Rückgabe NS-verfolgungsbedingt entzogener Kulturgüter, insbesondere aus jüdischem Besitz“), especially from Jewish possession, also known as the "Looted Art Commission", was inaugurated. The Commission's aim is to serve as a mediator between the current owner of an artwork in question and former owner(s). As both parties need to agree to have the Commission serve as a mediator, until now it has made recommendations in only five cases. All recommendations can be accessed at:

<http://www.lostart.de/Webs/DE/Kommission/Index.html>

Since 2006, the "Federal Office for Central Services and Unresolved Property Issues (BADV)" (Bundesamt für zentrale Dienste und offene Vermögensfragen [BADV]) deals with looted art that is still in German governmental possession, including the Remainder of Stock CCP (Restbestand Central Collecting Point) covering among other objects, approximately 2,300 paintings, sculptures, or graphics. Most paintings were collected for Hitler's planned museum in Linz or belonged to Hermann Göring's vast art collection. In 2007, BADV published an online database.

In November 2007, culture minister Bernd Neumann created the Arbeitsstelle für Provenienzrecherche/-forschung (Bureau for Provenance Investigation & Research) which is jointly financed by Germany's regional culture foundations. Its beginning annual budget amounted to one million Euros. Applications for research money can be sent to the office bi-annually. By 2014 the annual budget had increased to four (4) million Euros. In addition, the City of Berlin provides an annual 300,000 Euros for provenance research. This budget is expected to go up as well.

In 2013, the Staatlichen Museen zu Berlin and the Institut für Museumsforschung published a summary of Germany's ongoing provenance research within its cultural institutions ("Statistische Gesamterhebung an den Museen der Bundesrepublik Deutschland für das Jahr 2012"): of the 6,355 museums that were contacted, 3,800 responded, or 59,8%. Of these

3,800 museums, 60% noted that they hold art objects that were acquired between 1933 and 1945. 285 museums had already conducted provenance research, with 55 more institutions planning on doing so in the near future. While most museums within this latter category, or 71.9%, noted self-responsibility as the reason to commence research on their collections, 71 mentioned that the reason for starting provenance research was the receipt of a restitution claim (24.9%). Most provenance research is funded by the museum itself (69.7%). Overall, 37.5% of all museums contacted were not knowledgeable about the Arbeitsstelle für Provenienzforschung and its funding possibilities. In April 2014, in front of Berlin's House of Representatives, the Arbeitsstelle noted that for approximately 90,000 museum objects and 600,000 books the provenance had already been researched. Of these combined 690,000 objects only 5% were potentially looted. However, overall only 350 museums are involved with some kind of provenance research out of about 3,000 museums throughout Germany.

A number of important databases have been created by German institutions with the aim to assist provenance research. Among these databases are three (3) electronic listings by the German Historical Museum: In 2008, the "Sonderauftrag Linz" (Special Commission Linz) was released, and a year later, in 2009, the files pertaining to the Munich Central Collecting Point. In 2012, the database "Die Kunstsammlung Hermann Göring" was publicized containing information on 4,263 art objects.

Germany was host to the first ESLI Provenance Research Training Program which took place in Magdeburg in June of 2012.

In spring 2013, a large private art collection was seized in a district in Munich. The art collection was originally amassed by the Nazi art dealer Hildebrandt Gurlitt and after his death managed by his son Cornelius Gurlitt. The collection consists of 1,400 970 artworks of which about 380 have been identified as having been confiscated primarily from German museums by the Nazis as part of their campaign against "Entartete Kunst" or "degenerate art." Some 590 additional artworks suspected of having been looted from Jews are currently undergoing provenance research in order to determine if they were indeed confiscated by the Nazis. The latter group of objects is being listed on <http://www.lostart.de>. In late 2013, Germany established a "Schwabing Art Trove" Task Force headed by Dr. Ingeborg Berggreen-Merkel, a former Deputy State Minister for Culture and the Media, and administered by Dr. Uwe Hartmann, the head of the office for provenance research (Arbeitsstelle für Provenienzforschung). The Task Force is made up of international and national experts to research the Gurlitt collection. The Claims Conference appointed two experts to the Task Force.

In January 2014, the government of Bavaria stated that it would introduce a bill in the upper house of the German legislature aimed at enabling the restitution of Nazi looted art. If the law is adopted, it would eliminate a 30-year statute of limitation in the German civil code that applied to stolen property.

In response to the Gurlitt scandal, in February 2014 Germany's culture minister Monika Grütters proposed the establishment of a Deutsches Zentrum Kulturgutverluste – German Lost Art Foundation (preliminary name). The proposed center would aim to research public institutions as well as private ones that adhere to the Washington principles. The Center would also serve as a central place for already existing institutions, and thus combine the Koordinierungsstelle Magdeburg, the Arbeitsstelle für Provenienzforschung, the "Schwabing



Art Trove” Task Force and the research project at the Freie Universität Berlin *Entartete Kunst*.

On 7 April 2014, an agreement was reached between the late Cornelius Gurlitt, his lawyers, the state of Bavaria and Germany’s federal government stipulating that the Task Force will finish its work of identifying items likely stolen from Jews within one year, starting with April 9, after which the artworks will be released to Mr. Gurlitt. In return, Mr. Gurlitt agreed to ongoing provenance research and restitutions, if proven that the artwork in question was expropriated. The agreement bypasses the 30-year statute of limitation that applies to stolen property in Germany. According to a spokesperson of Mr. Gurlitt, “only” eight of the 1,400 paintings are likely to have been stolen from Jews. In early May 2014 Mr. Gurlitt passed away. In his last will he stipulated that his collection should be handed over to the Kunstmuseum in Bern, Switzerland. It is as yet unclear if the Kunstmuseum Bern will accept the inheritance. In any case, the heir is obligated to follow the agreement and retribute any artworks that are proven to have been looted.

#### *Judaica:*

Germany received 11,814 books and addition 31 museum and 89 synagogue pieces from the JCR after World War II.

Germany is home to numerous provenance research projects, some of which also include research into Judaica holdings. For example, the Municipal Library of Nuremberg is researching its collection entitled *Sammlung Israelitische Kultusgemeinde* (Jewish Community Collection), formerly the *Stürmer-Bibliothek*. Some of these objects are noted on Germany’s looted art database [www.lostart.de](http://www.lostart.de), for example a Tanach dating from 1800. Another example of a research project that includes Judaica concerns the remnants of the library *Forschungsabteilung Judenfrage* (Research Section Jewish Question) of Walter Frank’s *Reichsinstitut für die Geschichte des neuen Deutschlands* (Reich Institute for the History of the New Germany) which can today be found at the University of Munich’s Historicum Library. Additional relevant research projects include those at the Bavarian State Library, the Stiftung Preussischer Kulturbesitz, and the University of Leipzig.

Some provenance research into Judaica holdings is also carried out by Germany’s museums and other cultural institutions: most researched objects can be found on [www.lostart.de](http://www.lostart.de).

It is not known how many returns of Judaica objects have been taking place. It is also not known whether all relevant cultural institutions that hold Jewish ritual and religious objects are conducting provenance research.

Germany participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Germany is also a signatory to ICOM’s Code of Ethics.

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#### **Country Name: GREECE**

Greece initiated a number of directives and restitution laws at the end of World War II and in 1944 was the first European government to clearly state that the Greek state should under no circumstances benefit from abandoned or confiscated Jewish property.

Greece’s biggest loss of Jewish cultural property covers the archives of various Jewish communities in Greece, including the archives of Athens, Ioannina, Larissa, Volos,

Didymoteicho, Kavala and Salonika; all of which were looted by the Nazis. Most of these archives are considered to be in the Russian State Military Archive. However, part of the Salonika and other cultural property can be found in Poland.

