

# An Introduction to the Washington Conference Principles on Nazi-Confiscated Art

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# Introduction

<p><b>Session 5</b></p> <p><b>Friday,</b> <b>Jan. 26, 2024</b> 2-5pm (180 minutes)</p>	<p><b>The Washington Principles: A Blueprint for the Correction of other Injustices?</b></p> <p>Description: The Washington Principles cover the relatively narrow frame of Nazi-Confiscated Art from 1933-1945. Countless other injustices have occurred throughout history such as slavery and racism, imperialism, exploitation of indigenous populations etc. Which concepts of the Washington Principles may be transposed into these settings, which not and why? What additional obstacles may be resolved on the path to just and fair solutions in these settings?</p> <p>Reading: On Benin Bronzes <a href="https://kulturgutverluste.de/en/contexts/colonial-contexts/returns">https://kulturgutverluste.de/en/contexts/colonial-contexts/returns</a> On Parthenon Marbles <a href="https://www.parthenon.newmentor.net/legal.htm">https://www.parthenon.newmentor.net/legal.htm</a></p>
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# Introduction



Benin Bronze returned to Nigeria by Germany

© Getty Images

# I. Washington Principles as Blueprint?

## 1. Law and Ethics

### WASHINGTON CONFERENCE PRINCIPLES ON NAZI- CONFISCATED ART

In developing a consensus on non-binding principles to assist in resolving issues relating to Nazi-confiscated art, the Conference recognizes that among participating nations there are differing **legal systems** and that countries act within the context of their own laws.

# I. Washington Principles as Blueprint?

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## 2. Confiscation (only)?

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- I. Art that had been **confiscated** by the Nazis and not subsequently restituted should be identified.

# I. Washington Principles as Blueprint?

## 3. Provenance Research and Transparency

- II. Relevant records and archives should be open and accessible to researchers, in accordance with the guidelines of the International Council on Archives.
- III. Resources and personnel should be made available to facilitate the identification of all art that had been confiscated by the Nazis and not subsequently restituted.
- V. Every effort should be made to publicize art that is found to have been confiscated by the Nazis and not subsequently restituted in order to locate its pre-War owners or their heirs.
- VII. Pre-War owners and their heirs should be encouraged to come forward and make known their claims to art that was confiscated by the Nazis and not subsequently restituted.

# I. Washington Principles as Blueprint?

## 4. Just and Fair Solution

VIII. If the pre-War owners of art that is found to have been confiscated by the Nazis and not subsequently restituted, or their heirs, can be identified, steps should be taken expeditiously to achieve a just and fair solution, recognizing this may vary according to the facts and circumstances surrounding a specific case.

# I. Washington Principles as Blueprint?

## 4. Just and Fair Solution

- VIII. If the pre-War owners of art that is found to have been confiscated by the Nazis and not subsequently restituted, or their heirs, can be identified, steps should be taken expeditiously to achieve a just and fair solution, recognizing this may vary according to the facts and circumstances surrounding a specific case.
- IX. If the pre-War owners of art that is found to have been confiscated by the Nazis, or their heirs, can not be identified, steps should be taken expeditiously to achieve a just and fair solution.



# I. Washington Principles as Blueprint?

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## 5. Fair Procedure

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- X. Commissions or other bodies established to identify art that was confiscated by the Nazis and to assist in addressing ownership issues should have a **balanced** membership.

# I. Washington Principles as Blueprint?

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## 6. National Legislation?

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- XI. Nations are encouraged to develop national processes to implement these principles, particularly as they relate to alternative dispute resolution mechanisms for resolving ownership issues.

# I. Additional Questions

## 1. Significance

Nevertheless, the Parthenon Marbles case is not only a legal and moral one, but it also touches the heart of the Greek nation. Characteristic in this respect are the words of the former Greek Minister of Culture, Melina Mercouri:

"This is our history ..." (San Francisco Chronicle, 26 May 1983, p 26)

"(T)hey are the symbol and the blood and the soul of Greek people ... (W)e have fought and died for the Parthenon and the Acropolis ... (W)hen we are born, they talk to us about all this great history that makes Greekness ... (T)his is the most beautiful, the most impressive, the most monumental building in all Europe ..." (New York Times, 4 March 1984, p 9).

