

## **ORIGINS UNKNOWN**

**Report on the pilot study into the provenance of works of art recovered from Germany and currently under the custodianship of the State of the Netherlands.  
april 1998**

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## **REASON FOR THE PROJECT**

In a letter to the Speaker of the Lower House of the Dutch Parliament on 2 October 1997, the State Secretary of Education, Culture and Science stated that he had initiated an investigation into the provenance of the Netherlands Art Property collection, the so-called NK collection. This collection is made up of the works of art recovered from Germany at the end of the Second World War which have remained in the custodianship of the Dutch central government. This letter and the project plan which accompanied it described the first phase of this research as a pilot study on the provenance of a selection from the numbered and inventoried works assigned to the then Ministry of Education, Arts and Sciences in 1952 by the Ministry of Finance. On the basis of this study, recommendations were to be made regarding the advisability of continuing this research. The Ekkart Committee was assigned the task of supervising this pilot research project.

In 1997, a number of other research projects were also initiated to look into various aspects of the Second World War and the subsequent period of legal restitution. Below is a list of the research taking place and the committees responsible for this work:

- the Van Kemenade Committee, engaged in the monitoring of investigations carried out by countries other than the Netherlands with regard to international gold
- the Scholten Committee, engaged in research into the system of legal restitution as applied to financial losses suffered by victims of war in the Netherlands; this includes amounts deposited with banks and insurers as well as stocks, fees and receivables
- the Kordes Committee, which has published a report on the sale in 1968 of Jewish valuables originating from Lippmann, Rosenthal & Co, Sarphatistraat (LiRo) to employees of the Ministry of Finance; the Committee is presently investigating the looting and restitution of tangible benefits and tracing information from the LiRo Archive
- the Committee for Indonesian Losses (the Van Galen Committee) which is investigating the system of legal restitution as applied to financial losses suffered by repatriated Dutch war victims from what were formerly the Dutch East Indies, through banks and insurers in Indonesia and Japan.

In addition to these activities, the Dutch museums began their own investigation in 1998 into the provenance of the works which they acquired during the war.

The Ekkart Committee was assigned the task of making recommendations as to the advisability and feasibility of systematic investigation into the provenance of the entire Netherlands Art Property collection (NK collection) on the basis of a sample from the collection. This pilot research was necessary to determine the feasibility of investigating the various questions and to assess the results in the light of the amount of work required. Accordingly, the assignment took the form of the following three questions:

1. For which objects in the Netherlands Art Property category is no information about the former owners contained in the present documentation about the collection?
2. Is it possible to find out more about the original owners of these works of art with additional details from the Netherlands Institute for Art History (RKD), the Netherlands Institute for War Documentation (RIOD) and the recovery archive of the Netherlands Art Property Foundation (SNK)?
3. On the grounds of research into the two questions above and selection as described [concerning description of groups of works the origin of which is clear, such as the Mannheimer and Lanz collections] is it possible to draw conclusions with regard to the need for further research?

A project group of employees from the Collections Department of the Netherlands Institute for Cultural Heritage (ICN) and the Inspectorate of Cultural Heritage (ICB) was charged with the task of carrying out the research with Mr J. van Bolhuis, statistician at the Free University of Amsterdam functioning as statistical advisor. The coordination was entrusted to Mrs J.E.P. Leistra of the Inspectorate of Cultural Heritage.

A Supervisory Committee was set up consisting of:

Dr R.E.O. Ekkart, Director of the Netherlands Institute for Art History (chairman)

Mrs J.E.P. Leistra, Inspectorate of Cultural Heritage (secretary)

Mr R.H.C. Vos, Director of the Netherlands Institute for Cultural Heritage

Mrs C.E. van Rappard-Boon, Head of the Inspectorate of Cultural Heritage

Mrs J. Belinfante, Director of the Jewish Historical Museum

Mr R. Naftaniel, Director of the Israel Information and Documentation Centre

Mr W. Bloemberg, Cultural Heritage Directorate, Ministry of Education, Culture and Science

Dr V. Bina, Research Coordinator, Ministry of Education, Culture and Science

Mr Bloemberg's duties as committee member were taken over by Mr G.C. Lodder in November 1997.

Mr Lodder also works for the Cultural Heritage Directorate.

The Supervisory Committee met on 24 October 1997, 15 January 1998, 9 March 1998, 31 March 1998 and 16 April 1998. In the last of these meetings, the content of the final report was established. Throughout the research period, the project group met on a regular basis. The chairman of the Supervisory Committee was present at all of the project group meetings, a number of which were also attended by Mrs van Rappard.

The working activities were carried out in complete accordance with the project plans submitted to the Lower House of the Dutch Parliament, with the exception of the statements relating to the exclusion of the objects which were the property of the art dealer Kunsthandel Goudstikker in May 1940. Given that the name Goudstikker was often used to refer to the Kunsthandel Goudstikker-Miedl in the inventory of the Netherlands Institute for Cultural Heritage, the Supervisory Committee decided in the meeting of 24 October 1997 that any risk of exclusion of objects should be avoided and that all objects with a Goudstikker indication should be included in the database from which the sample was to be taken.

The majority of these activities were carried out by permanent and temporary staff from the Inspectorate of Cultural Heritage, the Netherlands Institute for Cultural Heritage and the Netherlands Institute for Art History. The largest part of this research was carried out by Mrs H. Marres-Schretlen of the Inspectorate of Cultural Heritage and Mr P. Schrier of the Netherlands Institute for Cultural Heritage. In addition to the officials from the above-mentioned institutes serving on the Supervisory Committee, valuable contributions were also made by Mrs A. Jonkhoff, Mrs E. Muller and Mr S. Coene of the Inspectorate of Cultural Heritage, Mrs C.J.M. Kordes and Mr E. Rodrigo of the Netherlands

Institute for Cultural Heritage and Mr G. Kotting of the Netherlands Institute of Art History. A total of 3950 working hours went into carrying out the research and the drawing up of the report.

This project would not have been possible without the active support of Mr J.C.P. Simons and Mr G.J. Lamfers from the Ministry of Finance and M. van Rijn from the Ministry of Justice. We are also grateful for the generous cooperation we received from the staff of the Netherlands Institute for War Documentation, especially from Dr G. Aalders and A. Geerts and the staff of the Rijksmuseum in Amsterdam, from the staff of a whole range of museums and other institutions which have objects from the Netherlands Art Property collection in their custodianship, from the art dealer Kunsthandel P. de Boer in Amsterdam, from Mr H.M. Cramer from the firm G. Cramer Oude Kunst in The Hague and a great many other individuals and institutions.

## **ORGANIZATION AND IMPLEMENTATION OF THE RESEARCH**

As stated in the opening section of this report, the pilot research project was carried out in accordance with the project plan submitted in October 1997.

The first phase of the research consisted of creating a special database into which details about the Netherlands Art Property (NK) numbers contained in the various inventory files of the Netherlands Institute for Cultural Heritage (ICN) were entered. This process included the provenance information from such sources as old inventory cards and books. In addition to this, new records had to be made for the Netherlands Art Property numbers for objects which had been placed in the custodianship of the national museums in the period since 1952, when what remained of the Netherlands Art Property Foundation (SNK) collection was transferred to the then Ministry of Education, Arts and Sciences. These numbers had been removed from the inventory of the Netherlands Institute for Cultural Heritage, but since they are still the property of the State, they also formed part of the research as described in the project plan. The museums in question were asked to check the information on the works placed in their care.

