

The new German „Court of Arbitration for Nazi-looted Cultural Property“:

Video Presentation, 28 January 2026, 6 p.m. (German time)

Prof. Dr. Matthias Weller, Mag.rer.publ., MAE
University of Bonn, Germany

- Director of the Institute for German and International Civil Procedural Law
- Director of the Research Center for Provenance Research, Art and Cultural Property Law
- Director of the Research Project „Restatement of Restitution Rules for Nazi-Confiscated Art“
- Founding Member of the Bonn Center for Reconciliation Research



U.S. DEPARTMENT of STATE

[Newsroom](#) [Business](#) [Employees](#) [Job Seekers](#) [Students](#) [Travelers](#) [Visas](#)



[POLICY ISSUES](#) ▾ [COUNTRIES & AREAS](#) ▾ [BUREAUS & OFFICES](#) ▾ [ABOUT](#) ▾ 

[Home](#) > [Resource Documents – Office of the Special Envoy for Holocaust Issues](#) > Washington Conference Principles on Nazi-Confiscated Art



Washington Conference Principles on Nazi-Confiscated Art

[OFFICE OF THE SPECIAL ENVOY FOR HOLOCAUST ISSUES](#)

[Released in connection with The Washington Conference on Holocaust Era Assets, Washington, DC, December 3, 1998]

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.

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

“8. 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.

→ Stuart Eizenstat (1998): “After existing art works have been matched with documented losses comes the delicate process of reconciling competing equities of ownership to produce a just and fair solution--the subject of the eighth and ninth principles.”

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

→ “anti litigation message”

→ Stuart Eizenstat (1998): Principle 11 “speaks to the need to give the other principles vitality”

“10. 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**.”

→ **Stuart Eizenstat (1998)**: “... to ensure **objectivity** and to enhance **public confidence** commissions... should have members from outside the government, such as [amongst others] ... representatives of communities which were victims of the Holocaust”

Washington Principles 2024 Best Practices, Lit. I.:

“Countries are encouraged to create an **independent expert body** whose composition may be the states’ responsibility, to which **unilateral access** is available that can **adjudicate** cases of art and cultural property and arrive at or recommend a **binding** or non-binding decision (for example, the use of commissions in Austria, France, Germany, Netherlands, and the United Kingdom). Such bodies should have **balanced, expert, and representative** membership. **Use of alternative resolution mechanisms is encouraged to avoid litigation.**”

↔ USA: Holocaust Expropriation Recovery Act 2016/2025



Der Beauftragte der Bundesregierung
für Kultur und Medien

 **ARCHIV** / Bund veröffentlicht wissenschaftliche Studie zur Beratenden Kommission

Pressemitteilung

BUND VERÖFFENTLICHT WISSENS- SCHAFTLICHE STUDIE ZUR BERATEN- DEN KOMMISSION – CLAUDIA ROTH: „WERTVOLLE IMPULSE, UM REFORM- PROZESS VORANZUBRINGEN“

Freitag, 05. April 2024

<https://kulturstaatsminister.de/presse/bund-veroeffentlicht-wissenschaftliche-studie-zur-beratenden-kommission-claudia-roth-wertvolle-impulse-um-reformprozess-voranzubringen#>

Schiedsgerichtsbarkeit NS-Raubgut

Suche FAQ



Aktuelles

Organisation

Verfahren

Grundlagendokumente



01.12.2025

Herzlich Willkommen

auf der Webseite der Schiedsgerichtsbarkeit NS-Raubgut. Mit unserer Arbeit als Präsidentin und Präsident der Schiedsgerichtsbarkeit verbinden wir die Hoffnung und setzen uns als Ziel, dass Ansprüche wegen NS-verfolgungsbedingt entzogenem Kulturgut in Zukunft besser durchgesetzt werden können.

