

percent (8%) was used for payments on shipping and banking services; and thirty percent (30%) was for payments on purchase of petrol.

Out of the sum of DM 3.450 billion (about \$833 million) received by the Israeli government from selling the imported goods in the Israeli marketplace, Israel committed itself to paying a total of about DM676 (about \$163 million) as follows: DM450 (\$108 million) to the Claims Conference; and DM 226 million (\$55 million) to the following German organizations: DM54 million (about \$14 million) - for German property in Israel to the Order of the Templars; DM 3.6 million (about \$1million) to the Lutheran Church; DM0.500 million (about \$0.125 million) to the Catholic Church in Cologne.

Just before signing the Reparations Agreement, the Federal Republic of Germany (West Germany) categorically demanded that Israel guarantee that *Shoah* survivors who became Israeli citizens before 1953 would not apply to West Germany for compensation for body and health damages caused to them during the *Shoah* and that the German law relating to those issues will not apply with those *Shoah* survivors⁷⁷.

The State of Israel had no choice but to comply with this demand and its consent is included in Protocol No.1 and Protocol No.2 of the Reparations Agreement. As a result, Israel has introduced legislation which entitled those *Shoah* survivors to compensation from its Treasury.

As of the year 2000, the Israel's annual budget devoted to this item was about \$380 million. Cumulatively since 1957, when the legislation was enacted, Israel has paid about \$ 4 billion to these *Shoah* survivors.⁷⁸

The State of Israel never received reparations for absorbing about 150,000 first generation *Shoah* survivors, who immigrated to Israel after 1965, when the reparations agreement ended.

B2. GERMAN PERSONAL RESTITUTION, COMPENSATION, INDEMNIFICATION AND PENSIONS FOR JEWS

1) PERSONAL COMPENSATION, INDEMNIFICATION AND PENSIONS

Following the Reparations Agreement (See Appendix B1), West Germany enacted programs for *Shoah* survivors, administered by the West German Federal government or by the Claims Conference (See Appendix C2: Claims Conference). These programs are aimed at various population groups of *Shoah* survivors according to the degree of health damage, presence during the *Shoah*, residence afterwards or other considerations:

- a. West German Federal Indemnification Law-BEG (expired for new applicants in 1965) – One-time payments and monthly pensions.

⁷⁷ Sagi (1980).

⁷⁸ Swiss Banks (2000); Swiss Banks (2004a).

b. German Social Security Pensions ZRBG “Ghetto Pensions” (no deadline) – Old Age/Social Security pension covering certain work periods in a relevant annexed or occupied Ghetto.

d. Claims Conference Article 2 Fund (no deadline) – pensions to *Shoah* survivors who earn under a specified limited maximum amount and who have received less than a fixed amount in previous compensation. Eligibility is according to German government guidelines. Pensions are awarded for certain types of loss of liberty and persecution-related hardship.

e. Claims Conference Central & Eastern European Fund – CEEF (no deadline) – same eligibility criteria as the Article 2 Fund, for those *Shoah* Survivors currently residing in Central and Eastern Europe.

Between 1989 and 2003 an average volume of \$730 million per annum of monthly pensions and one time payments arrived to Israeli citizens, most of it from Germany, and mostly to *Shoah* survivors.

2) INDIVIDUAL RESTITUTION OF PROPERTY

Germany enabled individual restitution of Jewish property, with heirs and the unclaimed property (See Appendix B3):

a. Restitution from former West Germany (expired 1960’s).

b. Restitution from former East Germany (expired December 31, 1992).

Under the German Property Law 1990, the Claims Conference became the legal successor to all unclaimed Jewish property in the former East Germany covered by the Property Law. Nevertheless, the Board of Directors of the Claims Conference established the Goodwill Fund for property owners and heirs who had not filed claims by the German Government mandated deadline of December 1992 and thus were no longer legally entitled to the property. The deadline for applications to the Goodwill Fund was 31 March 2004. The Goodwill Fund makes payments according to the guidelines established by the Board of Directors of the Claims Conference (See Appendix C2).

