



The Kunstmuseum Bern Foundation has agreed to accept the estate of Cornelius Gurlitt

General considerations

The Kunstmuseum Bern Foundation (hereinafter referred to as “the Foundation”) is a private-law foundation that is independent of the Swiss Confederation. It is the Foundation Board that decided to accept the estate of Cornelius Gurlitt. The Foundation is not linked in any way with the Confederation.

Investigation of cases potentially involving looted art

The Foundation has agreed to accept the estate of Cornelius Gurlitt. It has signed an agreement with the Federal Republic of Germany and the Free State of Bavaria relating to works of art in which the parties explicitly refer to the Washington Principles of 1998 and declare their intention to achieve a just and fair solution in cases potentially involving looted art.

- The Washington Conference Principles on Nazi-Confiscated Art of 1998 (the Washington Principles), which have been adopted by Switzerland and 43 other nations, call on states to undertake research into the provenance of any work of art which may have been confiscated during the Nazi period, with a view to achieving just and fair solutions.
- Prior to the Washington Conference of 1998, the Foundation and 11 other Swiss art museums had already drawn up a joint declaration governing the treatment of cultural assets that were confiscated under the Nazi regime and during the Second World War. In so doing, the museums established a framework for dealing with potentially looted art that is in line with the Washington Principles (see www.bak.admin.ch/rk).
- The agreement concluded by the Foundation with the Federal Republic of Germany and the Free State of Bavaria concerning the Gurlitt estate provides that only works which are not suspected of having been looted will pass to the Foundation. The parties thereby contribute to ensuring that the Gurlitt estate will be handled within an internationally recognised and ordered framework.

What role has the Confederation played in the agreement reached?

The Confederation is not a party to the agreement, which was concluded by the Foundation with the Federal Republic of Germany and the Free State of Bavaria. The Confederation is particularly concerned to ensure that the Washington Principles are implemented. Representatives of the Confederation attended the discussions.

What is the Confederation’s position on the agreement reached between the Foundation, the Federal Republic of Germany and the Free State of Bavaria?

The Federal Council welcomes the fact that the agreement concluded is based on the Washington Principles of 1998 and thus allows work on establishing the provenance of the works that make up the Gurlitt estate to continue. These Principles, which have been recognised by Switzerland and 43 other states, govern the handling of issues related to looted art. The Confederation believes it is essential that any works which may have been looted should be swiftly returned to their rightful owners.

Does this decision impose any obligations on the Confederation?

The Kunstmuseum Bern Foundation is a foundation under private law and is independent of the Confederation. Acceptance of the Gurlitt estate by the Kunstmuseum Bern does not impose any obligations on the Confederation.

Have the holdings of the museums and collections of the Confederation been investigated with regard to the issue of Nazi-looted art?

The Confederation has already taken action in this regard. It investigated the provenance of the holdings in its museums and collections in 1998 and published a report which is available online: www.bak.admin.ch/rk.

How is the Confederation assisting the museums and collections of third parties (cantons, municipalities, private individuals) in Switzerland in the task of provenance research related to Nazi-looted art?

In June 2013 the Confederation, in collaboration with the cantons (Swiss Conference of Cantonal Ministers of Education) and the museum associations (Swiss Museums Association, Swiss Art Museums Association), jointly launched an internet portal designed to assist the museums and collections of Switzerland in carrying out provenance research by “helping them to help themselves”: www.bak.admin.ch/rk

The costs of provenance research are borne by the third-party museums and collections themselves. This also applies in cases where the costs are incurred through the acceptance of an inheritance or donation.

Competences of the Confederation with regard to looted art

In Switzerland, the competences of the Confederation with regard to looted art fall within the remit of the Contact Bureau on Looted Art (Federal Office of Culture FOC). These are regulated as follows:

- Cases within the federal scope of competence: The FOC is directly responsible only in cases that fall within the federal scope of competence (museums and collections of the Confederation as well as federal institutions).
- Enquiries within the scope of competence of other institutions or private individuals: The FOC stands ready to provide general information in respect of enquiries that fall within the scope of competence of other institutions or private individuals. It aims to offer an initial point of contact at national level and to contribute toward just and fair solutions in case of disputes.
- Centre of competence: The FOC also maintains contact with foreign institutions and organisations that deal with the issue of looted art. It promotes the exchange of general information, thereby contributing to networking among the parties concerned.

At the international level, in December 1998 the Swiss Confederation, along with 43 other states, was actively involved in drafting and approving the Washington Conference Principles on Nazi-Confiscated Art (the Washington Principles). In so doing, the Confederation confirmed that it attaches great importance to addressing the issue of Nazi-looted art and to achieving just and fair solutions in relation to looted art.

The Confederation also participated in two international follow-up conferences (Vilnius 2000 and Prague-Terezin 2009) and adopted the resulting declarations. The two conferences reaffirmed the need to make further progress in the implementation of the Washington Principles.

Link: www.bak.admin.ch/rk