Greece has conducted research on its archaeological sites and artefacts that were plundered by the Nazis. Little to no provenance research is being conducted by Greece's museums and other cultural institutions regarding art objects generally, however, and no restitutions have taken place. Greece was the host of the fourth workshop of the ESLI Provenance Research Training Program which was held in Athens in June 2014.

*Judaica:*

The Jewish Museum of Greece in Athens holds a few looted Judaica objects, with the Central Board of Jewish Communities in Greece being responsible for these items. So far as is known, no provenance research is being conducted on Judaica holdings in Greece's other cultural institutions.

In 1951, the Polish Ministry of Culture and Art passed on to the Jewish Historical Institute (ZIH) in Warsaw Judaica found in the castle Eckersdorf in Lower Silesia. These items included ritual objects (mainly *rimonim* and *me'ilim*) stolen from Greek Jews in Thessaloniki and elsewhere.

Greece participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Greece is also a signatory to ICOM's Code of Ethics.

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**Country Name: HOLY SEE**

Little to no research has been done on the extent to which the Vatican may have received looted artworks. It does not appear that the Vatican museum conducts provenance research. It is not known if any restitution has taken place.

*Judaica:*

In 2008, the National and University Library in Jerusalem published a catalogue entitled "Hebrew Manuscripts in the Vatican Library" that covered items acquired by the Vatican before the twentieth century and that included provenance information. In 2013 the Vatican library launched an online archive of ancient religious texts, including Hebrew manuscripts. Provenance research remains to be done on 108 additional Hebrew manuscripts more recently acquired by the Vatican. So far as is known, no provenance research has been done on other types of Judaica held by the Holy See.

The Holy See participated in the Washington Conference on Holocaust-Era Assets. The Holy See was an observer at the Holocaust-Era Assets Conference in Prague. The Holy See is not a signatory to ICOM's Code of Ethics.

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**Country Name: HUNGARY**

In 1998 Laszlo Mravik published *The "Sacco di Budapest" and the Depredation of Hungary 1938-1949: Works of Art Missing as a Result of the Second World War* (Budapest: Hungarian National Gallery Publications, 1998/2), a catalogue that lists works of art taken from Hungary. Hungary claims to have lost more than 40,000 objects of art, including paintings, decorative art and other objects such as medals during World War II. Some of these art works are known to be in the Russian Federation.

About 90-92 % of the artworks taken out of the country were returned between 1945 and 1948, with approximately 20% remaining in Hungary's cultural institutions – including artworks looted from Hungarian Jews. The National Gallery and the Museum of Fine Arts are known to hold looted art. Despite numerous legal attempts, the heirs to the Herzog collection, the Hungarian banker Baron Mor Lipot Herzog, who had collected between 1,500 and 2,500 artworks, have been denied any restitution. In 2010, the heirs to the Herzog collection filed a lawsuit in the United States against Hungary. The Herzog collection is not the only collection of Jewish artworks kept by Hungarian cultural institutions. According to experts in the field, Hungarian museums still store several hundred works of art obtained under questionable circumstances.

Hungary has never set up a historical commission to investigate Hungary's role and participation in the financial and physical annihilation of its Jews, and it has not initiated any provenance research by its cultural institutions. While a few restitutions have taken place, important works of art have consistently been kept from being restituted to their rightful owners.

In November 2013 the Hungarian Parliament passed a legislative amendment that requires the state to provide proof of legal ownership of an art object within its public collections, if a claim for the object is made. According to these amendments, if the state is not able to provide proof of legal ownership it is obligated to return the object to whomever can make a "prima facie case" of his/her ownership. Note that there is no obligation undertaken to research the public collections generally.

*Judaica:*

Laszlo Mravik's data mostly refer to fine art, but two looted Judaica collections are mentioned: a) the Judaica collection of Dr. Ignac Friedmann, and b) the Judaica collection of Dr. Fülöp Grünwald. Some Hungarian Judaica is known to be in the Russian Federation.

So far as is known, no provenance research is being conducted on Judaica holdings in Hungary's cultural institutions.

Hungary participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Hungary is also a signatory to ICOM's Code of Ethics.

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**Country Name: IRELAND**

Despite a questionable history involving Dr. Adolf Mahr, it does not appear that the National Museum of Ireland has conducted provenance research. The Hunt Collection's

investigatory commission cleared it of all wrongdoing, but the Simon Wiesenthal Center as recently as 2008 published a report entitled “The Hunt Controversy: A Shadow Report”. A subsequent report by Lynn Nicholas noted that no artworks with provenance gaps are located at the Hunt Collection.

It is not known if other museums in Ireland conduct provenance research, including on Judaica, or if any restitution of cultural property has taken place.

Ireland did not participate in the 1998 Washington Conference on Holocaust-Era Assets but it did participate in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin Declaration. Ireland is also a signatory to ICOM’s Code of Ethics.

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**Country Name: ISRAEL**

Israel was the recipient of much looted cultural and religious property sent to the country by Jewish Cultural Reconstruction (JCR). Some 1,200 artworks and Judaica objects were sent to Israel, specifically to the Bezalel Museum in Jerusalem. Those objects that were kept at the Bezalel Art Institute were later transferred to the Israel Museum in Jerusalem created in 1965. Other objects, especially Judaica items, were distributed among various cultural and religious organizations in Israel.

With the exception of the Israel Museum in Jerusalem, cultural and religious organizations in Israel do not appear to conduct provenance research.

In 2006, Hashava-The Company for Location and Restitution of Holocaust Victims’ Assets was established under the Holocaust Victims’ Assets Law (Restitution to Heirs and Endowment for Purposes of Assistance and Commemoration). This organization is in a position to request the restitution of certain cultural and religious objects but is scheduled to close in 2017. Hashava has begun to encourage provenance research in Israeli cultural institutions. With assistance from the Claims Conference/WJRO, it hosted an International Forum on the Restitution of Holocaust Era Cultural Assets in Israel in June 2014 and a workshop for museum curators on provenance research. The Government of Israel is currently considering how best to organize provenance research in the country.

*Judaica:*

Israel received 191,423 books, as well as 2,285 museum pieces, 976 synagogue pieces, 804 Torah scrolls and 87 Torah fragments (in addition to 127 scrolls that had to be buried) from the JCR after World War II. Israel was the recipient of the largest number of Judaica objects distributed by the JCR after the war, but the distribution itself was mostly carried out outside of the JCR’s control. The Ministry of Religious Affairs, which assumed responsibility, was subsequently put in charge of the distribution of religious objects to various synagogues, yeshivas, and other organizations.

Numerous Israeli institutions, including the Israel Museum and the National Library of Israel (formerly the Hebrew University Library), both located in Jerusalem, hold religious “heirless” objects that were sent to Israel by the JCR. Among other Judaica objects, the National Library of Israel holds, for example, the Berlin Gemeinde Library as well as the Breslau collection (part of the original library of the Breslau Jewish Theological Seminary, as well as samples of the Baltic collection that was discovered after the war. Because of its position, the Hebrew University and the Jewish National and University Library (JNUL) soon started to

claim property held in German libraries and noted that the Jewish people were entitled to demand specific compensation in the form of literary *Judaica* and *Hebraica* held by public libraries in Germany. These included manuscripts and old Hebrew and Jewish printed books held in public libraries. In book hunting trips by officials of the Hebrew University, notably to the Czech Republic and to Austria, numerous books were successfully claimed by its representatives. So far as is known, no provenance research is yet being conducted by the Hebrew University on its collections.