Even J H Merryman agrees that "if the matter were to be decided on the basis of direct emotional appeal, the Marbles would go back to Greece tomorrow" (Merryman 1983, p 759). As has been shown above even if the matter were to be decided on the more tangible

# I. Additional Questions

## 1. Significance

### Repatriation of human remains

Search

Since 2011, the mortal remains of persons have also been returned to their descendants from German collections. Important milestones in the debate on the proper handling of human remains from colonial contexts were the publication of the “Recommendations for the Care of Human Remains in Museums and Collections” by the German Museums Association in 2013 (new revised edition of 2021), which recommends return or burial if a context of injustice exists, and the position paper issued by the Federal-Länder Commission of 2019, which attaches particular priority to the return of remains from colonial contexts. This position paper states the following: “The general willingness to return artefacts from colonial contexts, in particular human remains, to the countries and societies of origin is important for the dialogue in a spirit of partnership for which we strive. [...] Human remains from colonial contexts are to be returned.” (p. 7)

# I. Additional Questions

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## 2. Ownership

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### ***Who Owns the Benin Bronzes? The Answer Just Got More Complicated.***

Restitution efforts were underway, fueled by news that a museum was being planned in Nigeria to house the treasures. Then a surprising announcement sowed uncertainty.

Germany returned 20 Benin Bronzes to Nigeria's government in a ceremony in December. But Nigeria's outgoing president has now bestowed ownership on a descendant of the ruler of the ancient kingdom of Benin.

NYT, June 4, 2023

# I. Additional Questions

## 2. Ownership

### ***Why slave descendants want the Benin Bronzes to stay in US***

In our series of letters from African journalists, Nigerian writer Adaobi Tricia Nwaubani looks at how descendants of slaves in the US have entered the tug of war over some of Africa's most famous artefacts that were stolen during the colonial era and ended up mainly in Western museums.

A group of African Americans has filed a lawsuit to stop the return of some Benin Bronzes from the Smithsonian Museum in Washington DC to Nigeria. They claim that the bronzes - looted by British colonialists in the 19th Century from the kingdom of Benin in what is now Nigeria - are also part of the heritage of descendants of slaves in America, and that returning them would deny them the opportunity to experience their culture and history.

BBC, November 7 , 2022

# I. Additional Questions

## 3. Preservation?

### 2. Are the Parthenon Marbles Safer in London?

Safety is no longer an issue since after their return to Greece the Parthenon Marbles will not be exposed to the open air natural environment, but they will be housed at the Acropolis Museum, where they can be preserved in the best possible way.

The ornaments, friezes, metopes, and pediments will be in their architectural context when placed in the Athens Museum, although they will still be displayed in a museum, whereas in the British Museum they are not being displayed in their authentic setting. Such an approach is fully in line with the recommendation that "there is deep-rooted and indissoluble bond between nature, man and his artistic creations" (Zaire, UNGA (XXX) Explanatory Memorandum A/9199,2). The Marbles are an integral part of the Parthenon Temple itself, so, seeing them in conjunction with the Temple is essential for a better understanding and assessment of these pieces of art. Dissociated from the rest they lose most of their meaning, mystique and significance.

# I. Additional Questions

## 4. Non Tangible Objects

### **Native American Cultures and Clothing: Native American Is Not a Costume**

Dressing up as a Native American is never appropriate. For years, classrooms across the country have included special days where students "dress up" as Native Americans for different celebrations and lesson activities. Often, the outfits people wear to look "Indian" have nothing to do with Native people and cultures. Native American cultures are vastly diverse and have a wide range of traditions that determine the clothing and adornment Native people wear. "Dressing up" as Native Americans gives students a generalized and inaccurate perspective on Native cultures and identities. Often, these costumes suggest that Native cultures exist only in the past. We promote lessons and activities that share the continuance and creativity of Native American life and cultures.

(<https://americanindian.si.edu/nk360/informational/cultures-and-clothing>)



# I. Additional Questions

## 4. Non Tangible Objects

**Biopiracy** (also known as scientific colonialism) is defined as the unauthorized appropriation of knowledge and genetic resources of farming and indigenous communities by individuals or institutions seeking exclusive monopoly control through patents or intellectual property.

(Wikipedia)



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