During this phase, other Netherlands Art Property numbers removed from the Netherlands Institute for Cultural Heritage were also checked, such as those objects returned to their rightful owners since 1952.

This research established that a total of 3,723 items are contained in the Netherlands Art Property collection in custodianship of the Netherlands Institute for Cultural Heritage. According to the information in the Netherlands Institute for Cultural Heritage inventory, 163 items belong to the former Mannheimer collection, 63 to the former Lanz collection and 37 to the former Koenigs collection of drawings. In accordance with the project plan, these items were removed from the database from which the sample was to be taken, which left 3,460 artworks, all in the custodianship of the Netherlands Institute for Cultural Heritage.

Establishing the second research collection, the collection of artworks in the hands of the national museums, was more time-consuming, due to the fact that this file had to be checked at the museums involved. It was eventually established that this collection was made up of 473 artworks. According to the information contained in the inventory, 10 of these works belong to the former Mannheimer collection and 21 works to the former Lanz collection, bringing the second research collection to a total of 442 objects.

All in all, the total research collection was established as containing 3,902 pieces. In the course of the research, it emerged that a number of objects not identified as such in fact belonged to the Mannheimer and Lanz collections.

It was expected that the results of this research into provenance could bring to light considerable differences between the various types of objects. In order to make recommendations for follow-up research, it was considered advisable to make these differences explicit. It was therefore decided to divide the research collection into various subgroups based on the nature of the objects. A precondition for this process was that these subcollections or strata should cover a heterogeneous section of the total collection and should not be too small. The following four subgroups were defined: paintings and drawings; prints and reproductions; ceramics; and other applied art.

Due to the fact that the information files were not available in the database at the same time, it was decided to take the random sample in two stages, the first from artworks in the custodianship of the

Netherlands Institute for Cultural Heritage and the second from the artworks which had been handed over to the national museums. This approach was adopted to ensure that the necessary but time-consuming checks on the objects entrusted to the museums would not delay the research as a whole. The scope of the first sample from the 3,460 objects in the custodianship of the Netherlands Institute for Cultural Heritage was set at 100 items, with samples taken from each of the four subgroups in direct proportion to the size of these groups. The size of the sample taken from the works entrusted to the national museums was set in proportion to the rest, bringing the total number of inventory items in the pilot research project to 113. The sample was taken purely in relation to the composition of the collection and not for the purpose of drawing statistical conclusions from the research.

The division into sub-collections or strata resulted in a categorization with the following numbers per type of artwork:

paintings and drawings:	48	(from a total of 1,645)
prints and reproductions:	8	(from a total of 292)
ceramics:	29	(from a total of 995)
other applied art:	28	(from a total of 970).

Meanwhile, general orientation had taken place with regard to the sources of information available and researchers had been recruited and familiarized with their duties. For all of the objects included in the research, the relevant documents were systematically traced in the Netherlands Art Property archives:

- the internal registration forms drawn up at the Netherlands Art Property Foundation office
- the registration forms from third parties
- data from the Netherlands Art Property Foundation inventory book
- any relevant correspondence
- all other documents which definitely or probably relate to the object in question.

The objects themselves were checked for the presence of labels or inscriptions which might provide indications as to provenance. In one case only, this aspect of the research was not carried out because access to the object was not possible.

For the paintings and drawings, systematic research was also carried out in the photographic collections of the Netherlands Institute of Art History. Such a broad-based documentation resource is not available for the other categories of objects. However these objects were presented to experts from the field in question to determine whether they could see any detail which might provide a possibility for further identification and research into provenance. Checking the paintings against the file of works classified as missing since the Second World War proved fruitless.

In this way, a dossier was compiled for each object studied. Depending upon the basic information gathered, decisions were made per object regarding the opportunities for additional research using the Netherlands Art Property Foundation archive (e.g. personal dossiers), the various other documentation files of the Netherlands Institute of Art History (e.g. inventory cards from art dealer Goudstikker/Miedl; auction catalogues; art dealers' catalogues; other publications), the Netherlands Institute for War Documentation (e.g. personal dossiers) and other archives (local government archives, the Central Office of Genealogy etc.). Due to the limited time available, the scope of this additional research was partly determined by estimating, on the basis of experience, the relationship between the time needed and the chance of success. Ongoing research may well plug some of the information gaps identified in the report.

The results of the research were set down in 113 separate reports, the presentation of which was established in consultation with the Supervisory Committee. Firstly, each of these reports contains concise information about the artwork in question and a summary of the information on provenance which could be deduced from the data contained in the Netherlands Institute for Cultural Heritage inventory during the first phase of the research. In reconstructing the provenance of these works on the grounds of further research, the attempt was made to obtain as complete a picture as possible of the ownership of each work during the period 1940-1945. Details prior to 1940 are only included in cases where they are relevant to this reconstruction.

The fact that some artworks appear in different sources under very different names and attributions constituted a complicating factor in the research. Equally misleading was the possibility of confusing some objects with virtually identical variations, which in some cases even belonged to the Netherlands Art Property collection.

Where necessary, the research reports contain additional notes under the heading Comments, relating to such details as claims submitted after the Second World War. Each report ends with a conclusion addressing the question of the extent to which clear information has been obtained regarding the history of the object concerned in the years 1940-1945.

## SHORT GENERAL HISTORY OF THE NETHERLANDS ART PROPERTY FOUNDATION

The present Netherlands Art Property (NK) collection is the result of the activities of the Netherlands Art Property Foundation (SNK) and its predecessors/successors. This is why a brief introductory description of the activities of this institution is given here as background information to the report on the artworks investigated. This introduction is based to a large extent on the minutes of the Council of the Netherlands Art Property Foundation, annual reports and auditor's reports.

### Foundation and organization

With an eye to the post-war situation, the exiled Dutch Government in London prepared an extensive and complex set of measures with regard to legal restitution. In the Notes to the Decree on the Restitution of Legal Rights, the Government in London gave the following definition of legal restitution: *"This includes the drawing up of regulations for the undoing of the numerous legal acts carried out under direct or indirect pressure from the occupying forces, whether performed under the appearance of the proper practice of Civil Law or not, for the purging of the councils of legal bodies and for custodianship over the property of absent parties and property without custodian; furthermore regulating the consequences of the separate existence between two types of legal bodies during the occupation, one within the occupied territories and one in the non-occupied territories."*<sup>1</sup>

The legal restitution of art, stated briefly, meant the restitution of artworks shipped out of the country during the war. In order to carry out this legal restitution, the Council for the Restoration of Property Rights (Raad voor het Rechtsherstel) was set up. The Netherlands Custodian Office operated under the auspices of the Council for the Restoration of Property Rights with the task of tracing and acting as custodian for large and small assets. By the Netherlands Custodian Office (Nederlands Beheersinstituut), a large proportion of art property was entrusted to Netherlands Art Property Foundation (Stichting Nederlands Kunstbezit), which reported to the Netherlands Custodian Office.<sup>2</sup> The fact that a separate organization, the Netherlands Art Property Foundation, was charged with the responsibility for the recovery of artworks, was partly due to the specialist knowledge and art historical expertise needed to carry out this task effectively.