Overall, Israel was the recipient of approximately 700,000 to 800,000 books that had been looted by the Nazis and their allies from Jewish individuals and communities, with some 300,000 books finding their way to Israel's cultural, scholarly, scientific and religious institutions, in particular the newly founded universities in Tel Aviv, Bar Ilan, Haifa and Ben Gurion. Provenance research is almost non-existent.

Other cultural institutions, in particular museums such as the Tel Aviv Museum of Art, also hold looted *Judaica*, such as items that originally belonged to Frankfurt's Jewish Museum as well as objects from synagogues in Frankfurt. So far as is known, no provenance research is being carried out in the Tel Aviv Museum and in most other cultural institutions in the country. The only exception appears to be the Israel Museum in Jerusalem, which has posted online provenance information on its collections, including a section on *Judaica*. The online listing notes more than 700 objects, most of which stem from the Wiesbaden collecting point and were handed over to the museum by JCR. The database provides a description and, in many cases, a picture of the object, as well as the Wiesbaden collecting point number and information on whether the object was received through the JCR. Most objects were originally brought to Israel by Mordechai Narkiss, the director of the Bezalel Museum, the predecessor of the Israel Museum. Throughout his missions to lay claim on "unclaimed" Jewish property, he brought back about 1,200 objects of *Judaica*, paintings, and works on paper that had not been returned to their owners and were presumed heirless. Most of the *Judaica* objects are Torah decorations, such as curtains, finials, mantles, shields and pointers that came largely from ransacked synagogues. Some other items originated from private residences or institutions such as homes for the aged, community centers and schools, which were also looted. These include Seder plates, etrog containers and Chanukiot, as well as smaller, easily concealed items such as Sabbath cups and spice boxes.

Israel participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Israel is also a signatory to ICOM's Code of Ethics.

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**Country Name: ITALY**

Italy's Fascist regime during World War II, starting as early as in 1938, provided the legal justification for the confiscation of looted cultural and religious property. In addition Italy was home to a thriving art market, dealing with confiscated art from places such as Vienna, Paris, Berlin, and Amsterdam.

In 1998, the Anselmi Commission (Commission to Reconstruct the Events in Italy Related to the Acquisition of Properties from Jewish Citizens by Public and Private Concerns) was formed which concluded in its final report that Italian cultural institutions generally do not hold any looted cultural property.

It does not appear that provenance research is taking place in Italy, nor is there a legislative background that would allow for the restitution of cultural and religious property.

*Judaica:*

The only known ongoing research project aimed at researching Judaica – albeit outside of the country – is the search for the Jewish Community Library of Rome, which was looted in 1943. The research is carried out by the Commission for the Recovery of the Bibliographic Heritage of the Jewish Community in Rome.

So far as is known, no provenance research is being conducted on Judaica holdings in Italy's cultural institutions.

Italy participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Italy is also a signatory to ICOM's Code of Ethics.

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**Country Name: KOSOVO**

A number of museums and other cultural institutions were either partially or totally destroyed or plundered during the Kosovo war, while other collections were removed from Kosovo to Serbia at the beginning of 1999.

The spoliation of Jewish cultural property in Kosovo has not been researched. Museums and other cultural institutions in Kosovo do not conduct provenance research, including on Jewish cultural and religious objects.

Kosovo, then part of Serbia, did not participate in the 1998 Washington Conference on Holocaust-Era Assets, nor did it participate in the 2009 Holocaust Era Assets Conference in Prague. Kosovo is a member of ICOM.

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**Country Name: LATVIA**

In 1998, the "Commission of Historians of Latvia" was established and instructed to study the issue of "Crimes against Humanity Committed in the Territory of Latvia under Two Occupations, 1940 – 1956," including the topic "Holocaust in Latvia in 1941 – 1944." However, the confiscation of privately owned Jewish art collections and the looting of Judaica during World War II have not been researched, and there is little to no information available.

Latvia has no restitution law in place. Nevertheless, in September 2008, Latvia's prime minister established a "working group" which aimed to explore the issue. It does not appear that Latvia's cultural and religious institutions are conducting provenance research, including on Judaica objects. It is not known if any restitution of cultural property has taken place.

Latvia participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Latvia is also a signatory to ICOM's Code of Ethics.

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**Country Name: LIECHTENSTEIN**

In 2001, the Liechtenstein government appointed an Independent Commission of Historians pursuant to various initiatives and questions raised in public about Liechtenstein's role during World War II. A final report was published in 2005.

There is no indication that looted cultural property found its way into Liechtenstein's museums. This assertion was confirmed by research by a member of the Historical Commission that showed that no spoliated artworks historically reached Liechtenstein's three main cultural institutions.

Liechtenstein did not participate in the 1998 Washington Conference on Holocaust-Era Assets, nor did Liechtenstein participate in the 2009 Holocaust-Era Assets Conference in Prague. Liechtenstein is not a signatory to ICOM's Code of Ethics

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**Country Name: LITHUANIA**

Lithuania has passed a few restitution laws, mostly covering immovable property claims, but no restitution law is in place covering specifically the restitution of Jewish cultural property. In 1998, the "International Commission for the Evaluation of the Crimes of the Nazi and Soviet Occupation Regimes in Lithuania" was formed, which soon split into two separate Commissions with one dealing specifically with the destruction of the Jewish community as a spiritual and religious community, as well as the confiscation of property. Some research is still ongoing.

It does not appear that Lithuania's museums and other cultural institutions conduct provenance research. However, Lithuania was the host to the third ESLI Provenance Research Training Program workshop, which was held in December 2013 in Vilnius.

*Judaica:*

Lithuania has returned a number of Jewish religious artifacts, notably in 2002 when it returned 309 Torah scrolls and megillot. Jewish collections of books and other printed material are located in the National Library of Lithuania, and archival collections are to be found in the Lithuanian State Archives. In cooperation with the YIVO Institute for Jewish Research, it is planned to make Jewish collections of books and archives accessible in scanned form over the internet.

Lithuania participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Lithuania is also a signatory to ICOM's Code of Ethics.

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**Country Name: LUXEMBOURG**

In 2001, Luxembourg created a Historical Commission, "The Special Study Commission on the Spoliation of Jewish Assets in Luxembourg during the War Years 1940-1945", which aimed to research Jewish looted cultural property. In July 2007, the Commission published an intermediate report entitled "Le Rapport intermédiaire de la Commission spéciale pour

l'étude des spoliations des biens juifs pendant les années de guerre 1940-1945". As part of its work, the Historical Commission was able to identify one silver object in the National Museum that was spoliated during the Holocaust.

The National Museum seems to be the only museum in Luxembourg that conducts provenance research, notably by publishing five lists on its website referencing acquisitions made between 1940 and 1944. There is no restitution law in place for looted Jewish cultural and religious property in Luxembourg.

*Judaica:*

According to information provided by Luxembourg's Historical Commission, one Judaica object (a silver pitcher) was handed over to the National Museum in 1941. There is currently discussion of persuading the Museum to transfer this object to the Jewish Community. Aside from this one object, no Judaica is known to have been spoliated. Torah scrolls were hidden with private persons to avoid their confiscation and generally handed back to the Jewish Community after World War II. Private Judaica objects were hidden among Luxembourg's community and subsequently generally returned to their original owners.

Luxembourg participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Luxembourg is also a signatory to ICOM's Code of Ethics.

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**Country Name: MACEDONIA**

In 2000, Macedonia enacted a Law on Denationalization which addressed the restitution of confiscated immovable private and communal property.

According to experts, it is thought that a number of Macedonia's cultural institutions hold artifacts that may have belonged to Jewish victims of the Holocaust.