Ab dem 1. Dezember 2025 können NS-Verfolgte oder ihre Nachkommen Verfahren vor einem Schiedsgericht einleiten. Die Schiedsgerichtsbarkeit

1. For the first time worldwide, claimants receive special legal claims designed for restitution of Nazi-confiscated art under the WP.
2. The entire mechanism was negotiated with the Jewish side ([Jewish Claims Conference](#) and [Central Council for the Jews in Germany](#)).
3. The claimant can start the arbitral proceedings unilaterally, upon a „standing offer“ by the holder (like in int’l investor-state arbitration).
4. The pool of arbitrators was jointly selected by the Jewish (50%) and the German state side (50%), for the list of 36 see [here](#).
5. The arbitral proceedings are conducted according to a specifically designed set of rules of procedure („[Rules of Arbitration](#)“).
6. The claims are assessed on the basis of a specifically designed assessment framework („[Assessment Framework](#)“).
7. The entire set-up is based on legally binding agreements between all levels of the state of the Federal Republic of Germany (intra-Federal „[Administrative Agreement](#)“).

Schiedsgerichtsbarkeit NS-Raubgut

GRUNDLAGENDOKUMENTE ZUR REFORM

- ↓ [Verwaltungsabkommen](#) (PDF, 6.28MB, Datei ist barrierefrei/barrierearm)
- ↓ [Schiedsordnung \(SchO\)](#) (PDF, 207KB, Datei ist barrierefrei/barrierearm)
- ↓ [Anlage 1 SchO](#) (PDF, 505KB, Datei ist barrierefrei/barrierearm)
- ↓ [Anlage 2 SchO](#) (PDF, 490KB, Datei ist barrierefrei/barrierearm)
- ↓ [Bewertungsrahmen](#) (PDF, 198KB, Datei ist barrierefrei/barrierearm)
- ↓ [Erläuterungen zum Bewertungsrahmen](#) (PDF, 482KB, Datei ist nicht barrierefrei)
- ↓ [Musterschiedsvereinbarung](#) (PDF, 249KB, Datei ist barrierefrei/barrierearm)
- ↓ [Muster stehendes Angebot](#) (PDF, 187KB, Datei ist barrierefrei/barrierearm)

Englisch:

- ↓ [Administrative Agreement](#) (PDF, 378KB, Datei ist barrierefrei/barrierearm)
- ↓ [Rules of Arbitration](#) (PDF, 252KB, Datei ist barrierefrei/barrierearm)

All „Foundational Documents“ („Grundlagendokumente“) are available in German, English, French, Hebrew: <https://kulturstaatsminister.de/aufarbeiten-und-erinnern/aufarbeitung-der-ns-gewaltherrschaft/ns-raubgut/beratende-kommission/grundlagendokumente-zur-reform>.

Some further points on the Administrative Agreement

1. Preamble: Clear and unconditional acknowledgement of responsibility for restitution of Nazi-looted cultural property.
2. Standing offers by all state entities holding cultural property as owners (Federal Republic of Germany, 16 Federal States, and municipalities):
 - template standing offer (includes all cultural property of holder)
 - template for accepting the offer by a claimant
 - arbitration agreement is concluded by claimant
 - as of today (28 Jan.): > 200 holders submitted their standing offer
 - if a holder is still missing, the Service Desk will urge for submitting
3. Reference to WP 1998, Joint Declaration 1999, Terezin 2009, Best Practices 2024, as overall normative architecture.
4. Termination of Administrative Agreement is excluded for the first five years.
5. Evaluation after three years or 10 arbitral awards.