The Netherlands Art Property Foundation was set up by the Ministry of Education, Arts and Sciences and the Ministry of Finance. The charter of foundation was drawn up shortly after the liberation of the Netherlands, on 11 June 1945, by the solicitor J.W.T. Küller of The Hague.<sup>3</sup> The Council of the Netherlands Art Property Foundation was made up of chairman D.C. Roëll (Director of the Rijksmuseum in Amsterdam), secretary Dr J.G. van Gelder (Acting Director of the Netherlands Institute of Art History), second secretary Dr N.R.A. Vroom, art dealer E.J.M. Douwes (representing the art trade), W. van Elden (representing the Netherlands Custodian Office), Mr J.A.C. Sandberg (representing the Ministry of Finance), C.J. van Schelle, later replaced by Dr W. Huender (representing the Ministry of Foreign Affairs), J.K. van der Haagen (representing the Ministry of Education, Arts and Sciences) and Colonel W.C. Posthumus Meyes (Commissioner-General for the Economic Interests of the Netherlands in Germany).

The Netherlands Art Property Foundation was divided into two departments. The Foreign Affairs Department was charged with the responsibility for artworks, including libraries and church bells, to be recovered from outside the Netherlands and from Germany in particular. The responsibility of this department was twofold, namely the tracing of artworks which had been shipped off to Germany, and

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<sup>1</sup> *Toelichtingen op de Besluiten Bezettingsmaatregelen, Herstel Rechtsverkeer en Vijandelijk Vermogen*, The Hague 1947, p.7.

<sup>2</sup> On the subject of legal restitution, see W.C.L. van der Grinten, *Rechtsherstel en Beheer*, Alphen aan den Rijn 1946, esp. p. 30; *Toelichtingen op de Besluiten Bezettingsmaatregelen, Herstel Rechtsverkeer en Vijandelijk Vermogen*, The Hague 1947; L. de Jong, *Het Koninkrijk der Nederlanden in de Tweede Wereldoorlog*, Part XII.II, Ch. 6 (Rechtsherstel), Leiden 1988.

<sup>3</sup> National Record Office, The Hague, Dossier Archive of the Netherlands Custodian Office, 1945-1967, no. 427.

the custodianship and, where possible, return of the recovered objects to the rightful owners. Initially, the directors of this department were Dr A.B. de Vries and Dr J.G. van Gelder.

The Home Affairs Department was responsible for the custodianship of artworks from the assets of enemies and traitors within the Netherlands, until these activities were brought under the auspices of the Netherlands Custodian Office in August 1948.<sup>4</sup>

The charter of foundation for the Netherlands Art Property Foundation states that the guidelines for its policy would be drawn up by the head of the Ministry of Finance and the head of the Ministry of Education, Arts and Sciences.<sup>5</sup> The first guidelines of the Netherlands Custodian Office to the Netherlands Art Property Foundation (*Instructie Beheer over Nederlandsch Kunstbezit*) were drawn up on 21 September 1945.<sup>6</sup> In this document it was established that the Netherlands Art Property Foundation was responsible for the custodianship and the administration of the art property. This took place under the responsibility of an asset manager (from or acting on behalf of the Netherlands Custodian Office). In these instructions, it was also stipulated that the costs of the custodianship by the Netherlands Art Property Foundation should be covered by the assets of which the art property was a part.<sup>7</sup>

### Tracing artworks in Germany

The basis for the actual tracing activities of the Netherlands Art Property Foundation was laid down in two reports written in 1943 and 1944 by the secretary of the Netherlands Art Property Foundation, Dr J.G. van Gelder, with the support of a committee made up of lawyers and representatives of the art trade and the museums, on the subject of what the Netherlands should do after the war with the many artworks which had been shipped off to Germany.<sup>8</sup> Part of the work of the Netherlands Art Property Foundation took place in Germany, where missing artworks were traced in close cooperation with the Allies. This part of the Netherlands Art Property Foundation's work took place under the auspices of the Commissioner-General representing the Economic Interests of the Netherlands in Germany.<sup>9</sup> The remainder of the tasks of the Netherlands Art Property Foundation came, as stated, under the Netherlands Custodian Office, which in its turn was a part of the Council for the Restoration of Property Rights.

In the Netherlands, work was carried out to supplement the existing documentation on missing art property compiled during the war by Dr Van Gelder. This preparatory work meant that the first lists could be sent to Germany as soon as the Netherlands Art Property Foundation took up its duties. The Monuments, Fine Arts and Archives Branch of the Allied Forces were able to use these lists in their efforts to trace artworks. After this initial stage, work continued apace: by 2 July 1945, information from the transport firms De Gruyter and Batenburg, which worked for the Dienststelle Mühlmann, had already been processed for tracing purposes.<sup>10</sup>

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<sup>4</sup> Introduction by J. Hazemeyer in *Inventaris van de Archivalia gevormd door de Stichting Nederlands Kunstbezit en haar taakvoorganger/-opvolgers (1930) 1945-1951 (1983)*, The Hague 1990 (hereafter referred to as Hazemeyer/1990), p.17-26; Netherlands Art Property Foundation archive no.1: Temporary Committee for the Recovery of Art Treasures, Library and Archive Works from the Netherlands; Netherlands Art Property Foundation archive, no. 27: Setting Up the Netherlands Art Property Foundation; National Record Office, Netherlands Custodian Office Dossier Archive, no. 427: Instructions for the Custodianship of the Netherlands Art Property, 21 September 1945; A.D. Belinfante, *In plaats van bijtjesdag: de geschiedenis van de bijzondere rechtspleging na de Tweede Wereldoorlog*, Assen 1978.

<sup>5</sup> Article 9 of the charter of foundation for the Netherlands Art Property Foundation of 11 June 1945.

<sup>6</sup> National Record Office, Netherlands Custodian Office Dossier Archive, no. 427.

<sup>7</sup> Articles IV.1 and IV.7 of the Instructions for the Custodianship of the Netherlands Art Property of 21 September 1945.

<sup>8</sup> Netherlands Art Property Foundation archive, no. 1: Temporary Committee for the Recovery of Art Treasures, Library and Archive Works from the Netherlands.

<sup>9</sup> See C. Hugh Smyth, *Repatriation of Art from the Collecting Point in Munich after World War II. Background and Beginnings. With Reference especially to the Netherlands*, Maarssen/The Hague 1988 and the annual reports (for 1945-46, 1947 and 1948) of the Commissioner-General, published by the Ministry of Economic Affairs.

<sup>10</sup> Netherlands Art Property Foundation archive, nos. 2-6: minutes of the second meeting of the Netherlands Art Property Foundation, 2 July 1945, p. 1.