B3. GERMAN RESTITUTION OF JEWISH UNCLAIMED PROPERTY

Germany allowed for full restitution of unclaimed property by the Claims Conference (see Appendix C2), thus being the first country in Europe after WWII to follow this procedure.

B4. GERMAN FORCED LABOR COMPENSATION FOR JEWS

Following the establishment of a DM10 billion (\$5 billion) fund by the German government together with German industry, named “Remembrance, Responsibility & The Future” (covering both Jews and non-Jews), the following programs were implemented:

- Claims Conference Program for Former Slave and Forced Laborers (expired 2001) (See Appendix C2: Claims Conference).
- Fund for Victims of Medical Experiments (expired 2001) – compensation payments to *Shoah* Survivors who were subjected to medical experiments in concentration camps, conducted for the purpose of “medical research.”

Of the DM10 billion (\$ 5billion) the following amounts were allocated: towards ICHEIC (The International Commission on Holocaust Era Insurance Claims) – DM550 million (\$275 million), towards Bank Accounts –DM450 million (\$225 million), towards the Future Fund - DM700 million (\$350 million) (See Appendix B5,B6,B7).

B5. GERMAN LIFE INSURANCE POLICIES

Life insurance policies from the *Shoah* era of German insurance companies are being paid by ICHEIC (see Chapter 3.10: ICHEIC). Germany devoted funds to this issue DM 550 million (\$275 million out of the DM10 billion (\$5 billion) of the “Remembrance, Responsibility & The Future” fund (See Appendix B7).

B6. GERMAN DORMANT BANK ACCOUNTS

Germany devoted DM 450 million (\$225 million) towards the issue of dormant German bank accounts out of the “Remembrance, Responsibility & The Future” fund of DM 10 billion (\$5 billion) (See Appendix B4).

B7. GERMAN FUTURE FUND

Germany created a Future Fund of DM 700 million, out of the “Remembrance, Responsibility & The Future” fund of DM10 billion (See Appendix B4).

B8. INTERNATIONAL PROCESS AND CONFERENCES

In 1995, Stuart Eizenstat ,acting as the US Ambassador to the EU, was asked by President Bill Clinton to deal with the issues of Restitution of property from the *Shoah* era. President Clinton was of the opinion that it is an unacceptable situation in international relations when property is looted and not returned to the owners or their heirs.

Eizenstat initiated an international process which included four international conferences on restitution of property: London (1997) on looted monetary gold, Washington (1998) on the international process and a specific focus on art, Stockholm (1999) on Holocaust education and Vilnius (2000) on looted art. These international conferences formulated resolutions which were publicly agreed upon.

B9. JEWISH DORMANT BANK ACCOUNTS IN SWISS BANKS

Prior to WWII, Jews in some Central and East European countries held bank accounts in Swiss banks. Most of these bank accounts remained dormant after WWII, as their owners perished in the *Shoah* - and either the Swiss Banks refused to turn these accounts over to their heirs, or there were no heirs at all.

On May 2, 1996 an agreement was signed by the WJRO (See Appendix C2) and the World Jewish Congress representing also the Jewish Agency and Allied Organizations on the one side and the Swiss Bankers Association on the other side. This agreement created an Independent Committee of Eminent Persons whose central task was to examine, through the services of an international auditing company and other experts, the Swiss Banking system for looted accounts.

As a result of a public campaign and class action suits against the Swiss banks in a U.S. court, the Swiss banks in August 1998 agreed to pay \$1.25 billion, deposited with the court, for return to the owners and heirs and for distribution of the remainder of heirless monies. This process is still ongoing, and administered by Judge Edward R. Korman of the federal court in Brooklyn, New York, where the lawsuits were filed. .

