

Press Release of the German Federal Government

Minister of State for Culture Bernd Neumann: “The decision in the Sachs case must be reviewed”

Friday, March 13, 2009

Even more than sixty years after the war ended, Germany continues to stand, without reservation, by its moral responsibility without reservation to find fair and just solutions for the restitution of Nazi looted art on the basis of the principles of the Washington Conference of 1998.

In connection with the discussion concerning the Berlin county court regarding the Sachs collection, Bernd Neumann, State Minister for Culture and the Media, declared: “Even more than sixty years after the war ended, Germany continues to stand, without reservation, by its moral responsibility to find fair and just solutions for the restitution of Nazi looted art on the basis of the principles of the Washington Conference of 1998. No final line will be drawn in Germany under the search for Nazi looted art and its restitution. This point of view has also been agreed upon between the federal government, the federal states and the central associations for municipalities, who are responsible for most public cultural institutions, in their ‘Joint Declaration’ of 1999. This is furthermore the basis for the working group ‘provenience research’ I have established with the Stiftung Preussischer Kulturbesitz.”

The decision of the Berlin county court regarding the “Sachs collection raises fundamental issues that go far beyond the case at hand and the restitution of works of art. The core of the county court’s decision is constituted by general considerations by the court regarding property law in general and the significance of the 1947 and 1957 Restitution Laws as well as the Property Act of 1990 and the relevant jurisprudence by the Federal Administrative Court and the Federal Supreme Court for Civil Matters. The Berlin decision which opens a venue under civil law is in contradiction to the decisions of the highest courts which have decided that these special acts are exclusively applicable to restitution and compensation claims regarding Nazi prosecution and exclude the applicability of general civil claims in these matters.

On March 12, 2009 an appeal has been brought before the Kammergericht Berlin against the decision by the county court of Berlin in the “Sachs Collection” case in close consultation with the Federal Ministry for Finance which is competent for these property issues in order to clarify the fundamental principles of property law and ensure general legal certainty. The Deutsches Historisches Museum has mandated the law firm of Redeker Sellner Dahs & Widmaier which is experienced with matters of property law to bring the appeal.

Minster of State Neumann further declared: “The Advisory Commission under Jutta Limbach has worked very well so far. I want to discuss among experts whether and in what way the Commission can be supported in the fulfilment of its tasks.”