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Commission pour l'indemnisation des victimes
de spoliations intervenues du fait des législations
antisémites en vigueur pendant l'Occupation

Vingt ans de réparation des spoliations antisémites pendant l'Occupation : entre indemnisation et restitution

Colloque organisé par
la Commission pour l'indemnisation des victimes de spoliations intervenues
du fait des législations antisémites en vigueur pendant l'Occupation (CIVS)
le 15 novembre 2019 à Paris

Remarks by Ambassador Stuart E. Eizenstat on French policy of restitution or compensation for individuals whose assets were stolen during the Holocaust, to the symposium organized by the CIVS in Paris, on November 15, 2019

(seul le prononcé fait foi)¹

I especially want to thank Jérôme Bénézech, the Director of the CIVS for his leadership in organizing this conference. I congratulate Michel Jeannoutot, Chairman of the CIVS on your 20th anniversary and on your newly expanded five year mandate. This represents a vote of confidence by the highest levels of the French government in your success over the past 20 years in a variety of areas to provide belated justice to the victims of the confiscation in France: bank accounts and insurance policies; business and real property; money during internment in a camp; and the theft of cultural personal property. But it also represents by your own government's admission (French Ambassador to Germany Anne-Marie Descôtes at the November 27, 2018 Berlin conference: "20 Years Washington Principles: Roadmap for the Future") that you have given back far too few cultural objects (around 100), had too few resources devoted to essential provenance research to identify the stolen objects in your public collections, and had a structure which did not promote the level of restitution needed. Happily, this is now changing, and France is now going from being a laggard to a leader. But as Chairman Michel Jeannoutot has eloquently put it: "time is of the essence: after more than 75 years, recognizing the victims and heir of victims of spoliations, and endeavoring to make amends for the injustice and losses suffered."

Introduction of United States leadership

The U.S. government has taken a leadership role from the start on achieving some measure of belated justice for Holocaust survivors and families of victims, including the restitution or compensation of Nazi-confiscated art and cultural objects. But our record is far from being unblemished. International cooperation was always indispensable, because of the vastness of the crimes committed by Nazi Germany. The Shoah was the most extensive genocide in human history, with the wanton murder of six million Jews, including one and half million children, and millions of others. France had by far the best record of any occupied European country in saving a significant percentage of its Jewish population. But of the 340,000 Jews in France in 1940, more than 75,000 were deported to death camps and 72,500 were killed. Because France was in the unique position of being both being brutally occupied but having a pro-Nazi French Vichy government, France had a particularly difficult time coming to terms with its wartime history. It was not until French President Jacques Chirac's historic statement of July 16, 1995, at the commemoration of the Vel' d'Hiv' roundup of French Jews on July 16, 1942, that in the name of France, he accepted responsibility in the name of France for "breaking its word" and "handed those who were under its protection over to their executioners".

But the Shoah was also the greatest theft in history, not simply to get money for the Third Reich, but to wipe out all vestiges of Jewish culture by stealing artworks, other cultural objects, books, personal effects, photographs, and musical instruments. Now more than

¹ La vidéo de cette intervention est consultable à l'adresse : <https://www.documentation-administrative.gouv.fr/adm-01859419>

seventy years after the end of World War II, and more than twenty years after the Washington Principles on Nazi-Confiscated Art, which I helped draft and negotiate, this may be our last opportunity to right, in some imperfect way, one part of this most ghastly crime in human history before all of the remaining four hundred thousand Holocaust survivors around the world breathe their last breath.

I have had considerable experience in Shoah-related negotiations with the government of France. I led the U.S. government negotiating team for the January, 2001 Washington Agreement with France for bank-related confiscations. It included \$50 million for the Deposit Fund (Fund A) to compensate victims whose assets were identified, and \$22.5 million for Fund B, a lump sum payment where a credible case can be made out. Almost 10,000 claims have been filed. There remain undistributed funds which should be promptly resolved in the favor of families whose accounts were confiscated, so the banks do not retain any of the agreed amount.