The settlement also includes payments to slave laborers in Swiss companies as well as to mistreated Jewish refugees who were refused to entry to Switzerland during the *Shoah* or were kept in isolation in Switzerland. Those are not restitution payments.

As part of the settlement, three major Swiss banks, the Swiss National Bank, and the Swiss business world paid additional about \$185 million to needy *Shoah* survivors all around the world (two other groups, homosexuals and the Roma, received as well from additional funds). The WJRO was chosen as the implementing partner for the distribution of this fund to needy Jewish *Shoah* survivors (See Appendix C2).

B10. JEWISH LIFE INSURANCE POLICIES

Prior to WWII, Jews bought life insurance policies from European insurance companies. Most of these policies remained in the hands of the insurance companies when their owners perished in the *Shoah*, and their heirs were refused compensation.

An international process established an entity to deal with this issue. This was one of the three major issues which were settled in the process of Restitution in the second half of the nineties. The others were the dormant accounts in the Swiss banks (See Appendix B9), and the German Forced Labor compensation (See Appendix B4).

ICHEIC : THE INTERNATIONAL COMMISSION ON *Shoah* ERA INSURANCE CLAIMS⁷⁹

ICHEIC was established in 1998 in order to pay insurance policies from the *Shoah* era. Insurance commissioners of the various states in the US together with organizations of *Shoah* survivors were very active prior to its establishment. The Israeli government was

⁷⁹Eagleburger (2003); ICHEIC (2003); ICHEIC (2004); ICHEIC (2004a).

also active in the establishment of ICHEIC and has two representatives on its board, one of them ex-officio, as well as representatives of the founding insurance companies, representatives of the US Insurance Commissioners and on the "Jewish side" representatives of two Jewish organizations – WJRO and the Claims Conference as well as representatives of the State of Israel.

The settlement was signed by five European insurance companies: Allianz, AXA, Basler Leben, Generali Zurich Financial Service. Later the Dutch Sjoa fund joined the settlement and agreements were signed with the German Future Fund (See Appendix B7) and with the association of the German insurance companies.

The essence of the settlement is the obligation of the insurance companies to pay claims for insurance policies from the *Shoah* era, even if the claimant does not have the policy itself but there is a high probability that such a policy was in existence. The claimant also does not have to prove the contents of the insurance policy.

The settlement contains four stages:

1. Public Access – the insurance companies handed over to Yad Vashem: The Holocaust Martyrs' and Heroes' Authority in Jerusalem the lists of the owners of *Shoah* era insurance policies that were not cashed to be matched with the names of Jewish victims of the *Shoah*. The short list which was created was published to allow the policy owners or their heirs to search for their names or the names of their relatives.
2. Claim – those who find the name of a family member on the list approach ICHEIC, even if they do not have an insurance policy in their possession, and present a claim for the current value of the policy.
3. Processing - ICHEIC submits the claim to the insurance companies who check the relevant details such as the insurance amount and payment of insurance premiums. All this is done according to ICHEIC guidelines which were agreed upon after lengthy deliberations with the insurers, the Jewish representatives on the board and the US insurance commissioners. As it was a well-known habit to take a loan based on the insurance policy, the insurers check on the existence of any prior loans and, if found, deduct the amount of any loan from the insurance policy value. All this is done in historic values of the currency in which the insurance policy was issued.
4. Valuation – To determine the present value of the insurance policy, coefficients were set usually according to the currency in which the insurance policy was issued. Guidelines were set for payment of insurance policies issued by insurers which were nationalized or whose assets were nationalized or which have ceased to exist.

ICHEIC has paid or has committed to pay about \$500 million to date. The funds originate in the various agreements signed by ICHEIC with the insurance companies. These funds are dedicated for paying insurance policies, humanitarian payments for *Shoah* needy survivors, commemoration education and research on issues regarding the *Shoah*.

Administrative expenditure by ICHEIC by the end of 2005 is estimated at \$85-95 million since its establishment. ICHEIC has about 20 employees in its two offices in

Washington and in London. Sub-contractors are employed in Switzerland and in Holland.

