

PRESS RELEASE:

WHY SWEDEN MUST RETURN ITS NAZI LOOTED ART

New York, NY (MMD Newswire) March 16, 2009 -- Ten years have passed since the Conference on Holocaust-Era Assets took place in Washington in December 1998. The 44 Nations who signed the eleven principles at the Washington Conference have dealt with this self-commitment and the responsibilities tied to it in different ways. Sweden was also amongst the signatory countries.

International standards for dealing with Nazi-Era claims were established on the basis of the 11 principles of the Washington Conference. These moral guidelines and principles even go beyond what was agreed to at the close of the Washington Conference in an effort to account for the atrocities of the Holocaust.

In light of these developments, it is unfortunate that the dispute regarding the return of the painting by Emil Nolde "Blumengarten (Utenwarf)" (Flower Garden at Utenwarf) which is currently still in the Moderna Museet is still ongoing.

In 2002 the heirs of the former owner, Otto Nathan Deutsch, who died in exile in the Netherlands, approached the museum for the first time. Five years later - in 2007- the Swedish government gave the Moderna Museet the task to end the dispute and to find a fair and just solution on the basis of the Washington Conference principles. On June 20, 2007 the Moderna Museet announced to the international press that the painting would be returned to the heirs.

Almost seven years after the heirs first approached the museum, the painting has still not been returned.

As demonstrated in numerous international restitution cases, an artwork that is determined to have been lost due to Nazi persecution is to be returned to the former owner (victim of that persecution) without further conditions. It is undisputed that the Blumengarten painting was lost due to Nazi persecution, and that Otto Nathan Deutsch was the victim of that persecution. According to international restitution standards the Blumengarten painting is thus to be returned to the heirs of its former owner. Only after the painting is returned and only if the institution is interested, should it be discussed under what conditions the painting might remain in the museum.

Despite these international restitution standards, the Swedish museum (Moderna Museet) has demanded as a condition for the return of the painting that the Deutsch heirs loan the painting to the museum for a long period of time. Later, they further defined the duration of the requested loan term to be 20 years. To require such a long term loan as a condition for restitution is not only unduly burdensome and extortionate in view of international restitution standards, but

in view of the history of the family and the provenance of this painting, is also highly insensitive. The family had to flee from Germany in order to escape persecution. Some of the family was arrested in the Netherlands and killed in concentration camps. Two of the claimants had to experience the atrocities in the concentration camps personally when they were children.

Their father was killed in a concentration camp. Both claimants are over 80 years old today and would not live through the 10, or even less likely, the 20 year loan period demanded by the museum.

Alternatively the museum required the condition that a sponsor be found who would buy the painting and loan it to the museum for a certain amount of time. After the museum was not able to find such a sponsor, the heirs found a sponsor who was willing to acquire the painting and loan it to the museum for a term of 3 to 5 years. Now the museum demands a sponsor that would loan the painting for a period of 10 to 20 years to the museum. This demand is not only unrealistic, but it enforces the impression that the museum is not concerned with finding a solution, but is trying to prevent finding a solution.

The national press in Sweden and the international press already reported two years ago that Sweden would comply with the restitution request and returned the painting to the Deutsch heirs. Unfortunately reality tells a different story. In the 11th year after the Washington Conference and on the eve of the Prague Conference in June 2009 the return of the Nolde, Blumengarten painting is long overdue.

Nations like the Netherlands, Great Britain, France and Austria have complied with the principles of the Washington Conference and are following the self-imposed duties in dealing with artworks lost due to Nazi persecution, in particular to independently research the provenances and, if the requirements are met, to return these artworks without any conditions.

In connection to the case at hand there is only one solution: Sweden and the Moderna Museet must promptly reconstitute the painting. This is what the heirs request. And the question of whether they will agree to leave the painting in the museum will be decided after the painting has been returned.

In the recent exhibition at the Jewish Museum Berlin entitled "Looting and Restitution. Jewish-Owned Cultural Artifacts from 1933 to the Present", the following can be read in the catalogue:

The understanding of restitution as the restoration of the rule of law that had been destroyed would, in terms of cultural property and museums, mean not to understand restitution as "giving away" of a work of art but as "not-wanting-to-have" an object obtained illegally, i.e. the obligation of the unlawful possessor to return it and not the obligation of the victim to reclaim it.

The Swedish museum which is holding a painting lost due to Nazi persecution has the obligation to return the painting. This obligation, be it legal or a mere moral commitment, must be fulfilled and the Deutsch heirs expect this.

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