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Wetenschap

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Please note that this is not an official English translation of the original. In the event of
divergence in the translated version, the original Dutch text will prevail.

For the past twenty years, the Ministry of Education, Culture and Science has been working to enable the restitution of cultural items that were looted, stolen, confiscated, sold under duress or otherwise expropriated involuntarily prior to and during the Second World War. Nevertheless, there are still items in the Netherlands with a suspect provenance, which may have been looted in the period between 1933 and 1945. It is regrettable that this is still the case 76 years after the end of the Second World War. I consider it an important moral responsibility of the State to redouble our efforts to return as much looted art as possible to its rightful owners.

On 17 December 2019, I asked the Council for Culture to evaluate current restitution policy. On 7 December 2020, I received the advisory report *Streven naar rechtvaardigheid/Striving for Justice*, compiled by the council and the Committee for the Evaluation of Restitution Policy for Cultural Heritage Objects from the Second World War (Kohnstamm Committee).¹ In my letter of 12 March 2021, I responded to their recommendations concerning adjustments to the assessment framework for restitution applications and to the working method of the Restitutions Committee.² To this end, a revised Decree establishing the Restitutions Committee has since been published.³

In this letter I respond to the other recommendations made by the Kohnstamm Committee. They are as follows:

- conduct systematic research into the provenance of possibly looted art;
- trace and approach potential rightful owners;
- update the databases of potential looted art; and,
- create a central information point for restitution policy.

¹ Appendix to *Kamerstuk II 2020/21*, 25839, no. 47.

² *Kamerstuk II 2021/21*, 25839, no. 48.

³ *Staatscourant* 2021, 20304.

I am adopting these recommendations. For this reason, over the next four years I will be investing an additional €1.5 million per annum to strengthen the implementation of restitution policy. My starting points are, first, the State's historical and moral duty to return as much looted art as possible and, second, an accessible procedure which invites owners to apply for restitution.

In this letter I discuss the above recommendations and my motivation for adopting them. Finally, I also address the future of restitution policy.

Response to recommendations

Systematic provenance research

One of the main pillars of restitution policy is investigating the provenance of possibly looted art. Between 1998 and 2004, the government commissioned the Origins Unknown Agency to conduct a systematic study of the history of the works making up the Netherlands Art Property Collection (NK Collection). This is made up of the items of cultural value recovered after World War II and taken into the State's custody with a view to restitution. In 2007 this project was deemed complete and its findings were published in the final report of the Origins Unknown Agency.⁴ Through the projects Museum Acquisitions 1940-1948 and subsequently Museum Acquisitions from 1933 Onwards, both coordinated by the Museums Association, the Dutch museums investigated the possibly suspicious provenance of items they added to their collections ever since the Nazis first came to power in Germany. This work was completed in 2013.⁵

Provenance research today

Provenance research is currently undertaken in a variety of situations. When an application for restitution has been submitted, the Expertise Centre for the Restitution of Items of Cultural Value and the Second World War at the NIOD Institute for War, Holocaust and Genocide Studies, which was established in 2018,⁶ conducts an investigation into the history of the objects being claimed. In addition, a potential claimant and a current possessor have the option of submitting a voluntary joint request for an investigation, without this resulting in restitution advice or a binding opinion; instead, they receive a factual report they can use to examine whether they will be able to reach a mutually satisfactory solution. In addition, the centre's researchers are free to conduct research on their own initiative in order to contribute towards the academic debate on the restitution of looted art.

Resuming systematic research

Besides maintaining the above activities, the Kohnstamm Committee advises me to resume systematic research into the provenance of the NK collection as previously conducted by the Origins Unknown Agency. I am adopting this recommendation. In doing so I hope to do justice to the moral duty, as expressed in the Washington Principles, to identify looted art and so enable its restitution. As part of this renewed research, every item in the current NK Collection will be re-

⁴ *Herkomst gezocht/Origins Unknown*, final report of the Ekkart Committee (Zwolle, 2006).

⁵ A report is available at www.musealeverwervingen.nl.

⁶ *Staatscourant* 2018, 54468.

examined to determine whether there are any outstanding gaps in its provenance. Information from new studies, the ongoing digitization of archives at home and abroad and the opening up of hitherto unknown or inaccessible sources should bring fresh impetus to these investigations. One example is the database at Heidelberg University in which thousands of auction catalogues from Germany, Austria and Switzerland from the period 1901-1945 have been digitized and are now easily searchable by anyone.