In addition, to its credit, the post-war French government established a compensation program for those French citizens or those who were in France during the War, who were deported on the French railway (SNCF) outside of France to the death camps, and their surviving spouses and in the year 2000 augmented it with a compensation program for the children or deportees who were in France. But those who left France after the War and were no longer French citizens had gotten nothing. In 2014, as Special Adviser on Holocaust-Era Issues to Secretary of State John Kerry, I negotiated a \$60 million agreement with the French government for those who were deported and still survived, their spouses and children, who now lived outside of France and were not eligible for the French program.

Experts estimate that a staggering 600,000 paintings were stolen, of which more than 100,000 are still missing. When furniture, china, coins, and items of decorative arts are included, the numbers swell into the millions. Indeed Hitler was going to put the very best paintings in a Führer museum in his home town of Linz, Austria. In France, the ERR (Reichsleiter Rosenberg Taskforce) targeted 200 prominent collectors; overall 100,000 artworks and religious objects and several million books were spoliated in France during the four years of occupation.

From the outset, the U.S. has been a driving force in protection of Nazi-confiscated art and cultural objects. The U.S. and our Allies recognized the widespread theft of art and cultural works, although they could not have imagined its staggering dimensions. On January 3, 1943, they issued the London Declaration calling upon neutral nations not to trade in art looted by the Nazis. Even at the height of World War II, on June 23, 1943, a year before D-Day, President Franklin Roosevelt approved the formation of an American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas, which led to the Monuments, Fine Arts, and Archives Section of the Allied Forces - the Monuments Men, art curators and historians who were embedded in the U.S. Army. In the last year of the War, the Monuments Men courageously tracked, located, protected, and in the years after the War catalogued, placed in collection points, and returned more than five million artistic and cultural items stolen by the Nazis. They remained in Europe for up to six years after the War to complete their work. President Harry Truman ordered the looted art objects to be repatriated by the U.S. military as quickly as possible. But in the chaos of the end of the war, it was impossible for the U.S. and its allies to locate the individual owners. Following international precedent, the U.S. and British commands under Military Order 59, returned the art and cultural objects to their countries of origin and relied upon each government, France, The Netherlands and Germany in particular, to trace the owners and ultimately return the stolen property. Unfortunately, this reliance was often misplaced. Many of the works that were returned by

the Allies to the countries after the war were instead incorporated into their public museums rather than given back to their owners.

In fact, France had begun to take the right steps. In November 1944, the Commission for the Recovery of Artworks found more than 60,000 artworks, documents and other valuables spoliated in France during the Occupation, and three quarters were returned to their owners and heirs between 1944-1940. Of the remaining 15,000 works, 2,143 were placed in the custody of public museums pending their restitution - the MNR works - and the remaining were transferred to the State Property authority. But as CIVS itself noted, after an "energetic and proactive restitution policy, a long period of neglect set in". Since 2013, the provenance of some one hundred of these over 2100 MNR works has been identified with certainty.

The impetus behind the Washington Principles on Nazi-Confiscated Art was not simply to return masterpieces, although that is what makes newspaper headlines. But rather our goal was to identify and return the vast majority of artworks and cultural property, or compensate for them, that had special meaning to the families and an intrinsic value that went far beyond their current market value.

But Nazi-looted art dropped off the international agenda, in the U.S. and throughout Europe, including France. Fifty years after the end of the War, the wall of silence on Nazi-confiscated art was breached by four scholars, based upon newly declassified Allied war documents and Central and Eastern European archives opened after the end of the Cold War: Kostantine Akinsha, Hector Feliciano, Lynn Nicholas (with her path-breaking book *The Rape of Europa*), and Jonathan Petropoulos. An international conference organized in January 1995 by Professor Elizabeth Simpson of the Bard Graduate Center for the Study in the Decorative Arts highlighted the dimensions of the art and cultural spoliation and enormous task of identifying and returning the art to those from whom the Nazis confiscated them. But the issue had not come to the attention of the general public. I added on to the London Nazi -Gold Conference of December, 1997, over the initial objection of the UK hosts, a speaker on looted art, and announced the U.S. government would be hosting an conference devoted to confiscated artworks and cultural objects in December, 1998.