Close to 100,000 claims were submitted to ICHEIC, in most cases without the names of the insurance policy holders. Many claims were submitted to ICHEIC which do not belong to its areas of activity and therefore were redirected to the proper authorities.

So far about 80,000 suitable claims have been submitted to ICHEIC.

About \$86 million has been offered to about 5,300 claimants by the insurance companies acting according to ICHEIC guidelines.

An average offer to claimants made by ICHEIC is of \$15,765.⁸⁰ This amount is not final as claimants are entitled to appeal.

The ICHEIC website contains about 500,000 names of insurance policy holders. Of those, about 360,000 originate in Germany, about 52,000 originate in the founding members of ICHEIC, and about 1,000 originate in various governments and about 98,000 in various archives.

A recent claim submitted against ICHEIC in a U.S. court by three Jewish claimants was rejected by the court and the claimants were directed to the ICHEIC process⁸¹.

ICHEIC was expected to close down at the end of 2005, with the claims process and payments to end by mid 2006. The cessation deadline was extended to the end of 2006 with the claims process and payments to end by mid - 2007. This will increase the total administrative expenditure beyond the initial \$85-95 million estimate.

Humanitarian programs⁸² are funded by heirless insurance policies which are included in the funds transferred to ICHEIC by the insurers, who agreed to direct part of the funds to programs for needy *Shoah* survivors, commemoration education and research on issues regarding the *Shoah*.

The **final amount** of funds available for humanitarian programs will be available only at the end of the process of payments to the claimants, as the remainder of unpaid funds, after deducting administrative costs, is also dedicated for humanitarian programs.

On the other hand, if the funds transferred to ICHEIC by any of the insurers are not sufficient to cover insurance claims, the insurers will transfer additional funds to cover their obligations.

There are three **sources** for humanitarian programs funds: German Foundation (GF) Humanitarian Fund, the fund of the Italian insurance company Azzucarazioni Generali ("Generali"), and AWZ (Axa, Winterthur, Zurich).

According to existing agreements, \$220 million is estimated to be available for humanitarian programs. To date, ICHEIC has **approved** so far about \$200 million as follows: \$132 million for assistance to *Shoah* needy survivors over 9 years to be

⁸⁰ ICHEIC (2005). Pp 5.

⁸¹ Memorandum (2004).

⁸² Humanitarian (2003); Humanitarian (2004).

executed by the Claims Conference, about \$20 million for programs on commemoration, education and, research to be executed over 10 years by Jewish university students of the "Hillel" organization and by the Jewish Agency, and about \$50 million for various payments for insurance claims, among them payments to claimants whose insurance policies were not found with reasonable explanations that those insurance policies were existing at their times.

The remaining **assistance period** for needy survivors of the *Shoah* is eight years starting in 2004 ending in 2011 (in addition to funds allocated in 2003), in diminishing amounts of \$17 million in 2004 to \$12 million in 2011. Discussions are ongoing on shortening this time frame.

The **geographical** distribution of the assistance to *Shoah* needy survivors is as follows: Israel - \$51 million, Former Soviet Union - \$19 million, U.S. - \$19 million, Europe - \$23 million, rest of the world - \$5 million.

Approvals have been given for two programs on commemoration education and research: a.) "Service Corps", which engages Jewish university students in service to their local survivor population extended by the "Hillel" organization - \$10 million; b.) "An Initiative for *Shoah* Education and Awareness as a Means of Fostering Basic Jewish Literacy for Youth in the Former Soviet Union", executed by the Jewish Agency - \$10 million.

