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Art restitution proceedings after 1998

The Art Restitution Law and the Vienna Council Resolution on Art Restitution of 1999 regulate the conditions and procedure for the restitution of art objects from museums and collections of the Republic of Austria and the City of Vienna. The return is usually made on the basis of provenance research in the individual museums and collections. After the eligibility for restitution has been established, an attempt is made to locate the former owners of the work in question or their heirs. This is done to a large extent with the assistance of the Vienna Jewish Community and the Department for Restitution Affairs of the Jewish Community Vienna and also in many cases with the aid of the National Fund.

Several thousand art and cultural objects have been returned since 1998 including more than 32,000 books from the Austrian National Library. The restitutions are documented in the individual restitution reports published continuously on the Internet (see also Museums and provenance research).

Provenance research

In 1998, the then Federal Minister of Education and Cultural Affairs instructed the Austrian federal museums to check the status of their acquisitions with respect to the National Socialist seizure policy between 1938 and 1945. To this end the Commission for Provenance Research was set up with the Federal Office for the Protection of Monuments. Since the amendment to the Art Restitution Law (Federal Law Gazette I. no. 117/2009 of 23 November 2009) the Commission has been installed at the Federal Ministry for Education, the Arts and Culture (para. 4a of the Art Restitution Law). Since 1998 the museum holdings have been subject to systematic examination by historians and archivists to determine the ownership situation and the circumstances surrounding acquisitions during the National Socialist era and restitutions after 1945. The amendment of 2009 stipulated that this examination was to be extended to include all acquisitions throughout the entire territory of the German Reich between 1933 and 1945.

Furthermore, in the amendment to the Art Restitution Law, the fields of responsibility of the Commission for Provenance Research were for the first time circumscribed in law. These include the portrayal of the provenance of objects which could be subjects of recommendations by the Advisory Board, researching historical facts which are relevant to the decisions of the Advisory Board and the collection, processing and recording of the results of this research.

The dossiers on the individual art objects and collections established by the provenance researchers are forwarded to the federal Commission for Provenance Research, which revises and assesses them and sometimes creates its own dossiers. They are then sent to the Advisory Board established under the Art Restitution Law, which advises the federal minister concerned on the restitution of questionable acquisitions to their former owners or their heirs. If no eligible owner can be found, the ministers are authorised to transfer the objects to the National Fund for further use.

Provenance research was also initiated in Viennese museums and collections by the Vienna Council resolution of 1999. In Vienna, the functions of the Advisory Board and Commission for Provenance Research are performed by the Viennese Commission for Restitution, which can recommend to the executive city councillor in charge that the object in question be returned to a specific person or, if no eligible person is available, transferred to the National Fund or kept by the City of Vienna.

Determination of original owners and heirs

In determining the persons to whom art and cultural objects are to be returned, the Advisory Board and the Viennese Commission for Restitution consult not only inheritance specialists but also institutions involved in restitution, in particular the Jewish Community and the National Fund. In addition, the publication of art objects in the Art Database of the National Fund will also assist victims of National Socialist art theft throughout the world to search specifically for seized objects. At the same time, the publication aims to enable museums to provide further information on published objects.

The Commission for Provenance Research also endeavours to assist persons looking for lost family assets in their research. (See Contacts for further details.)

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