In February, 1998, the House Banking Committee, held a hearing on looted Holocaust assets, including artworks, at which the star witness was French-born Philippe de Montebello, the director of New York's Metropolitan Museum of Art, on behalf of the Association of Art Museum Directors (AAMD), to which over 200 American art museums belong. He recalled as a child "keeping one step ahead of the Gestapo and the Vichy government, with a father who was serving in the Resistance." Under pressure from Banking Committee chairman James Leach, the AAMD promised to create a task force he would chair on the Spoliation of Art During the Nazi/World War II Era and present a set of principles to deal with art recovery. On June 4, 1998, the American art museums published a set of principles calling for provenance research and publication of their collections for Nazi-confiscated art; a centralized and accessible data base to assist Holocaust survivors and families of victims to file claims; and resolving by mediation any claims.

In calling for the Washington Conference on Holocaust-Era Assets in December, 1998, my team at the State Department and I hoped to internationalize the AAMD principles, because most of the looted art was in Europe. There were 57 delegations, 44 countries, and 13 NGOs who participated, a remarkable turnout for an issue that had been largely forgotten for 50 years after World War II. On December 3, 1998, we negotiated the Washington Principles on Nazi-Confiscated Art. All of the 44 countries agreed upon 11 principles, which, in summary, were to identify, to publicize, and to retribute using "just and fair solutions," a phrase my top aide J.D. Bindenagel and I developed, to rectify this historical wrong. In order to gain an

international consensus we had to make it clear that these were not legally binding, that participating nations had “differing legal systems and that countries act within the context of their own laws.”

There were many, after the Washington Conference, who said, “These won’t have any impact. They are not legally binding. They’ll be forgotten.” That is not the case. **Although a great deal remains to be done, the Washington Principles are an example of the international impact that moral principles for a just cause can have.** They were reaffirmed by the Vilnius Forum in 2000, and by the Terezin Declaration following a conference with 46 countries in Prague in 2009, in which the U.S. delegation I headed, took lead. The Terezin Declaration strengthened the Washington Principles by making it clear they applied to private as well as public museums and galleries, and that spoliation occurred “through various means, including theft, coercion and confiscation, and on grounds of relinquishment as well as force sales and sales under duress during the Holocaust era, 1933-1945.”

Disappointments

For sure, there have been significant disappointments.

Several key countries have made virtually no effort to abide by them: Hungary and Poland, Spain, Russia (even though President Putin signed a law which incorporates the Washington Principles) and even Italy have done virtually nothing to reconstitute art. There are others as well, including many Latin American countries, like Argentina, where Nazis fled.

There has been insufficient provenance research into collections and insufficient resources devoted to it. But this is the predicate for everything else. Most key countries do not devote sufficient funds and human resources to expedite provenance research. So it proceeds, at best, at a snail’s pace.

Most museums in Europe, however, have done absolutely nothing. They have hardly started provenance research and are nowhere close to completing the research if they did. With very few exceptions, they have made almost no progress.

That is why it is so important that France is now taking the lead with the allocation of significant additional resources and personnel to help the CIVS fulfill its new mandate from the Prime Minister. Starting in 2018, “fresh momentum was given to the identification and restitution of spoliated cultural property.” You should be proud that France is the only country in the world, where the effort to identify and return Nazi-confiscated artworks and cultural objects now rests in the Head of Government’s office. In addition, you have substantially increased your budget and the human resources devoted to this historically important task. Beyond additional resources, following the lead of Mr. David Zivie’s landmark report presented to the Minister of Culture in February 2018, CIVS has substantially strengthened their capability to research and returned Nazi-spoliated artworks. In the past CIVS was only allowed to process claims referred to it. Now CIVS has the authority to self-refer claims which will “significantly improve the number of restitutions of spoliated property in the future.” So now CIVS can propose to the Prime Minister on its own initiative or at the request of any person any restitution or compensation measure, particularly when the confiscated property “has become part of public collections or was recovered by France after World War II and placed since then in the safekeeping of national museums”, clearly the 2100 artworks part of the MNR collections. Importantly, CIVS has indicated that “What this means is that such property does not belong to the State, it does not form part of public collections and is not marked as coming under the public domain”.

You recognized that this great step forward was catalyzed by the 20th anniversary of the Washington Principles, celebrated by the international conference in Berlin in November,

2018. At that conference, French Ambassador Anne-Marie Descôtes acknowledged “the inadequacy of France’s efforts to date”, while pledging the increased emphasis the CIVS and your government has now given.