Yad Vashem has submitted a program for training teachers in Europe on how to deliver *Shoah* Education - \$10 million, which is in the process of approval.⁸³

ICHEIC's chairman has recently established a Jewish **advisory committee** for humanitarian programs, consisting of four members - two *Shoah* survivors (an Israeli and an American), a representative of a Jewish organization and an ex-officio representative of the State of Israel.⁸⁴

Within the context of ICHEIC, the **Italian insurance company Generali** is the largest contributor. Generali committed \$100 million (plus interest earned since 2000) for insurance claims and humanitarian programs. In addition, Generali committed to pay all claims and administrative costs incurred for the period prior to July 2000, including transfers to a number of national foundations, among them Generali Fund in Jerusalem and foundations in Germany, France and Holland.

Generali has been involved in Holocaust era insurance claims since the \$320 million acquisition of the Israeli insurance company Migdal in 1997. At the demand of several Knesset members and *Shoah* survivors, Generali committed, in an agreement signed with the Knesset, to transfer \$12 million over a period of 10 years to a new foundation established in Israel.

The aims of this foundation, named the Generali Trust Fund, which was formulated by the Finance Committee of the Knesset are: paying insurance claims, supporting organizations acting on commemoration of the *Shoah* and support for needy *Shoah* survivors who need medical, psychological and other assistance.

⁸³ Humanitarian (2003); Humanitarian (2004).

⁸⁴ Eagleburger (2004).

After the establishment of ICHEIC in 1998 with Generali as one of its founders, the transfers to the Generali Trust Fund continued without fail (for its commitment of \$12 million). In addition, Generali has transferred to ICHEIC all funds according to its commitments.

There remain two unresolved issues: the commitment of Generali for \$40 million for humanitarian programs while paying whatever insurance claims may be over and above its commitment to ICHEIC of \$100 million, and distribution of funds with the Generali Fund⁸⁵ (\$12 million) for humanitarian programs (balance of \$10 million of which \$6 million are with the Generali Fund).

B11. LOOTED *Shoah* VICTIMS GOLD⁸⁶

Nazis looted gold during the *Shoah*, melted it and turned it into monetary gold which was sold mainly to Swiss banks. It seems that also golden teeth removed from Jewish victims in concentration camps were included in this gold.

One- third of the gold the Nazis looted belonged to victims and the persecuted. The total amount of gold looted from Jews during the *Shoah* was estimated to be between 285 and 295 tons, and valued about \$326 million in 1945 prices, or about \$2 billion in 1998 prices.

In spite of specific requests by *Shoah* survivors at the 1997 London conference on looted gold, only \$50 million of funds derived from looted gold was distributed to Jewish causes by the International Fund for Assistance to Victims of Nazi Persecution.

B12. LOOTED JEWISH *Shoah* ART⁸⁷

During the *Shoah* as many as 600,000 paintings were stolen by the Nazis, of which more than 100,000 are still missing. When furniture, china, rare books, coins, and items of the decorative arts are included, the numbers of cultural objects swell into the millions.

The following principles ("Washington Principles") were adopted at the Washington conference in 1998 regarding art:

1. The principles called on museums, governments, commercial galleries, and auction houses to cooperate in tracing looted art through more stringent research into the provenance of every item.
2. Given the difficulty of producing evidence of ownership, the art community was asked to permit leeway in accepting claims on stolen art during the Hitler era.
3. There would be an international effort to publish information about provenance.
4. A system of conflict resolution would be established to prevent art claims from turning into protracted legal battles.
5. Attempts would be made to find a fair solution when owners of looted works could not be found.

⁸⁵Generali (2000). Sharansky (2004); Eagleburger (2004a).

⁸⁶Teitelbaum & Sanbar (2001).

⁸⁷Eizenstat (2003); Schneider (2005).

The compliance with these principles has been poor.

At the Vilnius International Forum on Holocaust-Era Looted Cultural Assets in 2000, the Israeli representatives insisted that the Jewish people and Israel as the Jewish State, was the only legitimate heir of what was once Jewish property.