At the end of 1945 and in the course of 1946, the convoys from Germany began to increase in regularity, with the return of the property of the Jewish Historical Museum and the libraries of the Rosenthaliana, Ets Haim and the Freemasons as the most notable recoveries.<sup>11</sup>

In 1946, the aim was to send back two consignments per month from the Allied depots containing artworks, the so-called Central Collecting Points. This turned out to be an overly optimistic target and they reverted to the frequency of one shipment per month. Due to the chaotic situation at the Central Collecting Points, there was the added difficulty that non-Dutch paintings were sometimes packed in chests bound for the Netherlands.<sup>12</sup>

### **Custodianship and restitution in the Netherlands**

The actual guidelines for the custodianship and restitution of artworks were only drawn up in 1946/47. In a letter to the Netherlands Custodian Office, Dr A.B. de Vries, Director of the Netherlands Art Property Foundation, wrote:

*"The need for instructions of this kind became increasingly apparent, especially considering that the legal status of the repatriated art property has yet to be established."*<sup>13</sup>

In terms of the current research project, the most important clause from these guidelines is Article 11:

*"The Foundation will restore artworks to the original owners or their legal successors at their request, but only in cases where the Foundation is satisfied that the rightfulness of the claim has been established and that the remaining conditions stated in these guidelines have also been satisfied.*

*Works will only be returned in cases where all of the following conditions have been satisfied simultaneously:*

- a. *the identity of the original owner or owners must be clearly established;*
- b. *there must be no doubt as to the involuntary nature of the loss of property;*
- c. *there must be no mutually inconsistent claims submitted and there should be no reason to suppose that such claims will be entered in the future.*

*Involuntary loss of property will be basically defined as cases in which the original owners did not lend their cooperation to the loss of the artwork or artworks belonging to them. Cases will also be included in which such cooperation was given, but where it can be demonstrated to the satisfaction of the Foundation that this took place under force, duress or improper influence, direct or indirect, of the enemy."*

These guidelines were approved by the Council of the Netherlands Art Property Foundation in its meeting on 6 January 1947.<sup>14</sup> In July 1948, the guidelines were still not officially established by the Minister of Education, Arts and Sciences and the Minister of Finance. However, the Netherlands Art Property Foundation was given permission to use these guidelines as the basic principles for its activities.<sup>15</sup> Issues for which no clear answers could be found, especially those relating to whether a sale constituted a voluntary or involuntary transaction, were put before the Council for the Restoration of Property Rights or a court of law.<sup>16</sup>

At the meeting of the Council of the Netherlands Art Property Foundation on 16 July 1945, it was decided that legal disputes on questions of ownership should be referred to the Council for the Restoration of Property Rights.<sup>17</sup>

Confusion grew about the policy to be adopted due to the fact that it took so long to establish legal measures for recovery and to set up an International Restitution Committee.

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<sup>11</sup> See among others *The Return of Looted Collections (1946-1996)*, Amsterdam 1997.

<sup>12</sup> Netherlands Art Property Foundation archive, nos. 2-6: minutes of the meeting of the Netherlands Art Property Foundation, 13 May 1946.

<sup>13</sup> National Record Office, Netherlands Custodian Office Dossier Archive, no. 427: letter dated 13 January 1947.

<sup>14</sup> Netherlands Art Property Foundation archive, nos. 2-6.

<sup>15</sup> Hazemeyer/1990, p. 23 and Netherlands Art Property Foundation archive, no. 34: Letter of 9 July 1947 from the Ministry of Education, Arts and Sciences to the Netherlands Art Property Foundation.

<sup>16</sup> The manner in which the terms 'confiscation', 'theft', 'forced sale' or 'voluntary sale' were employed warrants an investigation in its own right.

<sup>17</sup> Netherlands Art Property Foundation archive, nos. 2-6.

In 1949 and 1950, recovered artworks were exhibited during so-called 'viewing days' in museums, including the Rijksmuseum in Amsterdam, for a period of at least one month. Official announcements of these and other viewing days were printed in a number of newspapers. The goal of these viewing days was to provide any potential rightful owners with the opportunity to recognize and submit a claim to the ownership of property taken from them under duress. Only individuals who had reported the 'theft', 'confiscation' or 'forced sale' of their artworks on the Netherlands Art Property Foundation registration form were granted admission to such viewing days. At these exhibitions, individuals could fill in forms stating which artworks they thought they recognized as their own property. These registration forms from the Netherlands Art Property Foundation were made compulsory by decree of the Chief of the General Staff on 24 July 1945 for everyone who had sold or transferred ownership of an artwork to an enemy state or a member of an enemy state during the Second World War.<sup>18</sup> The official closing date for submitting registration forms was 15 October 1945, but in practice the authorities were flexible in their approach and registration forms were processed until the beginning of the 1950s.

In addition to the viewing days, various exhibitions of the most prestigious works recovered by the Netherlands Art Property Foundation were organized from 1946, motivated by the fact that the population of the Netherlands had been deprived of art for such a long period. These exhibitions were open to the general public and were not primarily intended to provide potential rightful owners with the opportunity to recognize works and submit claims to ownership.<sup>19</sup>

Even at this time, there was a realization that only part of the Jewish property misappropriated could be accounted for by means of the obligation to register losses. Hence the Netherlands Art Property Foundation also acquired documentation on artworks shipped from the Netherlands, using such sources as the administration of transport companies responsible for the transportation from the Netherlands. These documents were also used to aid the search for artworks of Dutch origin in Germany. Difficulties arose in attempting to investigate auction books containing information on looted and auctioned Jewish property. For example, the auction house Van Marle & Bignell initially refused to allow access to their administration. This type of information from transport companies and auction houses was processed by the Netherlands Art Property Foundation in the form of internal registration forms. On these forms the words 'Jewish property' are filled in under the section intended for details about the individual owners.

The Netherlands Art Property Foundation possessed very extensive documentation, consisting of thousands of artwork registration forms. Partly for this reason it was not always possible for the Foundation to establish a direct link between a recovered artwork and the registration form. In such cases, the Foundation completed another internal registration form, which explains why there are now sometimes two forms relating to a single artwork. Although the Germans had also kept administrative records of the property shipped off, again it was not always possible to establish a link between the administration and the artworks themselves. For example, the lists of artworks submitted to the Lippman-Rosenthal bank and consulted by the Netherlands Art Property Foundation were so sketchy that even now it is still impossible to use them as a basis for identification.<sup>20</sup>

By 1 July 1950, the following goods had been restored to their owners by the Netherlands Art Property Foundation<sup>21</sup>:

Items of furniture:	111
Applied art objects:	146
Paintings:	118
Drawings:	9
Carpets:	2

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<sup>18</sup> Hazemeyer/1990, p. 21-23 and Netherlands Art Property Foundation archive, nos. 843 and 226: Poster "Opsporing van Nederlandsche Kunstschatten in Duitschland" announcing the obligation to register all artworks lost during the Second World War.

<sup>19</sup> See also the catalogues cited in Note 35.

<sup>20</sup> Netherlands Art Property Foundation archive, no. 715: Lippman lists.

<sup>21</sup> Ministry of Finance, Administration Directorate Dossier Archive, no. 278: report by J. Jolles, 4 August 1950, p.2.



At that moment, the number of claims submitted as a result of the viewing days were:

Items of furniture:	35
Applied art objects:	206
Carpets:	149
Paintings:	86
Drawings:	8

These figures refer to items which could only be returned on the basis of further investigation or claims; during the initial period, artworks of which the origins were indisputably established had already been returned. By 1 July 1950, three cases involving restitution of property rights had been brought before the Council for the Restitution of Property Rights.