It is important that the CIVS and Ministry of Culture focus not only on their MNR collection (Musées Nationaux Récupération), which comprises works that were taken by the Nazis from French Holocaust victims, brought to Germany, and then returned to France after the war, but not fully restituted. I respectfully urge France to also focus on their other public collections, the Louvre, the Jeu de Paume, the Pompidou, and the other famous museums in Paris. In 2018, you set an example for our American museums by having a strategic IT committee of the Prime Minister’s office approved the upgrading of your CIVS Database to identify more confiscated artworks and facilitate claimants identifying them.

In Switzerland, there has been some restitution and some provenance research. But, because many Jews who were fleeing the Nazis between 1933 and 1945 sold their art in Switzerland to survive, what has been done is insufficient. The biggest contribution Switzerland could make in implementing the Washington Principles would be to open their private museums and the archives of their art dealers to provenance researchers.

Several European art advisory panels have significant flaws. France, for example, has no deaccession laws, so even if the family locates a looted work in a public museum in France, it is questionable, even with the new authority of the CIVS, if the artwork cannot be taken out of the collection. The most that can be done is monetary compensation. The Netherlands had done little with its collections in public museums, except for the NK collection. Thousands of paintings still have to be published and researched. Then starting in 2003 they became more serious and did more provenance research. They returned hundreds of artworks. Then, suddenly, starting several years ago, they adopted a new policy called the Balancing Policy, in which they balance the importance of the looted Nazi artwork in their collections against the claimant’s emotional claim to the art. That is completely contrary to the Washington Principles. I urge the Dutch to go back to their promising start, and abandon this concept of balance. When we talked about just and fair solutions in the Washington Principles, it was not just and fair solutions for the public museums to keep spoliated art.

Another problem with the advisory panels is epitomized by the German Limbach Commission, which previously had very opaque rules. In fifteen years, it only heard only fifteen cases. In part, this was due to the principle that participation was voluntary. If the museum, even a federal museum under the jurisdiction of the federal government, did not wish to participate in the Commission’s review of a claim, the claim could not go forward. But at the 2018 Berlin conference, recently, in Berlin, we negotiated a government to government Joint Declaration, which I signed, along with my colleague, Thomas Yazdgerdi, then the Special Envoy for Holocaust Issues at the State Department, on behalf of the U.S. Government, with Monika Grütters, the German Minister for Culture and the Media wherein Germany agreed to make several major changes. The first is that on threat of the withdrawal of all federal funds, German museums must now participate in any claim that’s filed before the Limbach Commission. In addition, there are several references in the Joint Declaration to the “need to go further.” They made reference to how to handle heirless art, more on that shortly. Importantly, they reaffirmed – and this has been an unfair escape route for many countries – that the Washington Principles apply not just to public museums, but to privately held collections and museums as well, and called on their private collections, auction houses and private dealers to comply with the Washington Principles. They are training more provenance researchers and giving more money to their federal museums for provenance research. In fact, they have gone from €1 million to €7 million. So, there is important progress.

I cannot ignore our own mixed report card in the United States. It is critically important that the U.S. be the exemplar for the rest of the world. We have done much, but not enough. Our museums are constrained by a lack of funds. Unlike museums in Europe, which are largely publicly funded, our museums are private, and provenance research is a low priority. I hope that the Association of Art Museum Directors will do a thorough study of how its 242 member museums have complied with the Washington Principles. We know that budgets are tight, but this should be a priority. Do it once and do it right.

There are examples of those who have done so. The Boston Museum of Fine Arts, for example, has done an exemplary job. At the Berlin Conference, there was a terrific presentation by the provenance researcher at The Metropolitan Museum of Art, which has digitized over 350,000 pieces in its collection. They will soon be finished with the additional 100,000 artworks and cultural objects. There is also a sheer magnitude. The U.K. has 3,000 public museums, Germany 6,000. We have over 35,000 largely private museums. **But the United States has a special responsibility having been the leader going back to World War II in seeking to identify and restitute Nazi-looted artworks and cultural objects and having initiated the 1998 Washington Principles and the 2009 Terezin Declaration.** While some 30,000 items were posted by museums on the AAM's Nazi-Era Provenance Internet Portal, by their own admission, the software is so outdated that it is almost not usable. It is particularly disappointing, as well, that American museums began to act totally contrary to the spirit of the Washington Principles, which was to decide claims to the ownership of artworks on the merits not use technical defenses to block claims. But suddenly they started to raise statutes of limitation, laches, jurisdiction, and even preemptive injunction suits, before claims were even made.