The aim of this research is to generate more knowledge and insights for possible rightful owners to help them recover their works. The Kohnstamm Committee rightly notes in this context that renewed investigations into the provenance of objects without individual distinguishing features, such as most prints, tiles, carpets and furniture, only rarely result in identification of the original owner. On the other hand, there is a good chance that new insights can be gained into items with distinctive features of their own, especially paintings.

As custodian of the NK Collection, the Cultural Heritage Agency (RCE) will carry out this research. It will take place separately from the investigations undertaken by the Expertise Centre in response to specific applications for restitution. This ensures that the centre is in a position to conduct a full, rigorous and independent study in each case.

Alongside the research into the NK Collection, I call upon other custodians and owners of public collections to take a critical look at the provenance of items under their roofs. Provenance research is and will remain an important task for collection managers, even after the completion of the Museum Acquisitions projects, and so deserves continuous attention. Should there be reason to carry out additional investigation of items identified during those projects, the RCE will support their custodians with advice.

I realize that it is important to carry out the research into the current NK Collection diligently and expeditiously, given the advanced age of many potential applicants. This work will therefore start as soon as possible, with the aim of completing it within four years. It is to be supervised by an independent committee. New results will also be published online, in the hope that this will lead to more applications for restitution.

Trace rightful owners

The underlying purpose of the renewed provenance research is to find the original owners of possibly looted art. The Kohnstamm Committee recommends that its outcomes also be used to trace and approach those owners or their heirs. This will increase the likelihood of restitution.

I am adopting this recommendation, too. I consider the identification of rightful owners to be an essential part of restitution policy. In some cases, that will also require genealogical research. Based upon the results of its investigations into provenance, the RCE will actively approach potential claimants. In order to reach as many potential claimants as possible, amongst other activities the RCE can make use of relevant networks, place advertisements or organize exhibitions like Looted, But From Whom? By acting in this way, the State is taking its responsibility to help rectify the injustices of the Second World War. The threshold

for submission of a application is thus being lowered. It goes without saying, of course, that this will be done carefully and with respect for the suffering of potential claimants. I realize that some people may wish to leave this painful past behind them. I will respect that.

Update databases

The Kohnstamm Committee notes that the information available online about the NK Collection needs to be updated in a number of areas. I share this conclusion. Information about the collection can currently be found on the websites of the Restitutions Committee and the Origins Unknown Agency, as well as on the RCE's digital National Collection database. Moreover, data concerning the provenance of some items of cultural value has not been updated with the latest findings. Complete, easily accessible and sustainably preserved information is important when submitting an application for restitution.

For this reason I want to make all available information about looted art from the Second World War accessible in one place. This is a process I began last year. So far, I have had the NK Collection databases merged. And from today a new portal is available, where potential rightful owners and other interested parties can find information about this collection. Part of the digital National Collection database and managed by the RCE, this portal provides access to information about items' physical characteristics, their provenance and their restitution status. It can be searched and filtered by relevant features.

I will continue to update and expand the portal in the coming years. First of all, it is important to further improve the information provided. Findings from the provenance research described above will therefore be included as and when available. Where necessary, images of objects will be added or improved. Information will also be translated into English, since many possible rightful owners do not have a command of Dutch. Secondly, I intend to further expand the portal by adding items which may have been stolen from other public collections so that a potential claimant can find full information about looted art in the Netherlands in one place. I also hope to provide other relevant data. For example, I plan to investigate whether links with databases such as that maintained by the Jewish Monument, both national and international, are desirable and feasible. To this end, I shall in any event be consulting with the administrators of the Jewish Monument: the Jewish Cultural Quarter and Camp Westerbork Memorial Centre.

Communication about restitution policy, cases and provenances

A central information point

The Kohnstamm Committee's final recommendation concerns the dissemination of information about restitution policy. Currently, the RCE and the Restitutions Committee provide information on their websites about the policy in general and about the procedure for submitting an application for restitution specifically. Meanwhile, the Expertise Centre is tasked with informing possible rightful owners, collection managers and other interested parties about provenance research, and also providing them with further assistance. The Committee recommends that a central point be established, under ministerial responsibility, to provide

information about restitution policy – both actively and passively, and both at home and abroad. This would improve both awareness of the policy and its effectiveness.

