

## **Christie's Guidelines for Dealing with Nazi-era Art Restitution Issues**

June 2009

Christie's is committed to promoting clear and transparent procedures for dealing with provenance issues and ownership claims from the Nazi-era (1933-45), including taking reasonable and appropriate steps to prevent stolen objects from circulating in the art market and, in particular, resolving Nazi-era provenance issues before offering objects for sale.

### **Consignments**

When a potential Nazi-era issue is identified in the provenance of an object consigned to Christie's for sale, we will:

1. Work with the consignor to establish provenance, requesting as much information and documentation as he or she has available and conducting our own provenance research when necessary.
2. Endeavor to provide as complete and transparent a provenance as reasonably available for this era in our catalogues and other promotional material.
3. If Christie's determines a consigned object has a problematic provenance or ownership issue and the potential claimant (or his or her representative) is known to us, without disclosing the consignor's identity we will: (a) promptly contact the potential claimant whenever possible, providing the information and documentation we have, and (b) inquire whether the potential claimant plans to pursue a claim.
4. If the potential claimant indicates that he or she does intend to pursue a claim to a consigned object or we are otherwise alerted to a potential claim, we will respectfully request of the claimant that the claim be made promptly and include as much information and documentation as available concerning the object's spoliation. There is no particular format for presenting claims but a claimant must, at a minimum, set out the basis for the claim. Claim handling is detailed below.
5. If the potential claimant is not known to Christie's and reasonable attempts to identify him or her are unsuccessful, we will: (a) consider alternatives with the consignor, for example, donating the object to an appropriate museum or institution where it can be displayed and its provenance publicized so that future claimants may be able to locate it; or (b) if that is not viable, consider offering the object for sale publicly with sufficient publicity to record its (intended or actual) sale and allow potential claimants to come forward. Christie's intends to publicly maintain a list of such objects.

### **Claims of Ownership to Consigned Objects based on Nazi-era confiscation and forced sale, including sales under duress**

Christie's is committed to addressing claims of ownership based on Nazi-era confiscation and forced sales concerning objects consigned to Christie's openly, seriously, responsively, and with

respect for the dignity of all involved. Each claim will be considered on its own merits. When notified of a claim to a consigned object, we will:

1. Request from the claimant all available information and documentation in his or her possession regarding the property.
2. At the same time, inform the consignor of the (impending or actual) third party claim.
3. Consider whether claimant has timely presented sufficient information and documentation concerning the basis for the claim to justify withdrawing the object from the auction, pending resolution of the claim. Advertised lots will not normally be withdrawn from sale within the 72 hours before an auction in response to last-minute or unsupported claims, or to 'questions or inquiries' not accompanied by claimant's information providing the basis for the claim.
4. Claims made within 72 hours shall be investigated and, if possible, resolved following the sale if a claim is then presented with supporting information and documentation. To do this, Christie's will consider canceling the sale or holding the proceeds pending resolution of the claim between claimant and consignor.
5. Share with the consignor promptly the information and documentation provided by the claimant and our own research when undertaken.
6. Encourage and facilitate a dialogue between claimant and consignor and offer our assistance in seeking an amicable, just and fair resolution such as by: (a) a division of the sale proceeds; (b) a joint agreement to offer the object for sale and hold the sale proceeds pending resolution; and (c) some other means of resolution agreed by claimant and consignor. Christie's intends to list those objects for which claims have been resolved on our website.
7. Withdraw the object from sale when a supported claim has been made but the claimant and the consignor do not reach an agreement prior to the scheduled sale. Christie's will retain the object until the dispute is resolved or litigation commenced, but no longer than six months.
8. Consider alternate means of determining ownership or dispute resolution. If the consignor and claimant are unable to resolve the claim within six months, Christie's reserves the right to initiate proceedings in a court of competent jurisdiction to determine ownership or, with the agreement of all parties, submit the claim to an appropriate alternative forum for resolution.
9. Handle claims for objects previously sold as outlined above, by requesting a supported claim from the claimant and providing the claimant with whatever provenance information and documentation we may have. Where appropriate, Christie's will again try to act as intermediary in seeking a settlement or resolution among all parties.