During the period between the end of the Second World War and 1953, approximately 470 paintings were restored to their rightful owners. Further research is necessary to establish the total number of artworks returned to their rightful owners.<sup>22</sup>

According to Article 19 of the Guidelines of the Netherlands Art Property Foundation, the owner to whom the painting was returned was expected to contribute towards the general costs associated with this process, including administration, transport and insurance. This amount was set at 2.75% of the estimated value of the artwork in question. The Netherlands Art Property Foundation was not always stringent in its application of this regulation: there are cases known where exemption from this contribution was granted.<sup>23</sup>

### **Auctions**

From 1947 onwards, a discussion on the sale of recovered artworks took place between the Netherlands Art Property Foundation and the Ministry of Finance:

*'Mr Roëll brings up the subject that it would make an extremely bad impression on the Americans if the State of the Netherlands were to embark upon the sale of these recovered goods. The authorities in the field of the restitution of art property have not invested so much time and energy in this cause only to have the State sell off these works. Such sales have not taken place in France or Belgium.'*<sup>24</sup>

The Ministry of Finance continued to press for the sale of these works:

*'[...] In an internal document, the Minister of Finance has let it be known that, given the financial position of the nation, it would be irresponsible to set up a National Collection [artworks housed in public buildings, ed.].'*<sup>25</sup>

In total, 719 paintings were sold at auction, 18 paintings were sold in direct sales, 120 carpets and an unspecified number of items of furniture and applied art objects were sold at a total value of NLG 51,667.76.<sup>26</sup>

### **Decline of the Netherlands Art Property Foundation**

In the course of 1947 and 1948, more and more personnel left the Netherlands Art Property Foundation often favouring a permanent position elsewhere. This resulted in the loss of a part of the expertise acquired since the setting up of the Foundation. In June 1948, the Director Dr A.B. de Vries was accused of fraud and false claims and was suspended for over a year.<sup>27</sup> As a result, the work of the Netherlands Art Property Foundation was discontinued for a considerable period of time.

In October 1948, J. Jolles was appointed Director of the Netherlands Art Property Foundation. Mr Jolles was also Director of the Office for Reparation Payments and Restitution of Property. On 1 July 1950, custodianship of the remaining artworks was transferred to this office.

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<sup>22</sup> Netherlands Art Property Foundation archive, nos. 845-846.

<sup>23</sup> National Record Office, Netherlands Custodian Office Dossier Archive, no. 427: Guidelines for the General Policy of the Netherlands Art Property Foundation, Article 19 and Instructions for the Custodianship of the Netherlands Art Property Collection by the Netherlands Custodian Office, Article 7; Netherlands Art Property Foundation archive, nos. 2-6: meeting of 8 March 1947.

<sup>24</sup> Netherlands Art Property Foundation archive, nos. 2-6: minutes of 18 June 1948.

<sup>25</sup> Netherlands Art Property Foundation archive, nos. 2-6: minutes of 10 September 1948.

<sup>26</sup> Ministry of Finance, Administration Directorate Dossier Archive, no. 278: report by J. Jolles, 4 August 1950, p.4.

<sup>27</sup> Archive of the Ministry of Justice, Secret Chronological Government Archive, no. 6835B: preliminary judicial investigation of 18 January 1951 by the Public Prosecutor (Fraud Office).

From 1 November 1952, the Netherlands Art Property Foundation officially ceased to exist and its remaining responsibilities were brought under the remit of the Office for Reparation Payments and Restitution of Property. In 1952, this office transferred custodianship of the recovered artworks to the State Art Collections Service at the Ministry of Education, Arts and Sciences. After the closure of the Office for Reparation Payments and Restitution of Property on 1 February 1953, its activities were transferred to the Administration Directorate at the Ministry of Finance.<sup>28</sup>

Shortly before the closure of the Netherlands Art Property Foundation, its Council wrote: *'In years to come, information may come to light which can give a different perspective on earlier cases.'*<sup>29</sup>

This prediction by the Netherlands Art Property Foundation proved to be correct. On the grounds of information which emerged at a later date, the State Art Collections Service transferred various artworks to the Ministry of Finance in the 1950s and 1960s for the purpose of returning them to the original owners.<sup>30</sup> Only recently, two more paintings were restored to their original owners or their successors.

## RESULTS OF THE PILOT RESEARCH PROJECT

The pilot research project involving 113 items from the Netherlands Art Property collection has provided a clear insight into the problems attending the provenance research into the remainder of the artworks recovered after the Second World War under the responsibility of the Netherlands Art Property Foundation.

This insight leads to a number of conclusions which form the basis for the recommendations made in response to the questions posed by the State Secretary. However it also gives rise to conclusions which intensify the insight into the problems regarding provenance and rights of ownership in respect of the Netherlands Art Property works. The findings of the pilot research project are summarized below in a number of paragraphs.

### Information from the Netherlands Institute for Cultural Heritage inventory

When bringing together all the provenance information contained in the various inventory systems of the Netherlands Institute for Cultural Heritage in one database, it became apparent that the information available regarding the ownership of individual objects during the period 1940-1945 were very incomplete and vague and therefore unusable as a basis for further research. When the Minister of Finance transferred this collection to the State Secretary for Education, Arts and Sciences in 1952, he neglected to transfer the information contained in the archives of the former Netherlands Art Property Foundation to the inventory of the then State Art Collections Service (Dienst voor 's Rijks Verspreide Kunstvoorwerpen), which was charged with responsibility for custodianship and which was the predecessor of the present day Netherlands Institute for Cultural Heritage. Since the archive of the Netherlands Art Property Foundation remained at the Ministry of Finance, the gap between the collection and the archive information grew and no attempt was made to correct the omission of 1952. The only published part of the scientific catalogue on the collection of paintings now in the custodianship of the Netherlands Institute for Cultural Heritage provides a telling example of this situation. Of the 70 still lifes dealt with in this volume, 67 belong to the Netherlands Art Property collection. Although the catalogue devotes much attention to discovering the provenance of all the works included, it never once utilizes the Netherlands Art Property Foundation archive.<sup>31</sup> Only in the processing of claims relating to works from the collection, submitted after the closure of the Netherlands Art Property Foundation, was the Archive of the Netherlands Art Property Foundation consulted as a source for research into the origin of the individual items in question. The random

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<sup>28</sup> Hazemeyer/1990, p. 30; F.J. Duparc, *Een eeuw strijd voor Nederlands cultureel erfgoed*, The Hague 1975, p.252.

<sup>29</sup> Ministry of Finance, Administration Directorate Dossier Archive, no. 278: commentary on the report of the Central Audit Office of 1 March 1950.

<sup>30</sup> A summary of the Old Master paintings involved in this process was published in the catalogue *Old Master Paintings. An Illustrated Summary Catalogue*, Zwolle/The Hague 1992, p. 409.

<sup>31</sup> O. ter Kuile, *Rijksdienst Beeldende Kunst. Catalogue of paintings by artists born before 1870, vol. VI. Seventeenth-century North Netherlandish Still Lifes*, The Hague/Amsterdam 1985, p.19.

survey now completed was the first systematic operation to link Netherlands Art Property Foundation data with data from the Netherlands Institute for Cultural Heritage inventory.

### **General review of the results of the investigation into origin**

The investigation covered 113 inventory numbers. The Netherlands Institute for Cultural Heritage inventory provided limited information concerning the origin of 37 items and absolutely no information about a further 76 items. In the case of some of these 76 pieces, the inventories or catalogues of the museums to which they had been transferred did provide some information concerning origin.

As a result of the investigation, it was possible to arrive at a definite history for the years 1940-1945 in the case of 30 out of the 113 inventory numbers; that is to say that the ownership history of the items in question was documented throughout the period from the beginning of the war to the time at which the items fell into German hands.

