JOINT DECLARATION

Concerning
The Implementation of the Washington Principles from 1998

By

The Federal Government Commissioner for Culture and the Media
of the Federal Republic of Germany,

The Director-General for Culture and Communication
at the Federal Foreign Office

and

The Expert Adviser for Holocaust-Era Issues to the U.S. Department of State

and

The Special Envoy for Holocaust Issues at the U.S. Department of State

Berlin, Germany
November 26, 2018

In recognition of Germany's historic responsibility for the discrimination, deprivation of rights, including confiscation of property, artworks, and cultural objects, expulsion and physical annihilation of millions of European Jews and millions of others, and remembering the victims of the Holocaust,

The undersigned representatives of both governments,

Reaffirm their commitment to the Washington Conference Principles on Nazi-Confiscated Art (Washington Principles), published in connection with the Washington Conference on Holocaust Era Assets on 3 December 1998. Twenty years after the conference in Washington which formulated those Principles, provenance research into Nazi-looted artworks and, wherever possible, their restitution or just and fair solutions to Holocaust survivors from whom they were confiscated, or their heirs, remains an important task in order to do justice to the victims of the Shoa. They also reaffirm their commitments regarding looted art as stated in the Terezin Declaration of 30 June 2009.

The Expert Adviser, the Special Envoy, the Commissioner for Culture and the Media and the Director-General at the Federal Foreign Office view with satisfaction the progress made to date in identifying Nazi-looted art and cultural property, and in finding just and fair solutions in Germany and the United States, while recognizing how far we both still have to go to implement the Washington Conference Principles.

The Washington Principles elevated the issue of Nazi looted art to international attention and profoundly changed the way in which the art world conducts itself. Now, for artworks that passed through European hands between 1933 to 1945, the Washington Principles have led to extensive provenance research by museums in our two countries and elsewhere in Europe, leading to the restitution of, and finding just and fair solutions for, tens of thousands of works of art, cultural objects, and books.

Germany and the United States have worked to fully implement the Washington Principles. In June, 1998, before the Washington Conference, the Association of Art Museum Directors in the United States issued a report and guidelines on the spoliation of art during the Nazi/World War II Era (1933-1945). In 1999, shortly after the Washington Conference, Germany reaffirmed the Washington Principles in a Joint Declaration between the German Federation, the Länder (Federal States), and the National Associations of Local Authorities on the tracing and return of Nazi-looted art, especially Jewish property.

Since then, Germany and the United States have achieved major steps, although more are necessary, for implementation of the Washington Principles and the Terezin Declaration. The digital age, which was not as advanced when the Washington Principles were created, provides a powerful 21st century tool for the identification of Nazi-looted art and cultural property and for restitution or other just and fair solutions.

Both Germany and the United States have facilitated strong infrastructure for provenance research into possible Nazi-looted artworks conducted by museums in the United States and museums and other collections in Germany. Thorough provenance research and the publication of the results on the Internet are essential steps to provide the opportunity for families touched by the Holocaust to locate artworks and other cultural objects confiscated by the Nazis.

Recognizing the crucial role that provenance research plays in successful implementation of the Washington Principles, we note with satisfaction the additional funds provided by the German government to assist German museums and other collections in searching their collections for possible Nazi-looted art and other cultural objects, and hope it will encourage German museums and other collections to expedite the review of their collections.

In 2003, Germany founded the Advisory Commission to mediate cases in which the parties cannot reach an agreement, underscoring its continuing commitment to redress the taking of cultural objects during the Nazi era. The Commission was most recently reformed in 2016. In 2018, the Federal Government of Germany implements the policy that museums and other institutions possessing cultural property, which are supported by the Federal Government, have to consent to mediation by the Commission upon claimants' requests. We positively note that prior compensation to Nazi victims does not bar restitution of looted art and cultural objects. In 2015, Germany created the German Lost Art Foundation, the host of this conference, which combined different entities dealing with provenance research and restitution, and which, among other positive steps, has based its work on a comprehensive definition of Nazi-looted cultural property.

Both our governments recognize that the Washington Principles and Terezin Declaration apply to public and private collections, although we recognize the latter presents a particular challenge. We therefore call on art auction houses and other private dealers in each of our countries to adhere to the Washington Principles, taking note of positive examples set by some auction houses and art dealers in handling possible Nazi-looted artworks. Germany has recently enabled private collectors to seek government assistance to check the provenance of the works in their collections, provided they agree to uphold the Washington Principles.

We note with satisfaction Germany's funding and support of the German/American Provenance Research Exchange Program for Museum Professionals (PREP) for 2017-2019 to advance World War II-era provenance research in museums, archives, libraries, and research institutions in Germany and the United States, including the largest set of museums in the United States, the Smithsonian Institution.

We note that the Washington Principles explicitly cover heirless art, calling for a "just and fair solution" when pre-War owners of art confiscated by the Nazis and not subsequently restituted, or when their heirs, cannot be identified. We recognize heirless art provides a particular challenge. But with improved databases, more detailed provenance research, and more readily available genealogical information, additional efforts should be made to locate heirs. Creative solutions can be considered if no heirs can be identified, including using heirless art as an educational tool about the Holocaust through exhibitions around the world, and by identification of the artworks on exhibit as having been confiscated from a Jewish family.

In the 20 years since the Washington Principles, Germany has returned over 16,000 individual objects to Holocaust survivors or their families.

The undersigned representatives of both governments are aware that there still are improvements which must be made, and they commit to undertake any necessary and appropriate actions with a sense of urgency to advance further the faithful implementation of the Washington Principles by Germany and the United States.

Both governments recognize the burdens on large museums of going through their collections, and on smaller museums that lack of staff trained to do provenance research, and aim to encourage and promote their respective efforts.

Both Germany and the United States need a larger number of trained researchers free to focus solely on the provenance research required to implement of the Washington Principles. We note with satisfaction that Germany was able to implement provenance research with new chairs at several universities.

With a recognition of the additional steps that are necessary, the signatories to this Joint Declaration appeal to all government bodies and institutions that possess cultural objects, and to all private collectors, to honor the Washington Principles fully and to do their part to fully implement the Principles.

Signed on 26 November 2018

The Federal Government Commissioner for Culture and the Media of the Federal Republic of Germany

Signed on 26 November 2018

The Director-General for Culture and Communication at the Federal Foreign Office

Signed on 26 November 2018

The Expert Adviser for Holocaust-Era Issues to the U.S. Department of State

Signed on 26 November 2018

The Special Envoy for Holocaust Issues at the U.S. Department of State