B13. LOOTED JEWISH COMMUNAL PROPERTY

A few countries in Eastern Europe have restituted some Jewish communal property. Foundations were established in Romania, Poland, Hungary and Lithuania. Those are handled by WJRO and the local Jewish community (See Appendix C2). Communal Property probably does not account for more than five percent of the assets looted. Still, only a small fraction of it has been restituted.⁸⁸

B14. LOOTED JEWISH PRIVATE PROPERTY

Restitution of Jewish Private Property, real estate and other types (See Chapter 2.2) is the weakest link in the Restitution process. A great deal still needs to be done in this area.

B15. HISTORICAL COMMISSIONS ON CONDUCT OF NATIONS DURING THE *Shoah* AND RECONCILIATION⁸⁹

More than 50 historical commissions have been established to deal with various aspects of the property question. In addition to investigating the truth about the fate of Jewish assets (with varying degrees of transparency), the commissions laid the groundwork for the more significant process of moral settlement. For the first time, many societies were forced to confront the fact that much of what they had accepted as truth was actually myth and that the wartime behavior of their forebears was less honorable than they would have liked to believe.

Historical commissions have been charged with investigating the question of Jewish property seized or laundered in the Holocaust and many other aspects of national history during Nazi period. This moral "soul searching" has been and continues to be reflected in the media and in academia. As a result, entire chapters of history have been revised and re-written-often revealing a dark side of the past that has brought shame and embarrassment.

The following list represents a concise summary of the work done in 28 countries by historical commissions and records significant restitution legislation and settlements. In several countries progress is painfully slow and a genuine confrontation with history has yet to take place:

Argentina - The 1992 Investigation; The Commission of Inquiry into Nazi Activity in Argentina(1997); Official Statement(2000).

Austria - The Provenience Commission on Art Objects (1998); The Commission of

⁸⁸Zabludoff (1998a).

⁸⁹ World Jewish Congress (2002).

- Inquiry (Historical) (1998); The National Fund for Victims of Nazi Persecution (1995); Official Statements (1996; 1998).
- Belgium** – The Commission to Study the Fate of Jewish Property (1997).
- Brazil** – The Special Commission to Investigate Nazi Assets (1997).
- Bulgaria** – Legislation for the Restitution of Property.
- Croatia** – The Commission for Investigation of Historical Facts on the fate of Property of the Victims of the Nazis (1997).
- Czech Republic** – The Commission on Restitution (1999); New Legislation (2000).
- Estonia** – The International Research Commission of Estonia, Latvia and Lithuania.
- France** – The Matteoli Commission (1997); Decree on Jewish Orphans (2000); The Paris Commission; The Lyon Commission; Art Commission (1995); The foundation for the Remembrance of the Shoah; Official Statements (1997).
- Germany** - Remembrance, Responsibility & The Future Fund (2000).
- Hungary** – The Hungarian Jewish Heritage Foundation (1995); Official Statement (1994).
- Italy** – The Commission on Holocaust Assets (1998).
- Latvia** – The International Research Commission of Estonia, Latvia and Lithuania; Official Statement (2000).
- Liechtenstein** - A Government Commission (2001).
- Lithuania** - The International Research Commission of Estonia, Latvia and Lithuania; Official Statement (2000).
- The Netherlands** – The Dutch Gold Commission (1997); The Jewish Property Commission (1999); Agreements and Official Statements (2000); The Jewish Valuables (LIRO) Commission; The Committee on Paintings (1997); Nazi Persecutees Relief Fund.
- Norway** – The Skarpsness Committee (1996); The Norwegian Fund.
- Poland** – Foundation for Jewish Communal Property (2000); Official Statement (2001); Investigation of the Jedwabne Massacre (2002).
- Portugal** – Special Commission (1997).
- Romania** – Foundation for Jewish Communal Property.
- Slovakia** – Commission on Holocaust-Era Property (2001).
- Spain** – The Commission on Nazi Gold (1997); Sephardic Heritage Holocaust Fund.
- Sweden** – The Commission on Jewish Assets in Sweden at the time of Second World War (1997); The Central Bank Inquiry (1997); Living History Project (1997); Official Statement (2000).
- Switzerland** – Foreign Ministry Inquiry (1996); The Volcer Committee (1996); The Historic and Legal Research Commission (Bergier) (1998); The

Swiss Fund (2000); Official Statements (1995,1997, 1998,1999).

