



Joint Press Release 172/2014 – Translation: If there is any divergence in the wording, the German text is authoritative.

November 24, 2014

Acceptance of succession after Cornelius Gurlitt

Bern declares that it will accept the inheritance—Berlin, Munich, and Bern sign an agreement on how to manage Cornelius Gurlitt’s legacy / Minister of State to the Federal Chancellor of Germany and Federal Government Commissioner for Culture and the Media Prof. Grütters, Bavarian Minister of State for Justice Prof. Dr. Bausback, and President of the Board of Trustees Prof. Dr. Schäublin: “Together we take on the responsibility for the Gurlitt legacy!”

The private Kunstmuseum Bern Foundation declared today that it would accept the inheritance of Cornelius Gurlitt. In unison, German Federal Government Commissioner for Culture and the Media and Minister of State **Prof. Monika Grütters**, Bavarian Minister of State for Justice **Prof. Dr. Winfried Bausback**, and President of the Board of Trustees of the Kunstmuseum Bern Foundation **Prof. Dr. Christoph Schäublin** signed an agreement on dealing with the legacy of Cornelius Gurlitt (at www.kulturstaatsministerin.de or www.justiz.bayern.de).

Grütters, Bausback, and Schäublin announced unanimously in Berlin today that: “With the agreement, the Federal Government of Germany and Bavaria have duly considered their special historical responsibility in coming to terms with National Socialist injustice in finding the rightful owners of suspected Nazi-looted art in the Gurlitt legacy. The Kunstmuseum Bern too is prepared to

take on the responsibilities tied to accepting the inheritance of Cornelius Gurlitt.”

The director of education and hence also of culture for the Canton of Bern, **Dr. Bernhard Pulver**, lauded “the Kunstmuseum Bern's painstaking assessment of the situation and its courage.”

President of the Board of Trustees of the Kunstmuseum Bern Foundation **Schäublin** explained that the Kunstmuseum was taken totally by surprise by the inheritance and that making a decision was not easy for the board of trustees. “It did not trigger any feelings of triumph. That would have been totally inappropriate in face of the history overshadowing the collection. Ultimately, our concern is to clarify the issue of whether and how the Kunstmuseum Bern can do justice to the responsibility imposed on it by the bequest—an exceptionally complex responsibility: toward those who suffered terribly and whose anguish continues still through parts of the Gurlitt collection; toward those who make rightful claims after all this time; toward interested parties and the general public, which has a right to be informed about the history of how the collection came to be; toward the collection itself, which comprises valuable objects of art—it being therefore desirable that it remain intact as far as possible and be made accessible to the public—and not least also toward the Kunstmuseum itself, so that its reputation and economic stability are not endangered.” The basic strategy outlined in the agreement with the Federal Republic of Germany and Bavaria is very important for the Kunstmuseum Bern: “Looted art or works of art suspected of being stolen by the Nazis will remain in Germany. At the same time, Bern will actively participate in the provenance research in close cooperation with the task force assigned for this purpose. The ultimate goal is to clarify the provenance of all the works of art in the collection and thereby the restitution of all looted Nazi art to its rightful owners.” The board of trustees is convinced that, on the basis of mutual trust and in collaboration with Berlin and Munich, the best-possible solution has been found to serve the interests of all parties and claimants. It is of course true that there is still much to be done and that we are only starting out on a long, mutual journey.

Culture Minister **Grütters** emphasized the fact that the uncompromising investigation into Nazi looted art has a relevance that extends way beyond just the

legal dimensions: “Behind every work of art that has been confiscated or stolen there always also stands the fate of an individual. We do not only want to do justice to our special German responsibility toward the victims of Nazi dictatorship at a legal level but also morally. Therefore, all the works of art in the legacy that prove to be Nazi looted art will be unconditionally returned to their rightful owners. As a matter of course, the German Federal Government will cover the costs incurred. Through the agreement, we are facing our historical obligation with the uttermost transparency in the provenance research. Hence, of today, the business ledgers of Cornelius Gurlitt will be made accessible to the public at www.lostart.de, while taking into account the rights of third parties. Grütters goes on to say that: “For me it was very important to find just solutions for all participants, also in the case of the works of art that were decried as ‘degenerate’ and were confiscated from public collections and museums, and especially the interests of the museums they were confiscated from. Therefore I am delighted with the fact that the Kunstmuseum Bern is willing to prioritize handling of loan requests on the part of museums that were the former owners of the respective works until they were seized by the Nazis in the framework of their ‘degenerate art’ policy—and grant these loans if possible.”