Museums in Macedonia do not conduct provenance research, and it is not known if any restitution of Jewish-owned cultural movable artifacts has taken place.

Macedonia participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Macedonia is also a signatory to ICOM's Code of Ethics.

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**Country Name: MALTA**

It does not appear that cultural institutions in Malta are conducting provenance research on cultural and religious property. It is not known if any restitution has ever taken place. It is also not known whether looted art may have historically entered Malta other than possibly through the art trade since World War II.



Malta did not participate in the 1998 Washington Conference on Holocaust-Era Assets but did participate in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin Declaration. Malta is a signatory to ICOM's Code of Ethics.

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**Country Name: MOLDOVA**

Moldova has no restitution law in place that covers movable property.

Moldova's cultural institutions do not seem to conduct provenance research, and it is not known if restitution of any objects from cultural institutions has taken place.

Moldova did not participate in the Washington Conference on Holocaust-Era Assets but did participate in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Moldova is a signatory to ICOM's Code of Ethics.

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**Country Name: MONTENEGRO**

In March 2004, Montenegro passed a restitution law which aims to provide for restitution in kind, when possible, with cash compensation or substitution of other state land when physical return is not possible. The law does not draw a distinction between religious and privately owned property. In late August 2007, Montenegro's parliament passed a new law on restitutions which supersedes the 2004 Act. The law provides for three review commissions throughout Montenegro.

It does not seem that cultural institutions in Montenegro are conducting provenance research, including on Judaica. It is equally unknown if any restitution of cultural property has taken place.

Montenegro, then part of Serbia, did not participate in the 1998 Washington Conference on Holocaust Era Assets but did participate in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin Declaration. Montenegro is a signatory to ICOM's Code of Ethics.

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**Country Name: NETHERLANDS**

Soon after World War II ended, the Netherlands enacted restitution laws that provided for the restitution of looted cultural property. Specifically the SNK ("Stichting Nederlandsch Kunstbezit") was put in charge of recuperating artworks from abroad but also, if possible, returning some of the objects to their rightful owners and collecting lists of confiscated Jewish property. By 1950, five years after the war, a number of works of art had been restored to their owners in the Netherlands. The remaining works stayed in the custody of the state subject to an original owner or heir turning up: these non-restituted artworks subsequently became known as the NK-collection, or "Nederlands Kunstbezit-collectie," of 4,217 artworks.

In 1997, the Ekkart Committee was tasked to carry out a pilot study researching the provenance of parts of the NK-collection. The actual research was then carried out by the project bureau entitled Origins Unknown ("Herkomst Gezocht") and was completed in

2004. Objects falling under the NK-collection are viewable on the Origins Unknown website, in addition to any recommendations that have been issued for return of cultural objects, such as for the Goudstikker collection.

In 1998, Dutch State Museums launched an investigation for objects acquired between 1940 and 1948, and subsequently published the report entitled “Museale Verwervingen 1940-1948” (Report Museum Acquisitions) in January 2000. However, experts suspect that additional provenance research is necessary, including in regard to non-state museums, and that up to 4,000 artworks that originally belonged to Jews might still be in museums in the Netherlands. As of the beginning of 2009, the museums of the Netherlands began to examine their collections for works looted from Jews beginning in 1933. In 2013, the Netherlands Museum Association published a report entitled “Museum Acquisitions from 1933 onwards” detailing provenance research in Dutch museums. Some museums were unable to finish their research in time, including the Rijksmuseum in Amsterdam, which is expected to release its own report in 2015.

#### *Judaica:*

The Netherlands received 1,813 books from the JCR after World War II.

Provenance research has been taking place on the Judaica objects in the so-called NK collection.

The online database (“Origins Unknown Database”), lists among other objects four Judaica pieces in the NK collection. Partly as a result of the restitution of an eighteenth-century tin Maccabee lamp, an exhibition was launched entitled “Geroofd, maar van wie?” (Looted, But From Whom?) in Amsterdam’s Hollandsche Schouwburg (Dutch Theatre). In addition, the Jewish Historical Museum of Amsterdam has launched research and has been able to complete an inventory of Jewish ritual objects in the Netherlands, in addition to researching its own history. As part of its own research, the Museum discovered that it holds objects that were erroneously restituted to the Museum after the war, such as a pair of zinc finials and a finial by Peter van Hoven. The museum’s own database permits searching for missing objects of the pre-war collection and objects with unknown provenance of the museum’s collection. The database also includes objects from pre-war lenders that were registered as museum property in 1955.

While the extent to which other cultural institutions conduct provenance research on Judaica objects is not known, a study of Dutch State Museums showed that that some museums held Jewish property for safekeeping during the war as temporary gifts or purchases to prevent art belonging to Jews being confiscated by the Nazis. It further showed that the Ministry of Culture, Education and Science purchased several collections from Jewish owners in 1943 and 1944 with the aim of keeping these artworks in the Netherlands. In almost all cases the artworks were returned. Where owners did not survive and the items were not claimed, the artworks were investigated, and some restitution took place. In the case of ritual objects from Jewish synagogues that were hidden during World War II, these were often given to Dutch museums following the end of the war. As there were few to no survivors who would have made the reopening of synagogues possible, many of these objects remained in the museums. However, there are no “transfer” registries that would officially confirm this.

The Netherlands Museum Association, as previously mentioned, provides access to an online database of objects with provenance gaps in Dutch museums. The online listing also includes thirteen (13) Jewish ritual objects.

The Netherlands participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. The Netherlands is also a signatory to ICOM's Code of Ethics.

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**Country Name: NORWAY**

The process of reclaiming property in Norway after World War II was especially difficult for Jews, as catalogues of particularly valuable ownerless property were only printed in 1947. Since 90% of the artworks referenced in the catalogue were not reclaimed, the rest were sold off at auctions or donated to the National Gallery or other state institutions.

In an attempt to make up for past insufficient restitution efforts, in 1996 the “Norwegian Commission on Restitution” was appointed and tasked with conducting a survey on what happened to Jewish property in Norway during and after World War II. The so-called minority report was subsequently adopted by Norway’s government, and a restitution fund was set up covering the total joint amount of losses endured by Norway’s Jewish community. The fate of artworks during World War II is considered to have been fully researched.

Norway’s museums do not seem to conduct provenance research on cultural and religious objects, including Norway’s National Gallery which was handed a number of looted Jewish artworks. The only exception seems to be the National Library which examined its collection during the work of the restitution committee in 1996/97. Such provenance research is needed in view of the likely importation of looted artworks since the war through the art trade.

Norway participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Norway is also a signatory to ICOM's Code of Ethics.

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**Country Name: POLAND**

Cultural losses experienced by Poland began to be recorded as early as September 1939, and by 1944 a first list of objects destroyed and removed from public and private collections was created. In 1945 the Polish Ministry of Culture created the “Bureau for Restitution and Reparations” to identify cultural losses and prepare restitution claims. In 1991 the Foreign Ministry established the “Bureau of the Government Plenipotentiary for Polish Cultural Heritage Abroad” located at the Ministry of Culture and Art (presently the Department of National Heritage). This office seeks to identify and locate cultural losses. As part of the office’s task, catalogues of war-time losses have been created, with parts of the catalogue available online. However, the catalogue does not distinguish between objects that were destroyed, objects that survived, and/or objects that were looted from Jews.

The total amount of confiscated Jewish-owned cultural property in occupied Poland has thus far not been documented and is therefore unknown. Estimates of the spoliation of Jewish book collections are as high as 70%, with some libraries, especially private school and religious libraries having been completely destroyed. Nonetheless, remnants of Jewish

libraries can be found in a number of Polish libraries, for example in the Jagiellonian University Library.