Details of origin were found in the case of a further 38 pieces, but proved to be insufficient to provide a definite ownership history for the period 1940-1945 in that there remained gaps, mostly relating to the early years of the War.

For 45 of the 113 items, no relevant details were found to permit a reconstruction of the pieces' history in the years 1940-1945. This does not necessarily mean that there are no details about these pieces in the Netherlands Art Property Foundation archive, but rather that they were not found in the course of this research. Although the Netherlands Art Property Foundation archive is well inventoried and catalogued<sup>32</sup>, the rather complicated form of the administration renders it somewhat unmanageable, which raises the possibility of there being relevant information in other files. However, experience has shown that information which is likely to lead to a definite history of ownership is to be found in the more obvious locations, while that in the more obscure files is usually of only peripheral value.

The designation 'definite origin' does not imply any conclusion regarding the important question of whether the indications 'voluntary sale', 'forced sale' or 'confiscation', as used on Netherlands Art Property Foundation registration form, have been correctly applied. It is beyond the scope of the current research project and beyond the competence of the researchers involved to address this particular question.

However, the current investigation does refer to claims which have been submitted, both recently and in the more distant past, accompanied by no further comment. During the present research a few incidental cases came to light where the information derived from the Netherlands Art Property Foundation archive was such that it was considered desirable to point out the uncertainties existing.<sup>33</sup> In these cases, only specific research will provide answers concerning the original ownership and the nature of their sale.

As was expected when commencing the investigation, there were major differences in the results obtained for the various categories of artworks and in particular between those for paintings and drawings on the one hand and other objects on the other. A good indication that such differences were to be experienced was provided by the inventory of the Netherlands Institute for Cultural Heritage, which gives the provenance of some of the paintings and drawings included in the sample, but no such information for any other forms of artwork. Given the differences in results, the four categories are presented here separately, followed by some further points of a more general nature.

### **Painting and drawings**

The random survey covered 48 inventory numbers, being 45 paintings and 3 drawings. The Netherlands Institute for Cultural Heritage inventory provided some information on the origin of 37 items, while no information at all was available for the other 11. In a few cases out of these 11, the catalogues or inventories of the museums to which they had been entrusted did provide some information concerning origin. All 48 items were found during research in the Netherlands Art Property Foundation archive, with 47 of the 48 also being found in the photographic documentation of the Netherlands Institute for Art History. Although on a number of occasions relevant information was found during research into labels and markings on the reverse of the objects, none of this information was not already available from the archive sources.

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<sup>32</sup> J. Hazemeyer, *Inventaris van de archivalia gevormd door de Stichting Nederlands Kunstbezit en haar taakvoorganger/-opvolgers (1930) 1945-1951 (1983)*, The Hague 1990.

<sup>33</sup> See for example the paintings NK1646, NK2297, NK2398 and NK3292.

In only one case, the drawing NK2790D, was absolutely no information regarding its origin found during the investigation. In one other case, the painting NK2198, the information to be derived from the Netherlands Institute for Cultural Heritage inventory could not be corroborated by any other source and indeed was even contradicted by other sources. It must be concluded therefore that this may be a case of 'mistaken identity', and that no firm conclusions regarding the painting's origin can be drawn. Of the 46 remaining items, definite ownership histories for the period 1940-1945 could be established in the case of 22 objects, (with one bearing the rider 'in all probability') and an incomplete history could be established for the other 24 items (with one bearing the rider 'almost definite').

### **Prints and reproductions**

The sample included 8 inventory numbers. The Netherlands Institute for Cultural Heritage inventory provided no details for any of these items. During research in the Netherlands Art Property Foundation archive, absolutely no trace of three of the eight could be found. Two of these three bore inscriptions on the print or frame giving some indication or clue as to their origin. One of the two inscriptions does not for the time being prove useful in establishing a provenance, while the other provides a useful 'building block' but again will not lead to a definite history of origin.

In the case of the other five items, the Netherlands Art Property Foundation archive did provide some details of origin; of these, three can be definitely ascribed but the other two remain uncertain. The result for this part of the overall survey can be summarized as follows: three items given a definite origin; three with an incomplete history of origin and two with no details at all.

Although prints, by their very nature, exist in duplicate editions, making the identification of individual examples difficult, the results of this part of the survey are favourable compared to the groups of ceramic and other applied arts items. This can be attributed to the fact that 'prints and reproductions', although themselves forming a smaller proportion of the total survey, includes prints from a series within which each item is given its own inventory number. A good example is the series of 203 prints by Marius Bauer. Because the origin of this series can be firmly established, the result of this part of the survey is favourably influenced. The three items within the survey for which definite ownership histories can be established all belong to this Bauer series.

### **Ceramics**

The random survey covered 29 inventory numbers. The Netherlands Institute for Cultural Heritage inventory provided no provenance for any of these items. In the case of one item, entrusted to the Rijksmuseum in Amsterdam, the museum's own inventory card proved to contain details of origin. Research in the Netherlands Art Property Foundation archive failed to provide any details concerning 8 of the items. In one instance the Netherlands Art Property Foundation number, taken from the Netherlands Institute for Cultural Heritage inventory, proved to be totally incorrect because it provided a totally different description of the piece. It must be assumed that an error has been made in the reference in the Netherlands Institute for Cultural Heritage archive. The result was that no connection could be made between a total of 9 inventory numbers and the details maintained by the Netherlands Art Property Foundation.

For 10 items, a listing in the inventory books or cards of the Netherlands Art Property Foundation was indeed found, but the sources provided no further information regarding the pieces' origin. For 3 of these 10 items there are however cross-references to claims which have not been honoured.

Only in the case of 10 items could origin histories be established: 9 exclusively through the details found in the Netherlands Art Property Foundation archive and one through the inventory card maintained by the Rijksmuseum. For 3 of the 10, the origin is definite; for the other 7 there remain gaps in the ownership histories for the period 1940-1945.

The results for this part of the overall survey can be summarized as follows: 3 items with definite origin; 7 with incomplete details and 19 with no details of origin whatsoever.

The majority of the ceramic objects researched have few or no individual characteristics which might allow identification from descriptions alone. Therefore, in the absence of archive information there exists little or no chance of ever establishing further ownership details for such items.

### **Other applied art**

The random survey covered 28 inventory numbers, including items of furniture, and textile, glass, metal and ivory objects. The Netherlands Institute for Cultural Heritage inventory provided no details of origin for any of these pieces.

Research in the Netherlands Art Property Foundation archive proved fruitless for 10 of the items. An entry in the inventory books or cards of the Foundation was found for 12 of the items but provided absolutely no information about their origin.

For only 6 of the items could information about their origin be found. For 2 of the 10, the origin is definite; for the other 4 there remain gaps in the ownership histories for the period 1940-1945. The results for this part of the survey can be summarized as follows: 2 items given a definite origin; 4 items with incomplete details of origin and 22 items with no details whatsoever.

The majority of the applied art objects researched have few or no individual characteristics which might allow identification from descriptions alone. Therefore, in the absence of archive information there exists little or no chance of ever establishing further ownership details for such items.