Some further points on the Rules of Procedure

1. Preamble: Clear and unconditional acknowledgement of responsibility for restitution of Nazi-looted cultural property.
2. Eligibility: Everyone (or heir) who raises a claim for loss of his/her cultural property due to Nazi persecution between 30 Jan 1933 and 8 May 1945, on condition that the object is located in Germany.
3. Pool of arbitrators (36), President; Vice President; bench of 5 arbitrators.
4. German State bears costs of the arbitral tribunal (not parties' lawyers).
5. Publication of the award; fate of persecution recorded.
6. Arbitral award has the same status as a court judgment → enforceable.
7. (Limited) review by setting aside proceedings before state courts.
8. Amicable settlements are encouraged at all times.
9. 20 months period for „preliminary proceedings“ = bilateral negotiations, before actual arbitral proceedings begin
→ bilateral negotiations prior to 1 December 2025 should count

Some further points on the Assessment Framework

1. Preamble: Clear and unconditional acknowledgement of responsibility for restitution of Nazi-looted cultural property.
2. Applicability: Since 1 December 2025, including holders in bilateral negotiations, see also new „Handreichung“ 2025.
3. Standing: victim or heir, in case of community of heirs all members.
4. No good faith defence, no acquisitive prescription; no time bars.
5. Reduced standards of proof (e.g. for ownership), including a new presumption of ownership based on actual or former possession of the object (unless object was commercial commodity in hands of a dealer).
6. Special (favorable) rules for objects as collateral to secure a loan.
7. Far-reaching presumption of loss due to Nazi persecution in case of sales (except for flight-related sales/flight goods).
8. Primary remedy is restitution (plus modifications); direct compensation is not available.

Some recurring questions (and answers) to wrap up

1. Would it have been better to have legislation („Restitutionsgesetz“)?
2. Are the new procedural rules taking care of the special needs of the claimants?
3. Is the new assessment framework for evaluating the claims less favorable than the practice before?
4. Does this arbitration framework work for other states (e.g. USA) or other classes of objects (e.g. from colonial context)?
5. Will now the world be perfect?

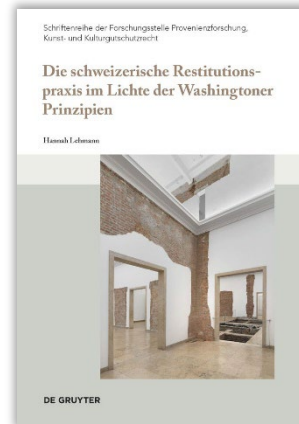
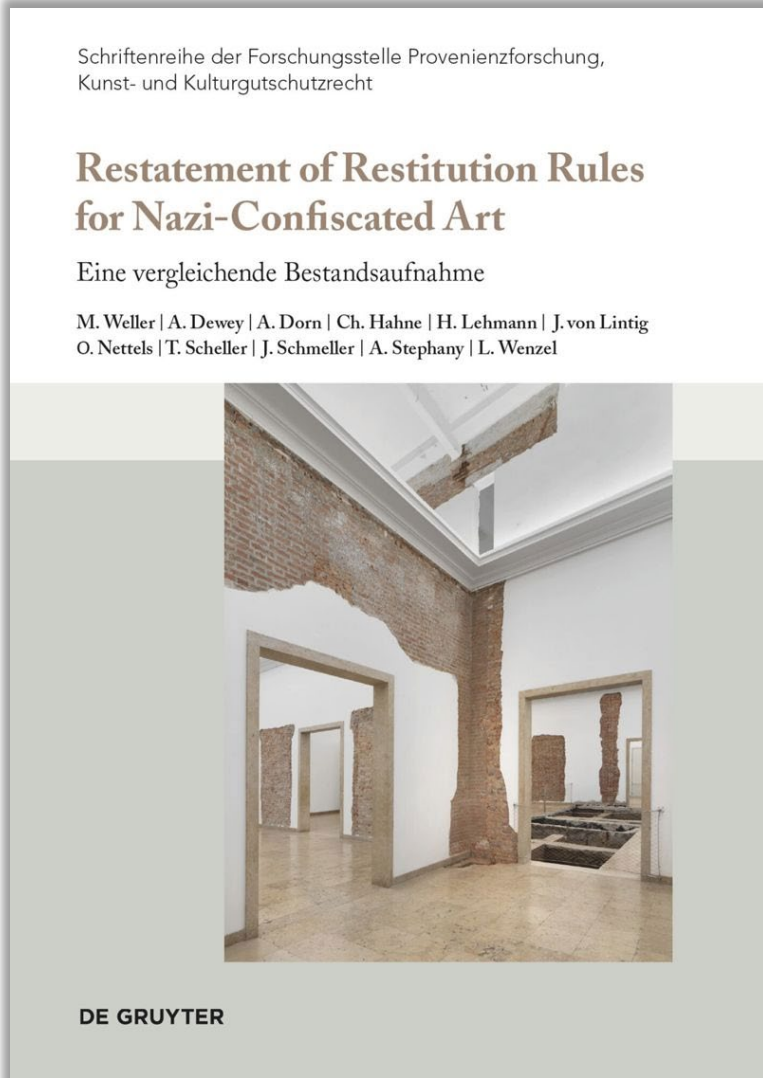
The new German „Court of Arbitration for Nazi-looted Cultural Property“:

Video Presentation, 28 January 2026, 6 p.m. (German time)

Prof. Dr. Matthias Weller, Mag.rer.publ., MAE
University of Bonn, Germany

- Director of the Institute for German and International Civil Procedural Law
- Director of the Research Center for Provenance Research, Art and Cultural Property Law
- Director of the Research Project „Restatement of Restitution Rules for Nazi-Confiscated Art“
- Founding Member of the Bonn Center for Reconciliation Research

“Restatement of Restitution Rules for Nazi-confiscated Art”, 1228 S, 2025 (open access)



<https://www.degruyterbrill.com/document/doi/10.1515/9783111382883/html?srsIid=AfmBOopNNMFkhWOR1555q31kr7fQR6AS8mgGWhVhsOYYHJ-oohWNODgB>

Restatement of Restitution Rules for Nazi-confiscated Art: The Team ...



Dr. Anne Dewey



Dr. Annika Dorn



Dr. Charis Hahne



Dr. Hannah Lehmann



Ole Nettels



Dr. Tessa Scheller



Jordan Schmeller



Dr. Antonetta Stephany



Dr. Johannes v. Lintig



Leva Wenzel

Université Paris 1 Panthéon-Sorbonne/Fondation des Etats-Unis
Colloquium on Nazi-Looted Cultural Property (planned)
→ 26 March 2026

German-Israeli Lawyers Association (Deutsch-Israelische Juristenvereinigung;
DIJV):

Bi-Annual Conference, 10 to 17 May 2026, Tel Aviv/Jerusalem
(planned)

→ Thursday, 14 May 2026: Panel on the new „Court of Arbitration
for Nazi-Looted Cultural Property“

As of today (28 January 2026):

The Members of the Swiss Commission on „Historically Tainted Cultural Property“ have been appointed:

https://www.news.admin.ch/de/newsb/KXYO_MTy2InclKbDCTubR

as well as other materials relevant to the topic are/will be available soon at:

<https://www.jura.uni-bonn.de/professur-prof-dr-weller/reform-of-the-german-advisory-commission>

On the „Restatement“ see here:

<https://www.jura.uni-bonn.de/professur-prof-dr-weller/research-project-restatement-of-restitution-rules-for-nazi-confiscated-art>

On the „Court of Arbitration for Nazi-Looted Cultural Property“ see soon:

- JUSTICE (NO. 77, Spring 2026).
- Neue Juristische Wochenschrift (NJW), Spring 2026, Special Edition „Art Law“ (in German).
- Kunst & Recht, University of Basel, Conference Proceedings 2025, Spring 2026.

The new German „Court of Arbitration for Nazi-looted Cultural Property“:

Video Presentation, 28 January 2026, 6 p.m. (German time)

Prof. Dr. Matthias Weller, Mag.rer.publ., MAE
University of Bonn, Germany

- Director of the Institute for German and International Civil Procedural Law
- Director of the Research Center for Provenance Research, Art and Cultural Property Law
- Director of the Research Project „Restatement of Restitution Rules for Nazi-Confiscated Art“
- Founding Member of the Bonn Center for Reconciliation Research