Cultural institutions in Poland do not conduct provenance research, or in the very few cases where they do, do not make any existing provenance research publicly available. At the same time, it is known or in some cases thought that a number of museums such as the John Paul II Collection in Warsaw, the Warsaw National Museum, and the Gdansk Museum not only hold looted Jewish cultural property but also religious objects. Some estimates suggest that 1% of all items in Polish museums is previously Jewish owned. In addition, artworks and artefacts that originally belonged to the Jewish communities of Greece and other foreign Jewish communities are in the Jewish Historical Institute in Warsaw. There is only one known successful restitution that involved the return of a painting originally owned by the Herzog heirs from the Warsaw National Museum. Other restitution claims, brought for example against the Jewish Historical Institute, have been disregarded.

There is no restitution law in place covering the restitution of Jewish-owned cultural and religious property. As a result, referencing all sorts of difficulties, some museums will, when faced with a restitution claim, not retribute an artwork if claimed by its former owners or their heirs.

In 2012, the professional Yearbook *Muzealnictwo* (Museology) published a set of guidelines outlining how provenance research in regard to looted cultural objects should be carried out. The guidelines were put forth by the then deputy culture minister Tomasz Merta. According to experts in the field, while the guidelines were received by Polish museums, no concrete actions followed.

### *Judaica:*

Looted Judaica can be found in many cultural institutions throughout Poland. For example, the Jagiellonian University Library (Biblioteka Jagiellonska) holds the remnants of Krakow's Jewish libraries. Other looted Judaica is in the Jewish Historical Institute in Warsaw, the Warsaw National Museum, the Krakow Historical Museum and elsewhere. A problem in assessing which Polish museums may hold looted Judaica is that, while most museums have inventories of their collections (which are almost never accessible to outsiders), Judaica is very often not even catalogued.

The Jewish Historical Institute in Warsaw holds over 11,000 Judaica pieces, most of which were transferred to it by the Government of Poland. Some of these objects came in the late 1940s from former German territories, such as Lower Silesia, Breslau/Wroclaw and Western Prussia. The Institute holds objects from Berlin's Jewish Community, from the Jewish Community in Vienna, several hundred objects from Greece, as well as some files from Paris regarding what was taken from Jews in Paris. The Institute also holds objects from Maidanek and Auschwitz.

The newly established Museum of the History of Polish Jews, alongside the Jewish Historical Institute, maintains the "Central Database of Judaica." As of February 2014, the database maintains information on 3,127 objects: most of these objects are held by the Jewish Historical Institute (2,110), followed by the Museum for the History of Polish Jews (1,014). Artifacts include works of art, historical memorabilia and synagogalia. The database does not

provide any provenance information on any of the listed objects. At a later point, Judaica collections of other museums may be added.

Poland participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Poland is also a signatory to ICOM's Code of Ethics.

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**Country Name: PORTUGAL**

In 1998, Portugal launched a Historical Commission tasked with researching the country's involvement in gold transactions between Portugal and Germany between 1936 and 1945. The Commission's task did not cover any research into looted art reaching Portugal – which served as a transit country – or looted cultural and religious property currently located in Portugal. On the other hand, documents in the United States archives point to the fact that Portugal's ports served as a transit point for looted art that was subsequently shipped to the United States. The Commission's work was concluded in 1999 and was criticized by the World Jewish Congress.

Museums in Portugal generally do not seem to conduct provenance research, including on Judaica objects. It is suspected that a number of museums, such as the Fundação Medeiros e Almeida, may hold looted cultural property.

Portugal participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Portugal is also a signatory to ICOM's Code of Ethics.

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**Country Name: ROMANIA**

In 2003, Romania established an “International Commission on the Holocaust in Romania” which released its final report a year later, in 2004. The report did not, however, cover looted cultural property.

Cultural institutions in Romania do not conduct provenance research. Romania has no restitution law in place that covers looted cultural property.

*Judaica:*

Torahs and other Judaica objects are known to be in government collections in Romania, but there is little information.

A number of ritual objects are located at the Jewish Museum in Bucharest that were originally collected by Rabbi Rosen during his tenure as Chief Rabbi of Romania. The organization “Menora – The Authority for the Restoration of Diaspora Synagogues to Israel” is currently working on 192 Torah scrolls brought to Israel for needed repairs from the following Romanian communities: Klusch, Targo, Borish, Yassi, Dorochoi and Shatz. All of these 192 Torah scrolls were initially stored in the basement of the Jewish Community Center of Bucharest.

So far as is known, no provenance research is being conducted on Judaica objects held by cultural institutions in Romania.

Romania participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Romania is also a signatory to ICOM's Code of Ethics.

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**Country Name: RUSSIAN FEDERATION**

As World War II was ending and immediately after it, Red Army trophy brigades removed enormous quantities of art, books, and archives from Germany and other enemy territory. Since German holdings included cultural property looted from Jews throughout most of Europe and other Jewish cultural property had been left abandoned due to the genocide, large quantities of Jewish cultural property from such countries as Germany, Austria, the Netherlands, France, Belgium, Greece, Bulgaria, and Hungary were removed to the Soviet Union. Russia is therefore believed to be the country with probably the greatest repository of art plundered from Jews that has not been restituted.

While there have been a few reports published by Russian cultural institutions on trophy property in their possession, including items that originally belonged to Jews, most research has focused on documenting Russia's losses (including some originally Jewish property) rather than property looted from Jews in other countries that today can be found in Russia's museums, libraries and archives. While additional listings of trophy items in Russian cultural institutions may have been or are being compiled, such listings are generally classified.

The Federal Law on Cultural Valuables Displaced to the U.S.S.R. as a Result of World War II and Located on the Territory of the Russian Federation (1998/2000) provides for the potential restitution of cultural treasures under specified conditions to governments, primarily governments of those countries that fought against the Nazi regime or were victimized by the Nazis, but such restitution is made exceedingly difficult and unlikely.

Restitution of archives to France, Belgium, the Netherlands, Luxembourg, Austria and other countries – as well as to the Rothschild family - has included restitution of archives taken from Jewish communities and individuals. The return of some archives is still outstanding or is in the process of being negotiated, such as the restitution of Jewish archives from Greece. There are artworks that were looted by the Nazis and their allies from Jews that remain in Russia's museums, but there is no known case of restitution of such artwork.

Some cultural property taken by the trophy brigades that included items that originally belonged to Jews was distributed under Stalin to what were at the time union republics of the Soviet Union. No research on this distributed cultural property has been done.

*Judaica:*

Much Judaica looted by the Nazis and their allies was among the vast numbers of items brought to Russia by the Soviet Trophy Brigades. The largest holdings of Judaica in Russia are in the Special (Osobyi) Archive (TsGOA, TsKhIDK 1982-1989), now part of the Russian State Military Archive (RGVA), Moscow. These include historical archives of Jewish international organizations, of Jewish political organizations and parties as well as papers of Jewish intellectuals. The holdings originally included part of the archive of the Alliance Israelite Universelle (series of records from the Paris headquarters, the Vienna Allianz and the Alliance from Brussels), of the B'nai Brith Order (archives of lodges from Germany, Austria, Poland, Yugoslavia, Greece and Czechoslovakia), and of the Zionist organizations

and parties (from France, Germany, Austria, Belgium, the Netherlands and Greece). Most material that was or is currently held in the Moscow archive was initially gathered by the National Socialist movement in their effort to create a Research Institute on the Jewish Question in Frankfurt and, to a lesser degree, for possible display in the projected “Führermuseum” in Linz.