I am adopting this recommendation. A helpdesk helps lower the threshold to submit an application for restitution. The RCE – which is also managing the digital portal – will therefore expand its heritage helpdesk function to include the provision of information and advice concerning restitution, thus supporting provenance research and the tracing of possible rightful owners. The helpdesk will actively disseminate knowledge, too, and so provide the best possible support for possible rightful owners. It can answer their questions, and questions from collection managers, about restitution policy, the procedure to be followed and provenance research. The helpdesk will be an integral part of the RCE.

This means that the Expertise Centre is to be relieved of its current information-providing duties. In addition to its other tasks, however, the centre will remain available to provide the RCE with academic and scientific support. As for current restitution cases, including the associated investigations being undertaken by the Expertise Centre, the Restitutions Committee will remain responsible for communication activities.

Other communication-related recommendations

The Kohnstamm Committee also makes several other suggestions to improve communication concerning the restitution procedure and provenances. In my letter of 12 March 2021, I proposed changes to the Restitutions Committee's working method. In support of those recommendations, I now undertake to provide the financial backing needed to strengthen the committee's secretariat. In 2018, I asked museums exhibiting items from the NK Collection to highlight their provenance. Many complied with this request by placing additional explanatory notices next to relevant exhibits. In line with the Kohnstamm Committee's advice, I now again call upon museums to continue to pay attention to communicating the provenance of objects in their collections which were expropriated involuntarily during the Nazi period.

The future of restitution policy

As a result of the above measures, I intend to strengthen Dutch restitution policy over the coming years. Finally, I would like to note that, in principle, this policy is temporary in nature. The aim, after all, is to return all looted art to its original owners or their heirs. Previously set end dates for the policy have proven premature, however, since more rightful owners than expected have continued to apply for restitution. For this reason, our restitution activities will now only finally be deemed to have been completed once there is consensus on the matter in the Netherlands, also bearing in mind the international debate on the matter.

Nevertheless, I do still consider it necessary – in line with the advice of the Kohnstamm Committee – to form an opinion about the future of our restitution policy. Despite the extra efforts to be made in the coming years to return more looted art, unfortunately there is a good chance that, for a considerable number of items in the NK Collection, the original owners or their heirs will never be found. I would therefore like to provide some guidance on how to deal with this

heirless art. My starting point is that the Jewish community has a moral claim to looted art now in the possession of the State which originally belonged to Jewish owners and in respect of which it has been established that no rightful claimants can be found. I therefore envisage the following steps.

- *Maximum use of provenance research*
Restitution to the original owners or their heirs remains our guiding principle for the time being. I therefore intend to make the utmost effort to achieve as many restitutions as possible.

- *Transfer of custody*
Following the outcome of intensified provenance and inheritance research, my intention – if the Jewish community so wishes – is to transfer custodial responsibility for any originally Jewish-owned looted art still in the possession of the State to a Jewish heritage institution. Naturally, I will involve the institutions currently holding those items in this process at the appropriate time. A transfer of this kind will create the best possible scope to explain and teach about the gruesome history these items are part of. At the same time, the State will remain responsible for enabling their restitution to rightful owners if at all possible.

- *Transfer of ownership*
Once our restitution activities in their current form are deemed to have been completed, my intention – if the Jewish community so wishes – is to transfer ownership of any remaining heirless art originally in Jewish ownership to the Jewish community. Together with the Centraal Joods Overleg (Central Jewish Consultative Committee), I shall facilitate dialogue within the community concerning this proposal. I also promise now that until that time the State will not dispose of any looted art from the NK Collection without consulting the Jewish community, except in the form of restitutions to private individuals following positive advice to that effect from the Restitutions Committee.

The Netherlands fully supports the Washington Principles, Article 9 of which states that a “just and fair solution” should be found for heirless looted art.⁷ Working in close co-operation with the Jewish community, in the coming years we intend to adhere to the spirit and substance of that principle in the way I have outlined above.

The Minister of Education, Culture and Science,

Ingrid van Engelshoven

⁷ “If the pre-War owners of art that is found to have been confiscated by the Nazis, or their heirs, cannot be identified, steps should be taken expeditiously to achieve a just and fair solution.”