Now, gratefully, the U.S. Congress intervened in 2016 to pass the HEAR Act (Holocaust Expropriated Art Recovery Act). This provides a federal statute of limitations of six years, but only after a claimant locates and identifies the art. It resets the clock for those cases that were dismissed on statute of limitations grounds. I hope it will lead to more American museums settling claims rather than going to court. **In 2018, Congress again acted with the JUST Act (Justice for Uncompensated Survivors Today),** which requires the State Department to report, by November 2019, on how all the countries have done in implementing the 2009 Terezin Declaration, which reaffirmed and strengthened the Washington Principles.

Accomplishments

Although much remains to be done, we have made significant strides toward achieving the goals of the Washington Principles, as shown by the Berlin Conference in November, 2018 on the 20th anniversary of the Washington Principle. This CIVS conference and France's renewed commitment to restitution and compensation for spoliated cultural works is another example.

A fair assessment of the success of the Washington Principles is that the glass is half-full. But, that is not satisfactory. As CIVS Chairman Michel Jeannot has eloquently emphasized, it is now time for one last push to correct the flaws in implementing the Washington Principles both in the U.S., and particularly in Europe, whose museums and private collections still possess Nazi-looted art. With the assistance of the advanced digital technology that did not exist at the time of the Washington Conference over twenty years ago, there is no excuse for failing to have the widest distribution of information on Nazi-looted art and cultural property, including books. No state, no museum today, whether state-controlled or private, no art gallery or collection, no auction house, no private owner should want to hold Nazi-looted art, which was stripped in the most violent way from its original owners. Every nation that committed to the Washington Principles and that signed the Terezin Declaration - should

redouble their efforts to identify, publicize, and retribute or compensate or find other just and fair solutions when an owner or heir has a legitimate claim.

There have been remarkable achievements under the Washington Principles, the first one of which is that it has changed the way the art market does business. At the Washington Conference, Philippe de Montebello that the Washington Principles “have changed the art world forever. The art world will never be the same. The psychology you set has changed.” Art dealers, galleries and museums now check the ownership of paintings from Europe during this crucial period, 1933 to 1945, to determine if there are gaps that might indicate that the painting was confiscated, and, if so, they post them on websites. Museums now will hardly ever take, whether as a gift or purchase, an artwork without going through this provenance research.

A second success is that provenance research itself, afield hardly known before, has proliferated. Websites are increasingly enabling Holocaust survivors or their heirs to locate art looted from them or their families. More nations and non-governmental organizations are doing provenance research and posting results on the Internet. This is a first crucial step in implementing the Washington Principles. If the provenance research is not done, if it's not published, it is impossible to know if you have a potential claim.

The pathbreaker was Ambassador Ronald Lauder, who before the Washington Conference, established the Commission for Art Recovery in the pre-digital era. At the Berlin Conference, he announced with the Jewish Claims Conference, the new Digital Cultural Recovery Project to develop a database of databases, of all the ones that exist today, to help make it easier for claimants to locate their art.

The American Alliance of Museums has posted almost 30,000 works of art from 179 American museums on its Nazi-Era Provenance Internet Portal. The purpose of this Portal is to enable claimants, instead of going from museum to museum to go through the portal, which connects to 179 museums, who will do the provenance research to determine if they are in possession of the painting in question.

A third success is that the Washington Principles have spurred five European nations to create, as we intended in the Washington Principles, dispute-resolution panels to resolve claims in a non-litigation format. Germany, Austria, The Netherlands, France, and the U.K.

Fourth, international cooperation has begun to sprout. France again is a leader. CIVS established a Berlin branch and in 2018 made it the focal point for Holocaust research and remembrance, deepening the dialogue between the French and German ministries to identify and return spoliated cultural objects. You have established programs around key events like Kristalnacht, screened films, held seminars in places like Wannsee, where the “final solution” was developed; organized workshops for French and English-speaking school children; held seminars for high-ranking Germany officials. The CIVS has also worked with the Austrian commission for provenance research to encourage more research and restitution.