In addition to the holdings of the RGVA, Judaica brought by the Trophy Brigades is known to include Torahs, some of which were transferred to the Historical Museum in Moscow, and Hungarian Judaica that was in part transferred to libraries and museums in Nizhnnii Novgorod. In terms of provenance research, extensive efforts have been made to describe the cultural losses of Russia as a result of World War II (for a variety of reasons little is known concerning Russia’s losses of Judaica, though the database [www.lostart.ru](http://www.lostart.ru) of the Federal Agency for Culture and Cinematography does list a few such items), but there have been fewer efforts to describe foreign Judaica looted by the Nazis and their allies that is currently located in Russia. The latter have mostly been done in cooperation with foreign institutions: for example, the *Catalogue of Manuscripts and Archival Materials of Jüdisch-Theologisches Seminary in Breslau Held in Russian Depositories* (Project Heritage Revealed. Moscow: Rudomino, 2003). Restitution of archives from the RGVA to the governments of France, Belgium, the Netherlands, and Luxembourg – as well as planned restitution of archives to the government of Austria - has included Jewish archives that have subsequently been returned by the respective governments to individual heirs and communities, while the Austrian Rothschild Archives were returned directly to the Rothschild family.

After years of fighting over the request of Chasidei Chabad of the United States for return of the Schneerson Library and Archive that included a lawsuit against Russia (Agudas Chasidei Chabad of United States v. Russian Federation, the Russian Ministry of Culture and Mass Communication, Russian State Library and Russian State Military Archive), in 2014 Russia’s President Vladimir Putin had the collection moved to the Jewish Museum and Tolerance Center in Moscow.

So far as is known, no provenance research is being conducted on Judaica objects other than archives, and no Judaica objects other than archives have been restituted. It is unknown whether Judaica objects were among those items returned by the Soviet Union to the communist governments of Eastern Europe in the 1950s and 1960s.

The Russian Federation participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Russia is also a signatory to ICOM’s Code of Ethics.

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**Country Name: SERBIA**

In October 2006, Serbia passed a restitution law that enabled the restitution of communal movable and immovable property. Applications for restitution of property or payments of reimbursement or recompense had to be submitted by 30 September 2008. There is currently discussion of a new restitution law concerning immovable property that would also permit applications by individuals and communities for movable cultural property.

Cultural institutions in Serbia generally do not conduct provenance research. However, it is known that some museums hold looted Jewish cultural property, most notably the National Museum in Belgrade, which holds the important and valuable collection of Erich Šlomovič, a Yugoslav Jewish art collector murdered in the Holocaust.

Spoliated objects also entered the country via Ante Topic Mimara, who “recovered” these artworks by pretending to be a Yugoslav restitution official after 1945. Mr. Mimara, was able to swindle from various Allied repositories of looted cultural property several hundred works and objects of art. Some of these art objects are known to be held in Serbia.

*Judaica:*

It is likely but not known whether Torah scrolls and other Judaica are held in the cultural institutions of Serbia other than in the Jewish Historical Museum in Belgrade. Some Jewish cultural property looted by the Nazis and their allies that was restituted to Jewish communities in Croatia, Macedonia, and elsewhere in Yugoslavia after the war was subsequently given to the Jewish Historical Museum in Belgrade and is currently located there.

Serbia did not participate in the 1998 Washington Conference on Holocaust-Era Assets but did participate in the 2009 Holocaust-Era Assets Conference in Prague and a few months after the Conference endorsed the Terezin Declaration. Serbia is a signatory to ICOM’s Code of Ethics.

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**Country Name: SLOVAK REPUBLIC**

The Slovak Republic enacted restitution laws shortly after the end of World War II that also covered looted Jewish cultural property. These restitution laws were soon followed by Czechoslovak laws, which also in some cases were intended to apply to Jewish and non-Jewish properties alike, as long as those assets had been taken by the communist regime.

In 2001, the Central Union of Jewish Communities of Slovakia (UZZNO) was formed and tasked with the identification of unrestituted properties of murdered Slovak Jews. In 2007, the Claims Conference/WJRO and the UZZNO reached agreement with the Slovak Ministry of Culture on publication of a provenance research survey previously conducted and on continued encouragement of provenance research by the museums of Slovakia. In June 2008 the Slovak Ministry of Culture reported that it had carried out these activities.

*Judaica:*

The Jewish Museum in Bratislava, as well as smaller museums and small Jewish communities throughout Slovakia, are believed to hold looted Judaica. The Jewish Museum conducted a Judaica project which catalogued Judaica collections throughout Slovakia, with the exception of that of the Presov Jewish Community. The project was completed in December 2013.

The Slovak Republic participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Slovakia is also a signatory to ICOM’s Code of Ethics.

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**Country Name: SLOVENIA**

Slovenia recently initiated research into the fate of real estate looted from Slovenian Jews during or after the Holocaust. The findings of the research team should contribute to the creation of a restitution law that will also cover movable cultural property.



It seems unlikely that cultural institutions in Slovenia conduct provenance research. It is also not known if any restitution has taken place.

It is not known if national institutions hold looted Jewish cultural and religious property.

Slovenia participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Slovenia is also a signatory to ICOM's Code of Ethics.

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**Country Name: SPAIN**

In 1997, Spain established a historical commission aimed at investigating the country's economic relations with the Third Reich. A year later, a final report was issued which has been heavily criticized by experts in the field. The Commission did not investigate Spain's role as a transit country for potentially looted cultural property or art looted from Jews that reached Spain in other ways. Spain does not have a restitution law that covers cultural and religious Jewish property that was spoliated during World War II.

Spain's cultural institutions do not conduct provenance research on cultural and religious property. It is known, however, that there is looted art in the country – e.g., the Thyssen-Bornemisza Collection is currently embroiled in a lawsuit concerning a painting by Pissarro originally owned by Julius Cassirer.

Spain participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Spain is a signatory to ICOM's Code of Ethics.

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**Country Name: SWEDEN**

In 1997, the Swedish government established "The Commission on Jewish Assets in Sweden at the Time of the Second World War." The Commission's final report "Sweden and Jewish Assets," released in 1999, concluded that cultural property looted from Jews might have entered Sweden but more research was needed. As a result, the "Swedish Committee of Enquiry" was set up and in 2002 was able to present its own final report. Two years prior to that, in 2000, the Swedish Research Council launched a governmental research program entitled "Sweden's Relations with Nazism, Nazi Germany and the Holocaust." While the Council presented its preliminary assessments in 2006, in-depth research has not yet started. Most of Sweden's museums, with a few exceptions such as the Jewish Museum, do not appear to conduct provenance research on cultural and religious property. Swedish museums do hold looted art, however. The Moderna Museet in Stockholm holds a painting by Emil Nolde that was looted from its original owner Otto Nathan Deutsch. In 2009 an agreement was reached between the museum and the claimants, by which the painting was purchased by an anonymous collector who agreed for it to stay in the museum for another 5 years before being restituted.

*Judaica:*

Sweden received 696 books from the JCR after World War II. There is no concrete information on other Judaica looted by the Nazis and their allies currently held in Sweden. The Nordiska Museet (Nordic Museum) in Stockholm is known to have a large Judaica collection, much of which was purchased by Mr. Klein, the Museum's curator, in Hamburg, Germany but before the Nazi era. In addition, the Jewish Museum in Stockholm holds a Judaica collection. So far as is known, with the exception of the Jewish Museum in Stockholm, no provenance research is being conducted on Judaica objects held by cultural institutions in Sweden.

Sweden participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Sweden is a signatory to ICOM's Code of Ethics.

