



Principles of the *Stiftung für Kunst, Kultur und Geschichte (SKKG)* in dealing with the loss of cultural goods due to Nazi persecution

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1. Basic principles

As its name states and in accordance with the purpose defined by its statutes, the *Stiftung für Kunst, Kultur und Geschichte* (SKKG) [Foundation for Art, Culture and History] is a foundation that cultivates art, culture and historical values, promoting reflection on the same and contributing to the communication of these values to the public.

The SKKG considers itself responsible for the goods it has received. It therefore investigates the provenance of the cultural goods in its possession and actively searches for potential former owners or their legal successors. The SKKG publishes the results of its investigations in conjunction with the basic information necessary for understanding them. In processing provenance, it also sees potential for social discussion on the issue of history and responsibility.

When cultural goods lost due to Nazi persecution have not yet been returned, claims are usually not enforceable from a traditional legal perspective. The SKKG feels ethically obliged to honor both the former ownership and the circumstances of the loss through just and fair solutions.

2. Course of action

The SKKG has chosen a two-step approach by designating two independent bodies for this purpose:

- Provenances are investigated by a team of in-house research employees, whose work is managed and reviewed by an external entity (SKKG Provenance Research Management Team). The latter submits results and their evaluation for possible further action to a commission appointed by the SKKG board.
- This commission, under the name *Unabhängige Kommission der Stiftung für Kunst, Kultur und Geschichte zur Klärung NS-verfolgungsbedingter Ansprüche* (Independent Commission of the Stiftung für Kunst, Kultur und Geschichte for Clarifying Claims Resulting from Nazi Persecution, hereafter the “Independent Commission SKKG”), is to be autonomous. It shall make its decisions independently of both the SKKG board and the in-house provenance research team. Its decisions, which are binding for the SKKG, are made *ex aequo et bono* within the framework of the following guidelines (Article 3 below).

The provenance research team began its work in the summer of 2022. The Independent Commission SKKG will be implemented in the course of 2023. It is envisaged that its activities will initially run for about six years.

Based on the “Washington Conference Principles” of 1998, the “Terezin Declaration” of 2009, the “ICOM Code of Ethics for Museums” of 2004, and in line with the SKKG’s Purpose and Collection Strategy of December 16, 2019, the SKKG has defined the following ethical principles in the form of guidelines.

These guidelines apply to the provenance research team, including the SKKG Provenance Research Management Team. In addition, procedural rules are defined in a separate document to regulate the activities of the Independent Commission SKKG.

The decisions of the Independent Commission SKKG are binding for the SKKG. The SKKG provides the necessary conditions within which the work of the Commission is expedient and goal-oriented. It shares the values underlying the work of the Commission, is responsible for implementing the Commission’s decisions and bears responsibility for their realization.



3. Guidelines for the Independent Commission SKKG

The SKKG delegates to the Independent Commission SKKG the competence and responsibility for *ex aequo et bono* decisions according to the following references and guidelines:

- The Independent Commission SKKG is committed to the following principles: the “Washington Conference Principles” of 1998, the “Terezin Declaration” of 2009 and the “ICOM Code of Ethics for Museums” of 2004.
- The assessment of provenance and the search for just and fair solutions is a process within which the Independent Commission SKKG provides a hearing for former owners or their legal successors.
- Likewise, a just and fair solution must be found for both cultural goods lost due to Nazi persecution which are subject to a claim and those not subject to a claim or for which no heirs can be identified.
- Decisions with regard to cultural goods lost due to Nazi persecution may also be made based on findings leading to an incomplete state of evidence.
- In addition to its material value, a cultural good may also have a high emotional value as part of the cultural identity of its former owners – and since a loss due to Nazi persecution was accompanied by their degradation, exclusion, expulsion and, in the worst case, their death. This must be given special consideration in the context of just and fair solutions.
- Historical injustice cannot be undone, neither by restitution of cultural goods nor by other just and fair solutions. However, both the necessary encounters and exchanges with claimants, as well as the recognition of the history of suffering and persecution associated with restitution or other just solutions and a sustained confrontation with the past represent a commitment to willingly draw consequences from this for the future.