Turkey – Commission on World War II properties (1998).

The United Kingdom – The Foreign Office Report(1996); The Report on Ex-Enemy Assets(1997); The International Conference on Nazi Gold(1997).

The United States – The First Eizenstat Report (1997); The Second Eizenstat Report(1998); The Presidential Advisory Commission on Holocaust Assets (1998); The Museums Task Force (1998); The International Commission on Holocaust era Insurance Claims (1998) (see chapter 3.3).

Corporate Commissions of Historians – Ford Motor Co.; Deutsche Bank, The German publishing concern Bertelsmann, and the German smelting company Degussa, and the German insurance company Allianz. Nazi Persecutee Relief Funds (1997).

B16. A Shoah RESTITUTION TIMELINE

1945

-Note of Chaim Weizmann the president of the Jewish Agency to the Allies on the three-fold-problem of reparation, rehabilitation, and restitution from Germany (Chapter 1)

1948

-Jewish Restitution Successor Organization (JRSO) authorized to take action to recover any presumably heirless property in the American zone in Germany. (Zweig,2001,pp14)

1949

-Jewish Restitution Successor Organization (JRSO) authorized to take action to recover any presumably heirless property in the British zone in Germany.(Zweig,2001,pp14)

1951

-Diplomatic note sent by the State of Israel to the occupying powers of Germany – the United states, Great Britain, France, and the Soviet Union – seeking compensation from Germany.(Appendix B1)

-The Conference on Material Claims Against Germany (Claims Conference) established. (C2)

1952

-Jewish Restitution Successor Organization (JRSO) authorized to take action to recover any presumably heirless property in the French zone in Germany.(Zweig,2001,pp14)

-The Reparations Agreement between the governments of Israel and Germany is signed.(B1)

1953

-Reparations Agreement starts by German goods being imported to Israel, ending in 1965. (B1)

-Claims Conference starts operating outside of Israel - relief programs to *Shoah* survivors, and cultural programs. (Zweig,2001)

1965

-Reparations Agreement ends.(B1)

1976

-The United States Helsinki Commission created. Between 1999 and 2003 it holds hearings on Restitution of Property in Central and Eastern Europe. (C2)

1989

-The fall of the Iron Curtain.

-Center of Organizations of Holocaust Survivors in Israel established.(C2)

1990

-Claims Conference negotiates with Germany additional pensions and one time payments for *Shoah* survivors.

1993

-World Jewish Restitution Organization established. (C2)

1995

-Office of the Special Envoy for Holocaust Issues created at the US State Department. (C4)

-Speaker of the House Newt Gingrich supports Restitution.(C4)

-Austrian National Fund established.(C5)

1996

-President Clinton Supports Restitution (Appendix C4)

1997

-London Conference on monetary gold (B8)

-Nazi Persecutee Relief Fund established.(C5)

1998

-U.S. Congress supports Restitution (C4)

-Swiss banks agree to pay \$1.25 billion (B9)

-ICHEIC established.(B10)

1999

-Washington Conference on Holocaust Era Assets. (C4)

-Stockholm Conference on Holocaust education(B8)

-Israeli cabinet Minister nominated to deal with Restitution. (C1)

2000

-German "Remembrance, Responsibility and Future" Foundation established (Bazyler, 2005)

-Recommendations of the U.S. Presidential Advisory Commission on Holocaust Assets. (C4)

-Vilnius Conference on looted art (B8)

-French Fund established.(C5)

2001

-Austrian General Settlement Fund established.(C5)

2002

-Belgian Fund established.(C5)

2003

-Israeli Ministerial Committee on Restitution established (C1)