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**Country Name: SWITZERLAND**

In 1945, the Federal Council ordered that looted art that had reached the territory of the Federation should be returned and that the art museum in Basel should serve as a depository for remaining looted art. The art restitution law was largely seen as ineffective, mainly due to lack of publicity and the short time frame provided, but also because it only included objects that had been misappropriated in occupied territories, thereby excluding the looting of cultural property in Germany and Austria.

In 1996, the Swiss Federal Assembly created the "Independent Commission of Experts Switzerland-Second World War" (ICE), which was headed by Jean-Francoise Bergier ("Bergier-Commission"). As part of the Commission's work, research was initiated into cultural assets that found their way into Switzerland during World War II. In 2001, the ICE published its report on looted cultural assets (primarily works of art) in Switzerland.

Four years prior to that, in 1997, the historian and journalist Thomas Buomberger was appointed by the Swiss Federal Office of Culture and the National Informational Office for the Preservation of Cultural Goods to research Switzerland's position as a transit country for looted art. Around the same time, in 1996/97 the Swiss Federal Office of Culture initiated a research study to investigate what art transactions took place with Nazi Germany during World War II and what, if any, artworks were still located in Switzerland's federal museums. In 1998, the research, which focused on the provenance of artworks in Switzerland's federal museums, was published. However, considering that most museums are under the auspices of the cantons and are not federal, in addition to the fact that most important collections are in private hands, the survey did not cover a lot of artworks. In 1998 the Federal Assembly of Switzerland established an office at the Swiss Federal Office of Culture that exclusively deals with looted-art.

More recently the office has conducted a survey of the cantonal and communal museums. In January 2011, the FDHA (Federal Department of Home Affairs) and the FDFA (Federal Department of Foreign Affairs), partly as the result of discussion with the Claims Conference/WJRO, released a report on the state of work on Nazi-looted art, in particular, on the subject of provenance research. The report can be seen at: <http://www.bak.admin.ch>. In June 2013, the Federal Office of Culture (FOC) launched a new website devoted to provenance research. A report entitled "FDHA/FDFA report on the state of work on Nazi-

looted art, in particular, on the subject of provenance research” can be accessed at: <http://www.bak.admin.ch/kulturerbe/04402/index.html?lang=en>

Following Cornelius Gurlitt’s passing in May 2014, the Kunstmuseum Bern was named as the sole heir to his collection. The museum noted that if it accepts the inheritance, it will be committed to upholding the Washington Principles.

*Judaica:*

Switzerland received 7,843 books from the JCR after World War II, including part of the Breslau collection that had been stored in the Wiesbaden collecting point and which was deposited into the Genf, Zürich and Basel libraries.

Switzerland’s Historical Commission was not specifically tasked with researching Judaica that might have entered the country during the war. However, information regarding Judaica also did not surface in the course of the Commission’s work.

Various museums of Switzerland hold isolated Judaica pieces in their collections. Some provenance research has been conducted, but none of it has been made public.

Switzerland participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Switzerland is a signatory to ICOM’s Code of Ethics.

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**Country Name: TURKEY**

Turkey has not initiated any research into looted cultural and religious property that may have reached Turkey during the Holocaust or afterwards. It does not appear that Turkey’s cultural institutions are conducting provenance research. Research into Turkey’s role is further complicated by the fact that not all archives are open for public viewing and research.

Turkey participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Turkey is a signatory to ICOM’s Code of Ethics.

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**Country Name: UKRAINE**

Ukraine holds thousands of objects originally owned by Jews that were looted by the Nazis. Many of these objects belonged to Jews outside the Soviet Union and were either brought directly to Ukraine by Red Army trophy brigades or were distributed to Ukraine under Stalin. In the 1990’s the “National Commission on the Restitution of Cultural Treasures to Ukraine under the Cabinet of Ministers” was established, which primarily deals with Ukrainian losses and does not deal with Jewish cultural and religious property currently held in Ukrainian institutions. Although attempts have been made at creating a restitution law, to date nothing concrete has materialized.

Ukrainian museums generally do not conduct provenance research. However, museums, libraries and archives hold cultural and religious artifacts taken from Jews in Ukraine during World War II or taken from Jews in other countries and brought to Ukraine as part of those trophy items that Ukraine keeps based on the law that gives people and organizations that

suffered property damage during the German invasion of the Soviet Union during World War II legal title to German property captured by the Red Army.

### *Judaica:*

There is no central database that lists Judaica looted by the Nazis and their allies that is held in Ukrainian cultural institutions, but various local projects exist that try to document the very large number of Jewish artifacts held by various Ukrainian museums, libraries and archives.

Although provenance research is not generally conducted, some information is nonetheless available. For example, the Museum of Historical Treasures of Ukraine has made an online listing of more than 400 Jewish silver ritual objects in its collections that were originally used by Jewish communities in Kyiv, Zhytomir, Vinnitsa, Belopolie, Elisavetgrad, Lohvitsa, Meldzhibozh, Tul'chin, Odessa, Kherson, Yampol', Volochisk, or were owned by former Jewish museums in Odessa, Chernovtsky or Lvov. Central to the collection are the Torah crowns, 39 in total, with a special one made by Zhitomir masters in 1875. The museum also holds Torah scrolls, 50 rimonim, some 100 Torah shields, 50 yadim (Torah pointers), 5 Chanukah lamps, 7 oil lamps, and more than sixty bsamin or godes. (Without further provenance research, it is not possible to distinguish what was taken by the Nazis and their allies from what was nationalized by the communists.)

Ukrainian government archives, museums, and libraries hold a large number of Torahs and other ritual scrolls confiscated from synagogues.

Archives and libraries hold large collections of Jewish records, manuscripts, and books. In particular, the V.I. Vernadsky National Library of Ukraine holds about 150,000 Jewish books as well as many manuscripts.

So far as is known, with few exceptions no provenance research is conducted on the Judaica objects held in cultural institutions in Ukraine. However, German and other archival records concerning the looting in Ukraine and elsewhere have been made available.

Ukraine participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Ukraine is a signatory to ICOM's Code of Ethics.

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### **Country Name: UNITED KINGDOM**

In 1998 the National Museum Director's Conference (NMDC) established a working group to examine issues surrounding the spoliation of art during the Holocaust and World War II period. As a result, a statement of principles and proposed actions for member institutions was drawn up. A year later, in 1999, the Museums and Galleries Commission (MGC) drew up guidelines for dealing with spoliated items in non-national museums. Also in 1999, an independent "Spoliation Advisory Panel" was established which has issued 12 reports thus far.

Some of the United Kingdom's cultural institutions conduct provenance research, namely those 28 that are mentioned on the NMDC's webpage as holding objects with unknown provenance.

In late 2009, the Holocaust (Return of Cultural Objects) Act was enacted: the bill allows national institutions to de-accession cultural objects held in their collection if they were stolen by or on behalf of the Nazi regime between 1933 and 1945. The Act made it possible

for 17 national collections to return items. (The bill will expire in 2019 and is not effective in Wales and Northern Ireland where cultural institutions are allowed to return cultural objects.)

*Judaica:*

The United Kingdom received 19,082 books, 245 museum pieces, 66 synagogue pieces and 12 Torah scrolls from the JCR after World War II. The Jewish Museum in London is one of the institutions holding these items.

The National Museums Directors Conference's searchable list of objects with incomplete provenance for the period 1933 to 1945 also lists museums with Judaica holdings: for example, the Victoria and Albert Museum lists two Judaica objects with gaps in their provenance. The British Library holds eleven or twelve thousand books seized from German libraries and institutions between June 1944 and 1947 that may include looted Judaica. Libraries at major universities, such as the Cambridge University Library, the Trinity College and Girton College libraries and the Bodleian Law Library at Oxford University hold vast Judaica collections.