Beyond this, and of seminal importance, France recognizes the critical importance of international cooperation and you are taking the lead in bringing together Europe's restitution advisory panels into a new European network for facilitating research, and more. The British Spoliation Advisory Panel suggested that the European advisory panels form a working party, perhaps with a permanent secretariat to explore ways to cooperate. The CIVS has been convinced for several years of the need to develop a network between the stakeholders involved in “making amends for spoliated cultural property” and has taken the lead in setting up this cooperative body.” I find it a very exciting development that in September, 2017, the British, German, French, Dutch and Austrian panels agreed to share

information of their respective approaches to search for and return Nazi-confiscated artworks; to publish their opinions and best practices; to facilitate provenance research; to improve education of the private art market in Europe; and wished to see international conferences every two to three years and creation of a permanent secretariat. In October, 2018 CIVS proposed beginning in January, 2019 a new Network of European Restitution Committees with each panel rotating as chair for a year; and a regular newsletter on developments would be published. These have been implemented and the first Network Newsletter was published in March of this year.

Starting in 2017, there is a new German-American provenance research exchange program, called PREP, with German museums and our Smithsonian, the Getty, and the Met. France and Germany are beginning to discuss joint programs. And, in October of 2018, the German Federal Government, through its dedicated commissioner, Monika Grütters, announced a new memorandum of understanding with the Israeli Government, in light of their joint cooperation in researching the Gurlitt Art Trove that was found in a small apartment in Munich. The collection will be exhibited next year in Israel.

Fifth, despite all of the legitimate frustration, a very sizable number of Nazi-looted artworks has indeed been restored to the owners, or compensation given in lieu of restitution. Austria has restituted over 30,000 objects; the German government 16,000: 5,746 art objects and over 11,000 books. Just before the Berlin Conference, forty-two Dutch museums discovered over 170 artworks in their collections with problematic histories during their Nazi occupation. Since the Berlin Conference, one German museum announced they had found over 40,000 cultural objects confiscated by the Nazis. The Association of Art Museum Directors announced at the Berlin Conference that American museums have returned or resolved satisfactorily almost sixty claims.

One of the single accomplishments of the Principles has been to clean-up the private art trade in the United States. The leader was Christie's, and Sotheby's. Consignors who have clients who wish to have either auction or sell their art, must sign contracts giving Christie's and Sotheby's the right to refuse to sell or auction any art that has questionable provenance between 1933-1945. Christie's published guidelines in 2009 and in the twenty years since the Washington Principles, Christie's has satisfactorily resolved over 200 claims. And, Sotheby's has done likewise, although a smaller number. It is an amazing story of leadership in the private art market, which I hope European auction houses will emulate.

Roadmap for the future

Let me conclude with a suggested roadmap for the future based on the more than twenty years of experience since the Washington Principles.

First, we now appreciate the fact, which we did not understand fully in 1998, that confiscation took many forms. What we now mean by confiscation includes forced sales. There were tens of thousands of German Jews and other victims, who, in order to pay the exit taxes to get out by September 1, 1939, when the war formally started, would sell their artworks at bargain basement prices just to have enough money to pay the exit taxes. This is now clearly covered by the Terezin Declaration. It also includes flight sales, where a family sold their art to get out of Germany, then went to Switzerland or some other neutral country, and, having no resources because they had to leave their bank accounts and everything behind, sold at below market value perhaps one or two paintings they could take with them. Germany has taken a lead in this area.

Second, provenance research is expensive and hard work and requires human resources who are trained. Here, the new CIVS mandate sets a stirring example. The Netherlands has

expanded their research to include not only art acquired by their museums before and during the war, but also donations that have come later. And, Germany is now allowing private collections, private museums, dealers, collectors, to get German federal money to help with provenance research. This is a major breakthrough. Israel will shortly launch a nationwide program of provenance research for its museums and will provide public funding to train provenance researchers with international experts in the field.