### **The working methods of the Netherlands Art Property Foundation**

It falls beyond the scope of the study to provide any assessment of the working methods of the Netherlands Art Property Foundation. Furthermore, a survey covering a random sample of objects from the total collection is far from being the best way of evaluating the activities of this organization. Nevertheless, the results of the investigations conducted do provide some indications which may prove important in any further research, either in general or with regard to specific objects. The following comments should not be regarded as firm conclusions, but rather as notes which have been made in the light of experience gained in the course of the current investigation. These notes should be read in combination with the short history of the Netherlands Art Property Foundation given above. As stated in the history, the activities of the Netherlands Art Property Foundation began soon after its founding in June 1945. The transport consignments of 1945 and 1946 included several important artworks, including a large number of items for which the identity of the original owners could be fairly easily established.

The catalogue compiled in 1946, including 447 paintings<sup>34</sup> and other objects, shows clearly that much information concerning the objects arriving was gathered in a very competent manner. This process took place based not only on the registration forms but also with the help of other sources such as the printed literature and the documentation of Netherlands Institute for Art History.

From the catalogue mentioned above and from the summarized catalogues issued for the exhibitions of recovered artworks held in the Mauritshuis, The Hague, in March 1946 and in the Central Museum, Utrecht in June of that year<sup>35</sup>, it becomes obvious that many of these works were returned to their rightful owners in the period immediately following.<sup>36</sup>

Even after this initial period of activity, a large number of artworks remained in the depots and were continually supplemented by further transport consignments. It seems likely that the distribution of the works among the representatives of the various countries that was taking place in Germany was not always conducted with the greatest care. In addition to being influenced by the sheer numbers of artworks being received (for many of which scant hard-and-fast information was available), the work of the Netherlands Art Property Foundation was also negatively affected by inconsistencies and incomplete information in the enormous number of registration forms being processed and by two internal factors. The first of these was an inadequate administrative organization, the second a high personnel turnover. The situation reached a low point when in June 1948 Dr A.B. de Vries, the then Director of the Foundation was arrested.

Following the appointment of Mr J. Jolles as Director in 1948, the administrative organization of the Netherlands Art Property Foundation was restructured. Attempts were also made to carry out checks on the registration forms previously submitted and to clear up inconsistencies and incomplete information by writing to those involved. As far as can be ascertained from the results of the pilot study, this action mainly related to those items which had been claimed by third parties and for which the existing information provided insufficient certainty.

However, there was also one notable example in which, despite the absence of claims, a supplementary investigation was launched. It seemed that the Foundation was not willing to accept without question and without further information the original report which claimed that the object's sale

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<sup>34</sup> *Stichting Nederlandsch Kunstbezit. Catalogus van de Schilderijen benevens een overzicht van de Beeldhouwkunst en de Kunstnijverheid*, 1946. The descriptions of sculpture and craft items in this catalogue is somewhat more summary, as is the information concerning the sixty paintings included in the supplement.

<sup>35</sup> Exhibition catalogue *Herwonnen Kunstbezit*, Mauritshuis, The Hague, March-May 1946 (257 items: 109 paintings, 15 drawings, 7 sculptures and 126 crafted objects); exhibition catalogue *Herwonnen Kunstbezit*, Central Museum, Utrecht, June-September 1946 (172 items: 101 paintings, 15 drawings, 3 sculptures and 53 crafted objects). These two exhibitions were chiefly made up of different selections of objects, with only a small overlap of items exhibited in both museums.

<sup>36</sup> It is hoped that the returns from this and later periods will also be carefully catalogued.

had been voluntary.<sup>37</sup> There are no indications that the professional literature or other sources were consulted during this period in order to fill in the missing details, as had certainly been the practice in 1945 and 1946.

On the basis of existing knowledge it now seems that such research would have yielded little information useful in answering the primary questions which the Netherlands Art Property Foundation addressed: how did the artworks come to pass from Dutch into German hands, and how grounded were the claims submitted? However, the failure to conduct such research had consequences for the completeness of the provenance of recovered works, as is now recognized. This subject is addressed in the following section.

### **The provenance of artworks sold to the Germans**

The basis of the documentation work undertaken by the Netherlands Art Property Foundation has been the compulsory statements of losses and of sales to the Germans. In many instances these show only the name of the vendor and the purchaser, with little or no information regarding how the vendor had himself come into possession of the object. Research has revealed that a very large number of the artworks were purchased by the Germans via retail dealerships or at auction, thus making further research into the pieces' provenance next to impossible. The question of whether a particular object had ever previously been acquired through confiscation or forced sale must therefore largely remain unanswered. In such cases, the report indicates that the provenance is unclear. What is clear, however, is that the German interest in acquiring artworks during the war years gave a strong boost to the art trade. Many existing galleries and other outlets achieved a significant increase in turnover, while numerous new art dealerships were founded. In his extensive study of the art trade in the Netherlands during the Second World War, Adriaan Venema, despite the many inaccuracies and over-hasty conclusions which characterize his book, gives a realistic picture of the situation.<sup>38</sup>

It is clear that, in addition to bona fide art dealerships, which may or may not have willingly sold items from their stock to German purchasers, there were also dealers who traded in items which had been confiscated by the Germans. It is for the most part impossible to deduce from the details in the Netherlands Art Property Foundation archive how the various dealers came by the items on sale. Art dealer P. de Boer, who sold many pieces to German customers (partly on a voluntary basis and partly under duress, according to his own statement), emphasized in a letter to the Netherlands Art Property Foundation that he had always distanced himself from dealing in 'contaminated' artworks. *"There has, needless to say, never been any question of our taking advantage of any compulsion imposed by the enemy. We always distanced ourselves, on principle, from those paintings which had been acquired compulsorily."*<sup>39</sup>

Indeed, investigations have failed to reveal any evidence of Mr De Boer not having observed this rule, but in the case of countless other dealers there exists far less certainty.

The same sort of uncertainty exists for artworks which were offered at auction during the war years. In many cases, these were regular, legitimate sales for which the sharply increased art prices of the time would have had a stimulatory effect. However, it is also possible that such artworks could have been acquired through theft or confiscation. Here too we may speak of undoubted differences in moral perception. In this respect, the auction house of Van Marle & Bignell in The Hague has a regrettable reputation, given that it can be proven that here items were accepted from the German authorities responsible for the management of property confiscated from Jews. In the case of various other auction houses it is less probable that they operated in this manner. However, if a stolen or confiscated item were to be offered by way of one or more intermediaries or 'men of straw', it would no longer be recognizable as such.

If no clear report of such thefts and confiscations was received by the Netherlands Art Property Foundation from victims or their descendants, there was absolutely no clue pointing to the earlier history of the artwork in question. Because the Netherlands Art Property Foundation archive generally contains little information regarding the provenance of the items sold by dealers and auction houses to

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<sup>37</sup> This refers to painting number NK2297, of which the history is still subject to serious doubt to this day.

<sup>38</sup> A. Venema, *Kunsthandel in Nederland 1940-1945*, Amsterdam 1986.

<sup>39</sup> Letter from P. de Boer, art dealer, dated 23 May 1950, Netherlands Art Property Foundation archive no. 178.

the Germans, it is still remarkably difficult to establish whether the wartime changes of ownership of many Netherlands Art Property numbers were of a regular, legitimate nature. In the current research project it has been possible to establish by means of supplementary information from other sources that a number of works were, at the beginning of the war, in the possession of those who later sold them to German purchasers and have since made a report. In some other cases a provenance has been established which leaves equally little room for doubt. Nonetheless, a substantial number of artworks are still subject to considerable doubt concerning their history of ownership prior to the first registration of ownership made during the war years. It is possible that these works include some which had changed hands as a result of theft or duress.