Up to 1,564 Torah scrolls were sold in 1963-64 by the Czechoslovak state and what was then the State Jewish Museum in Prague to the Westminster Synagogue. From Westminster Synagogue in London, where the scrolls were renovated under the auspices of the Czech Memorial Scrolls Trust, over 1,400 of the scrolls have been entrusted on loan to Jewish and non-Jewish organizations around the world, of which more than 1,000 are in the U.S.A. However, all Torah scrolls remain the property of the Trust. While the majority of the scrolls are currently entrusted to synagogues and other Jewish institutions, some were placed with universities and libraries, including the Royal Library Windsor and the White House. In September 2008, a newly designed Czech Scroll Museum was opened at London's Kent House displaying some of the remaining scrolls lying on the original wooden racks where they were placed when they arrived, along with some of the Torah binders that were tied around the scrolls.

It is not known if libraries and museums, other than those participating in the National Museums Directors Conference spoliation project, conduct provenance research on their Judaica collections.

The United Kingdom participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. The United Kingdom is a signatory to ICOM's Code of Ethics.

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**Country Name: UNITED STATES**

The United States has played a significant historic role in international restitution efforts, but it has also been a recipient of looted art. In the postwar years, looted objects found their way to the United States, but given the intensive demand for cultural objects at the time, it was not standard practice for museum collectors and dealers to investigate the provenance of works that came into their possession. A significant number of works with questionable provenance entered both public and private collections in the United States.

The 1998 Presidential Advisory Commission on Holocaust Assets in the United States (PCHA) only marginally focused on looted art that reached the United States and on provenance research in cultural institutions. However, in its final report in 2000, the

Commission recommended that all museums should disclose their known objects and make provenance research information available.

In 1998 the Association of Art Museum Directors (AAMD) established a Task Force on the Spoliation of Art during the Nazi/World War II Era and adopted guidelines detailing procedures on how to deal with Nazi-era looted art. Soon thereafter, in November 1998, the American Association of Museums (AAM) (now American Alliance of Museums) followed suit and published its “Common Guidelines Concerning the Unlawful Appropriation of Objects During the Nazi Era.” These guidelines were subsequently amended in April 2001.

In September 2003, the “Nazi-Era Provenance Internet Portal” ([www.nepip.org](http://www.nepip.org)) was launched: As of January 2014, 175 museums were participating in the Portal, listing 28,930 objects with gaps in their provenance from 1933 to 1945, with an additional 32 museums asserting that they do not hold any relevant objects as defined by the AAM.

A number of U.S. Museums are thought to hold artworks that were confiscated from German museums as part of the so-called “Degenerate Art” action. Most of these artworks were sold into the U.S., particularly through Curt Valentin, a New York art dealer.

Generally speaking, most major museums in the U.S. have posted provenance research. However, a number of smaller museums, especially university museums, have not and are pointing to the high cost of provenance research. While the U.S. government can urge museums to participate in the Portal and conduct provenance research, it has no leverage to enforce compliance since most museums are private or are under state and/or municipal authorities. No general claims resolution system has been set up for dealing with Nazi-era art claims, and claims are mostly dealt with on an ad hoc basis that requires claimants ultimately to go through the courts.

In July 2006, the Claims Conference/WJRO published a report entitled “Nazi-era Stolen Art and the U.S. Museums: A Survey”. The survey, which covered 332 museums, showed that while there are some good developments, improvements are still needed: among other findings, the report showed that the number of artworks posted on NEPIP (at that time 18,102 items listed by 151 participating museums) only reflected a small percentage of “covered objects” as defined by the AAM.

While many museums are conducting provenance research and a number of artworks have been returned, some museums in a more recent development have started to file suits against claimants to quiet title, thereby invoking technical legal defenses in order to avoid restituting objects and compelling claimants to spend large sums in legal fees.

In response to U.S. museums generally blocking looted art lawsuits by referring to statutes of limitations or by making preemptive claims, in spring 2013 the New York chapter of the Federal Bar Association put forward a resolution calling for the creation of an American commission to deal with looted art claims. Given the legal status of most museums in the United States, where are mostly privately run, such a commission is unlikely to be created. Among U.S. museums that are known to have received claims for the return of artworks are the Museum of Modern Art in New York (involving the German painter George Grosz), the Museum of Fine Arts in Boston (involving a painting by Oskar Kokoschka) and for example the Norton Simon Museum in Pasadena (involving a painting by Lucas Cranach the Elder).

As a result of an ongoing lawsuit by the heirs of Mr. Cassirer against the Thyssen-Bornemisza collection in Spain, in December 2013 the 9th U.S. Circuit Court of Appeals reinstated a California law allowing lawsuits over art ownership disputes dating back as far as 100 years.

*Judaica:*

The United States received 160,886 books, 1,326 museum pieces, 1,824 synagogue pieces and 110 Torah scrolls (of which an unknown number had to be buried) from the JCR after World War II. Objects distributed by the JCR entered more than 400 recipient institutions, including university and other libraries, archives, museums, and synagogues. Major recipients of objects distributed by the JCR include, among others, the Jewish Museum New York and the Hebrew Union College Museum Cincinnati; the libraries of Harvard, Brandeis, Yale, and Columbia Universities; Yeshiva University; and the Library of Congress. In 2000, the Presidential Advisory Commission on Holocaust Assets in the United States and the Library of Congress reached an agreement which stipulated that the “JCR collection should be handled in a manner suited to its special provenance” and that the Library of Congress should further identify and provide special access to the JCR collection. As a result of this agreement, the Library of Congress created the Holocaust-Era Judaic Heritage Library.

After Germany’s invasion of Poland, including the free city of Danzig, the Jewish Community of Danzig sent most of their ritual objects to the United States for safekeeping. Some of these objects can now be found at New York’s Jewish Museum.

Some museums in the United States are conducting provenance research on their Judaica collections. A listing of Judaica objects with provenance gaps may be found on the Nazi-Era Provenance Internet Portal of the American Association of Museums.

Except for the Library of Congress, so far as is known, little or no provenance research is being conducted on Judaica held by libraries in the United States.

*(See also United Kingdom.)*

The United States participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. The United States is also a signatory to ICOM’s Code of Ethics.

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**Country Name: URUGUAY**

Uruguay has not established a historical commission, and it is not known to what extent looted cultural property entered the country during the Holocaust period or after World War II.

Cultural institutions in Uruguay do not appear to be conducting provenance research. There is no restitution law in place for looted cultural property.

*Judaica:*

Uruguay received 1,670 books from the JCR after World War II.

So far as is known, no provenance research is being conducted on Judaica objects held by cultural institutions in Uruguay.

Uruguay participated in the 1998 Washington Conference on Holocaust-Era Assets and in the 2009 Holocaust-Era Assets Conference in Prague and endorsed the Terezin declaration. Uruguay is also a signatory to ICOM's Code of Ethics.

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Additional countries that may have holdings of cultural and religious property looted by the Nazis and their allies but for which there is little to no available information include, but are not limited to, Algeria, Libya, Morocco, and Tunisia, as well as former republics of the USSR to which items brought by the Soviet Trophy Brigades were reportedly distributed such as Georgia, Kazakhstan, and Uzbekistan.



## **WASHINGTON CONFERENCE PRINCIPLES ON NAZI-CONFISCATED ART**

*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.

## TEREZIN DECLARATION

June 30, 2009

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*)<sup>20</sup>

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<sup>20</sup> [Serbia subsequently endorsed the Terezin Declaration in the fall of 2009 –WAF, RW]