Bavaria’s Minister for Justice **Bausback** sees the agreement as a decisive step in the restitution of Nazi looted art to the victims of Nazi terror and their heirs: “With the so-called ‘Schwabing art discovery,’ our primary concern from the very beginning was that we do credit to our special historical obligations—to our responsibility toward the victims of Nazi terror and in light of our history! Therefore, after hearing about the discovery of the art trove, together with the German Federal Government I immediately ensured that the Federal Government and the State of Bavaria research the provenances on a broad base by means of a task force. We discussed the issue with Cornelius Gurlitt and came to an agreement guaranteeing that research into the provenances will continue at all costs! And I was committed to—and continue to be so—drawing the appropriate legal consequences,” as Bausback added with a reference to his drafting of the Cultural Property Restitution Law. This should thwart mala-fide owners of looted art in being able to plead the statute of limitations to the detriment of rightful restitution claims. Bausback goes on to say that: “After long negotiations with Cornelius Gurlitt, I am happy to say that today we can uphold the agreement and could mold it into a concrete course of action. Namely, that provenance research of the pictures can be continued,

that pictures suspected of being looted art can still be uploaded to the Lost Art Internet Database, that restitution claims can take place according to the Washington Principles, and that this will be accepted by Bern. By including this in the agreement, by likewise continuing our participation in the funding of the task force, and by safekeeping the works in Bavaria, the Bavarian State has continued facing the responsibilities that arose through the discovery of the art trove in Schwabing.”

On the occasion of signing the agreement, the Bavarian State Minister for Education and Cultural Affairs, Science and the Arts Dr. Ludwig **Spaenle** stated that: “I welcome the fact that the Kunstmuseum Bern, as the successor to the artworks of Cornelius Gurlitt, is committed to upholding the Washington Principles. Bavaria will continue to support the provenance research of the Gurlitt estate.”

The Canton of Bern director of education and hence of culture too, Dr. Bernhard **Pulver**, lends his undivided support to the decision of the Board of Trustees of the Kunstmuseum Bern Foundation: “In view of cultural policy it is correct and underpinned by a strong sense of responsibility.” Even if art of questionable provenance or art under suspicion of being stolen remains in Germany and does not go to Bern, the Kunstmuseum is taking on the responsibility of actively supporting provenance research and the investigation of information pertaining to looted art and its handling, thereby fundamentally sensitizing awareness for dealing with dictatorship-related art-policy issues. “The way I see it, it is pivotal that the board of trustees decided to institute a research center. The decision to accept the inheritance—and of this I am convinced—lies in the interests of the victims too.” The exemplary handling of the Gurlitt inheritance will remain an ongoing task for the Kunstmuseum. “The Kunstmuseum is courageous to face this challenge, not only as far as content goes but also financially. It still must be seen in which ways the Canton of Bern can support it. Additionally, I very much hope that all interested parties honor the courage of the Kunstmuseum Bern through their collaboration and support. And pursue the mutual goal of clarifying still-unclear issues as quickly as possible.”

Background: The so-called agreement specifies the details of the agreement between the Federal Republic of Germany and Bavaria with Cornelius Gurlitt of April 3, 2014, which remains in effect, and continues that agreement following Mr Gurlitt's death and is binding for his heirs and therefore for the Kunstmuseum Bern (KMB). The agreement attunes the agreement details in view of Cornelius Gurlitt having designated the Kunstmuseum Bern as his heir.

The agreement that has been signed today foresees that investigation into the provenance of the artworks will be continued and funded by the German Federal Government and Bavaria, and that this investigation be extended to also include the works that were found in Cornelius Gurlitt's home in Salzburg as well as possible further works of art that may still be found. During 2015, the task force, which will be able to work more efficiently and faster under the now-clearcut situation, will submit a report for each artwork. In keeping with the results, the task force shall proceed in various ways:

Works that are Nazi-looted art will be restituted immediately by the German Federal Government as soon as its rightful owner has been identified. Works for which the provenance cannot be clarified sufficiently will be made public at www.lostart.de and exhibited with the goal of greatest possible transparency, if the KMB decides to refuse an artwork. Otherwise, the pieces of the collection will be transferred into the hands of the KMB, which will then bear the sole responsibility for them just like the works that are verified as not being Nazi-looted art by the task force.

For works of art that were removed from German museums as "degenerate art" by the Nazi regime the following will apply: these works handed over to the care of Switzerland if there is no suspicion of them being art that was stolen or confiscated by the Nazis. However, the KMB will give priority to the interests of the museums making loan requests after having suffered losses through Nazi confiscations and, if possible, agree to grant loans of the respective artworks.

A more precise summary of the principal content of the agreement is attached to this press release.