### **Voluntary and forced sale**

It has previously been stated that the question of whether a work was sold voluntarily or involuntarily falls outside the scope and competence of the current research and of the researchers involved. However, it can be stated that the question of whether sales were conducted voluntarily or otherwise does not seem to have been a bone of contention in the contact between former owners and the Netherlands Art Property Foundation. In some cases those making a report involving forced sale declared (either at the same time or later) that they did not wish to lodge a claim. This was especially the case with a number of dealers. In the case of rejected claims, the reasons for rejection were always based on considerations other than the question of voluntary or forced sale. Important arguments here were insufficient grounds for identifying an object as the former property of the claimant, the impossibility of the article claimed being the same as that lost by the claimant, or the fact that one and the same item was subject to several conflicting and insufficiently grounded claims. Instances of the Netherlands Art Property Foundation rejecting the assertions of a former owner that an object had been subject to forced sale did not arise during the course of this pilot research project. These details are, of course, based only on those cases where there were legitimate claimants who were also in a position to submit a claim.

Against this, it must be stated that the rules to which the Netherlands Art Property Foundation was subject, and which brought with them the obligation for claimants to refund sales commissions and certain other supplementary costs, did lead to some problems. For example, it appears that on a number of occasions former owners decided not to exercise their right to reclaim items proven to be their rightful property. Conversations with those involved established that these financial rules which, with some specific exceptions, were strictly adhered to, were an influencing factor in some of the former owners' decisions not to submit a claim. It can also not be ruled out that persons who lost property as a result of forced sale have withheld from making a report as a result of these regulations. It is certainly clear that the financial consequences of the restitution of artworks previously subject to forced sale have proven a serious problem for a number of former owners.

## CONCLUSIONS

In answer to the questions on which the pilot research project was based, the following conclusions can be drawn:

1. The existing documentation on the collection of the Netherlands Institute for Cultural Heritage (ICN) only provides information on the provenance of a minority of the works in the Netherlands Art Property collection (NK collection). Where such information is available, this is of insufficient quality to draw conclusions about the wartime history of the objects concerned.
2. Research in the Netherlands Art Property Foundation (SNK) archives and other sources can provide more information on the provenance of some of the individual objects in the collection. These possibilities mainly apply to individually recognizable objects, in particular paintings and drawings. A significant proportion of the collection of applied art and prints consists of objects of which multiple copies were made and which are therefore not individually recognizable.
3. Further research is urgently needed in order to clarify existing uncertainties as much as possible. This further research might take the form of a systematic study encompassing all the objects from the Netherlands Art Property collection using the archives of the Netherlands Art Property Foundation and advanced research using other sources for some objects, including all paintings and drawings.  
Without further research, the Netherlands Art Property collection will remain shrouded in a veil of secrecy with regard to the origins of the individual objects it contains and what is more, there can be no assurance that individual questions from possible former owners or their descendants will be dealt with effectively. Research of this kind is also the only possibility for actively tracing the rightful owners in cases where this is possible or necessary.

By way of further explanation relating to answer three, a fourth conclusion can also be added. The pilot research project makes it clear that it should be possible to divide the objects from the Netherlands Art Property collection into four categories, after systematic research of the kind carried out during the pilot project:

1. Objects of which the provenance has been clearly established so that it can be determined if they have legally become the property of the State.
2. Objects for which the sources available offer absolutely no point of reference with regard to provenance and where the lack of individually recognizable characteristics means there is no hope of ever discovering any information on this subject.
3. Objects for which the sources available give no information or an incomplete picture of provenance, but which possess so many individual features that identification is probable if new information presents itself.
4. Objects for which the available sources are incomplete but for which the information found points to the possibility of involuntary transfer of property during the war years.



## RECOMMENDATIONS

On the grounds of the investigation carried out and the results discussed above, the Committee has arrived at the following recommendations:

1. Given the fact that the inventory of the Netherlands Institute for Cultural Heritage (ICN) does not give a clear picture of the information available on the provenance of the works of art belonging to the Netherlands Art Property collection (NK collection), the Committee urges that the information on this subject, contained in the archive of the Netherlands Art Property Foundation (SNK) at the Ministry of Finance and collected between the years 1945 and 1952, be systematically compiled for all the Netherlands Art Property numbers still in the possession of the State and that this information be added to the inventory of the Netherlands Institute for Cultural Heritage.
2. The Committee recommends that the scope of research should be widened for all paintings and drawings and for those objects for which the information obtained from the Netherlands Art Property Foundation archives justifies further action. In order to supplement information already found, research should be widened to include other sources of information which pilot research suggests might be relevant, particularly the documentation files of the Netherlands Institute for Art History (RKD), including auction catalogues and other printed sources. Where evidence seems to indicate it might be worthwhile, sources elsewhere should also be consulted, such as various files at the Netherlands Institute for War Documentation (RIOD) and housed in government archives, and the archives still available at art dealers and auction houses.
3. The Committee recommends that a summary is made of the works of art restored to their rightful owners by the Netherlands Art Property Foundation and its legal successors.
4. In relation to the research carried out by various committees with regard to legal restitution and related issues, the Committee recommends that attention also be paid to the legal framework and the working methods of the Netherlands Art Property Foundation. The activities of the Netherlands Art Property Foundation should be seen in the light of more general legislation with regard to legal restitution. Attention should be paid to such aspects as the formulation and application of concepts such as voluntary sale, forced sale, confiscation and looting and also to the way in which works of art were restored to their owners. In this respect, the Committee strongly recommends looking into the possibilities which existed for the restitution of works of art which changed hands due to force of circumstances but which were not shipped off to Germany.
5. It is essential that an active investigation takes place in all cases where new facts emerge from the recommended research which suggest that third parties have rights of ownership to works of art from the Netherlands Art Property collection or where additional information comes to light regarding earlier claims rejected on the basis of the information then available. Such active investigation should also include the tracing of possible rightful owners. Research of this kind should take place as soon as there are indications to this effect and should not wait until completion of the investigations recommended in the previous sections.

## **IMPLEMENTATION OF THE FOLLOW-UP INVESTIGATION**

The Committee recommends making funds available for the setting up of a project group of researchers to carry out the research activities mentioned in Points 1, 2 and 3. According to the Committee's estimates, a project group of between four and five researchers will need three years to complete the full research programme. The timeframe is based on research-related and logistical considerations, taking account of factors such as the support offered by institutions and the need for the greatest possible uniformity in research methods. As soon as funds have been set aside for this purpose, a decision should be made regarding a plan of approach and the organization of the project in relation to other activities. We recommend that the activities be monitored by a supervisory committee which is also charged with the task of issuing policy recommendations on the basis of the research results.

The follow-up investigation as mentioned in Recommendation 5 is not one of the tasks of the project group or the supervisory committee. Due to the direct relationship with the processing of claims, this responsibility should be accorded to the Inspectorate of Cultural Heritage. Account should be taken of the fact that these activities and the processing of the responses to the additional research activities will necessitate a structural expansion in capacity at the Inspectorate of Cultural Heritage. With regard to Recommendation 4, further examination should take place to determine the most effective form of research in terms of organizational and research-related considerations in relation to the duties of the various committees working in this field.