The Foundation E.G. Bührle Collection strives for just and fair solutions for artworks from owners persecuted by the Nazis

Solutions are being sought with the legal successors of former owners for six works from the Emil Bührle Collection at the Kunsthaus Zürich

The Board of the Foundation E.G. Bührle Collection has subjected its artworks to a further assessment of the results of its provenance research. The reason for this reassessment is the new "Best Practices" published by the US State Department in March 2024 on dealing with Nazi-confiscated art. These represent an expanded interpretation of the so-called "Washington Principles" of 1998. The Foundation has identified five works from the collection that could fall under the scope of the new "Best Practices". In accordance with existing regulations applicable to the Foundation, these paintings will be removed from the exhibition at the Kunsthaus Zürich and will no longer be shown to the public. A sixth work has been identified as being a particular case to be dealt with separately. The Foundation is endeavouring to find just and fair solutions for these works with the successors of the former owners, in line with the “Best Practices”.

The works in question are as follows:

From the **Ullstein Collection**:

- Gustave Courbet
  *Portrait du Sculpteur Louis-Joseph*, 1863
  Oil on canvas

- Claude Monet
  *Jardin de Monet à Giverny*, 1895
  Oil on canvas

From the **Feilchenfeldt Collection**:

- Henri de Toulouse-Lautrec
  *Georges-Henri Manuel*, 1891
  Gouache/Cardboard

- Vincent van Gogh
  *Der alte Turm*, 1884
  Oil on canvas
From the Semmel Collection:

Paul Gauguin
*La route montante*,
1884
Oil on canvas

For these works, the Foundation will seek just and fair solutions with the descendants or other legal successors of the former owners, taking into account the situation of former owners, the requests of their legal successors, the statutory purpose of the Foundation, and, to the extent possible, the interests of the general public and the Kunsthaus Zürich. Initial contacts with the parties concerned have been in place for some time.

As an immediate measure, the Foundation has decided to remove these works from the exhibition at the Kunsthaus Zürich, as provided for in the subsidy agreement between the Government of the City of Zürich with the Kunsthaus Zürich, and as requested by the Zurich Government in connection with the loan agreement between the Bührle Collection and the Museum. The removal of the paintings will be coordinated with the Museum.

With respect to a sixth artwork that based on established facts does not fall under the scope of the "Best Practices", the Foundation considers this work as a case deserving particular attention. Due to the overall historical circumstances relating to the sale, the Foundation is prepared to offer a financial contribution to the estate of Max Silberberg in respect to the tragic destiny of the former owner.

The work in question is:

Edouard Manet
*La Sultane*,
around 1871
Oil on canvas; from the estate of Max Silberberg

Based on the historic sources currently available, the Foundation has no reason to consider further works in the Foundation's collection as falling under the scope of the new "Best Practices". The Foundation will, of course, examine any new findings arising from previously inaccessible or undiscovered sources at any time and will reassess the situation as necessary and in consultation with the Kunsthaus Zürich.
The Foundation E. G. Bührle Collection was set up by the heirs of the armaments industrialist and entrepreneur Emil G. Bührle (1890-1956) to preserve significant parts of his art collection for the benefit of the general public and to display them in Zurich. Since 9 October 2021, these artworks have been on display at the Kunsthuis Zürich in the new building designed by David Chipperfield. The Foundation’s collection of 203 works is one of the world’s most important collections of Impressionism with world-famous works by Van Gogh, Renoir, Cézanne, Manet, etc.

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Background information:

Under Swiss law, no legal claims for restitution or compensation can be asserted anymore in respect of works from the Bührle Collection due to the statute of limitations and good faith principles. However, in 1998 the so-called Washington Declaration ("Washington Principles") was adopted as an international (non-binding) standard for restitution issues, which Switzerland co-signed. 44 States agreed to resume the efforts that the (Western) Allies had pursued since 1945 to return works of art looted by the Nazis during the Second World War to their rightful owners or their heirs. To mark the 25th anniversary of the Washington Declaration, the US Department of State published new guidance on the interpretation of the Washington Principles ("Best Practices") in March 2024. The document also has no binding effect. Switzerland has co-signed the Best Practices (https://www.state.gov/best-practices-for-the-washington-conference-principles-on-nazi-confiscated-art/).

In the Foundation’s view, the "Best Practices" of March 2024 extend and expand the application of the Washington Principles beyond art looted by the Nazis to all sales of artworks by Nazi-persecuted persons during the Holocaust era between 1933-45, irrespective of the place of sale, and state that, depending on the circumstances of the sale, such sales can be considered equivalent to an involuntary transfer of property. For the assessment of whether a "just and fair solution" is appropriate on the basis of the Washington Principles and what form this should take, the focus is no longer on the object ("looted art"/"flight art"), but on the selling owner and the question of whether the seller was persecuted by the Nazis and under what circumstances the sale took place.

Until 2021, the general view in Switzerland was that there was no obligation to restore or pay compensation for artworks in the "flight art" category if the owners had sold the works at fair market conditions outside of territory controlled by the Nazis. This distinguished them from artworks that were identified as "Nazi-looted art" and were generally considered to have always been subject to restitution.

The term "flight art" was defined by the authors of the so-called Bergier Report 2001 in order to distinguish between transfer of ownership of artworks in (non-occupied) Switzerland between 1933 and 1945 and forced expropriations in the Nazi sphere of power (see Anja Heuss, Georg Kreis, Esther Tisa Francini, Fluchtgut-Raubgut, Der Transfer von Kulturgütern in und über die Schweiz 1933-1945 und die Frage der Restitution, Zurich 2001 [= Unabhängige Expertenkommission Schweiz-Zweiter Weltkrieg, Bd.1]).

With the present decision, the Bührle Foundation is taking account of the new situation created by the "Best Practices" 2024.