Third, descriptions of all the collections of public museums should be published on accessible websites with accompanying provenance research, down to the object level. I note that the five nation working group of the UK, Germany, France, the Netherlands and Austria concluded that for legal and technical reasons, it was "not viable" to create an international database. This bears further scrutiny.

Fourth, nations should diligently research and identify all of their collections. So, France and The Netherlands should not just look at their MNR and NK Collections, but all of their public collections.

Fifth, all countries that have Nazi-looted art in their public museums should pass deaccession laws that permit them to return confiscated art in their possession to the rightful owners or revise their laws to enable private museums to do the same. This is particularly important and urgent for France. Under France's Heritage Code, artworks that have been incorporated into public collections have become inalienable and cannot be removed from public museums, even if they were confiscated by the Nazis. I would hope as part of France's enhanced conviction that CIVS and the Prime Minister will consider amending this law.

Sixth, the Washington Principles, as 2009 the Terezin Declaration agreed to by 46 countries, made clear, apply equally to private collections and private art trade, not just to public museums. There are museums, like the Thyssen Bornemisza in Madrid, that are saying they are private, that the Principles do not apply to them. Not so! European nations have not successfully addressed Nazi-looted art in their private collections. I hope that private art dealers and private auction houses in the key countries in Europe, including France, will follow the example of Christie's and Sotheby's and cleanse their art trade of tainted goods. Who should want to deal in looted and stolen products to begin with, let alone Nazi-looted art? I also call on the Art Dealers Association of America to have all of its members, through the ADAA Code of Ethics, follow the Washington Principles, to ensure that the American private art market has the highest standard of transparency and integrity and is not tainted by Nazi-looted art.

Seventh, nations should establish one point of contact for claimants instead of sending them from one agency to another, as France is doing with the new mandate of the CIVS.

Eighth, there should be no time limit on bringing claims if the complete identification and location of the artwork was not previously known. Once it is, then reasonable time limits can be set.

Ninth, decisions by national panels in Germany, Austria, The Netherlands, France, and the U.K., should be posted on the Internet like court decisions. The reasons for the decision should be given in detail and be published in several languages, so they can serve as guideposts for future action.

Tenth, as a former Ambassador to the European Union, I believe the EU has been a laggard for twenty years, but that is changing. On January 17, 2019, the European Parliament passed landmark legislation recognizing the Washington Conference and the Conference Principles on Nazi-Looted Art. The legislation states that insufficient attention has been paid by the EU to restitution and urges the European Commission, the EU's executive arm, to support the

cataloguing of all data on looted cultural goods, as well as the setting up of principles for dealing with cultural property in future conflicts. Interestingly, at the Berlin Conference, France and Germany said that, in the spirit of the Washington Principles, they will start looking at the art that was confiscated during their Colonial Period.

Eleventh, heirless art - where there is no person or family identified, not even an heir, presents a particularly difficult challenge. This is directly covered by the just and fair solutions standard of the Washington Principles. With improved databases, however, and more detailed provenance research, and more readily available genealogical information, additional efforts should be made to locate heirs. Where, even after that, no heirs can be identified, heirless art can be used as an educational tool so young children and even adults can understand about looted art.

Wherever heirless art is exhibited – in the Louvre or elsewhere - it should say, “This was looted from an unknown Jewish family during the Holocaust.” The MNR collection is now doing that in France.

Austria, which has been a leader on this point, has come up with a very creative solution. Once they go through all of the databases, once they have made every effort, they will sell the heirless art and use the proceeds for Holocaust survivors from Austria. In any event, heirless Nazi-confiscated art from Jews and other victims should not be considered “owned” by the collections in which the art is now based. They are, at most, trustees for it. Solutions should be the product of dialogues between governments, Jewish communities, international organizations, and the State of Israel.

Conclusion

In conclusion, we have come a very long way in the right direction since the Washington Principles on Nazi-Confiscated Art. It is now time to rise to the challenge by going the rest of the way. We owe it to those from whom the artworks were stolen. We owe it to our own conscience. We owe it to the morality of the twenty-first century. We can do it and must do it. **All eyes will now be on France.** You are to be highly commended for your new policy on spoliated Nazi-era art, with an enhanced CIVS role at its center. Now, as we say in America, “the proof is in the pudding” to see that it produces results, not just for the MNR works but for all of the collections in your wonderful public museums.