2004

-U.S. government settles Hungarian Gold Train litigation (Bazyler,2005)

2005

-U.S. Secretary of State Condeleeza Rice supports Restitution. (C4)

-Recommendations of Parliamentary Inquiry Committee on the Location and restitution of assets in Israel of Victims of the Holocaust.(C1)

- U.S. Global Anti-Semitism Report issued. (D1)

APPENDIX C - ONGOING ACTIVITY (Who does what)

C1. ISRAELI GOVERNMENT AND PARLIAMENT: FROM GERMAN REPARATIONS UNTIL TODAY

1) ISRAELI GOVERNMENT

The Israeli state began its involvement with WWII restitution matters through the Reparations Agreement with West Germany in 1952 (see Appendix B.1) and maintained it until the expiration of this agreement in 1965.

Israel renewed its involvement after the Berlin Wall fell in the early nineties. It provided financial support to the establishment of the: World Jewish Restitution Organization ("WJRO,") and of the Center of Organizations of Holocaust Survivors in Israel. A team of ministers of Justice, Foreign Affairs, and Finance, were asked by the Prime Minister to deal with the evolving issues. They established a Director Generals' Committee, headed by the Director General of the Finance Ministry (with members from the Ministries of Foreign Affairs and Justice) to supervise and enhance the activities of the newly established organizations. Representatives of the Ministries of Finance, Foreign Affairs and Justice act as observers on the board of WJRO⁹⁰.

In 1993, a Memorandum of Understanding was signed between the Minister of Finance and the President of WJRO. The Memorandum established principles for cooperation and liaison. The purpose of the Memorandum was to ensure the interests of the Jewish State in the process of Restitution. The Memorandum was not fully implemented.

Since the inception of the WJRO, Prime Ministers of the State of Israel Yitzhak Rabin, Shimon Peres, Benyamin Netanyahu, and Ehud Barak have issued support letters to WJRO to act on behalf of the State of Israel and the Jewish people in restitution issues.

From its creation, the WJRO has received financial support from the Israeli government on a yearly basis. Since the Attorney General has changed the method of funding of non-profits in Israel, this support was halted in the year 2003, and has not yet been resumed.

In the mid-nineties, the Prime Minister's Advisor for Jewish Diaspora Affairs also dealt with Restitution.

In 1999, a cabinet minister was nominated to deal with restitution. That year, the Attorney General held a symposium on restitution, followed by recommendations to the Prime Minister and the appropriate minister. The Attorney General recommended that the Government decides on the scope of its involvement and its structure, and decide where restitution funds should be allocated.⁹¹

Since 2001 the minister in charge of restitution matters has been the Minister for Jerusalem and Diaspora Affairs. In December 2003, the government decided to

⁹⁰Restitution (1999) (Hebrew)Pp15-16.

⁹¹ Attorney General (1999) (Hebrew).

establish a Ministerial Committee for Restitution of Rights and Jewish Property. Seven Ministers are members of this committee. Two steering committees were established as well – one for restitution of rights and Jewish property and the other for rights of Jews who left Arab countries as refugees.

In its resolution, the government decided that a global report should be formulated and that a framework for policy and a five year plan will be submitted by the Chairman of the Ministerial Committee.⁹²

By March 2004, the framework for policy and a five year plan were formulated, awaiting understandings with the Jewish organizations involved, before being brought for approval of the government.⁹³

In 2003, the government joined with WJRO (See Appendix C2) the Swiss banks litigation⁹⁴ (See Appendix B9).

In 2005 the government submitted to the Knesset a law dealing with bank accounts in Israeli banks and monies held with Public Trustee of victims of the *Shoa* and their heirs.⁹⁵ (See next issue: The Knesset).

Israeli Prime Ministers have been involved in issues of Restitution since the establishment of WJRO in the early nineties.⁹⁶

Recently, Stuart Eizenstat has complained publicly about the passive role of Israel in restitution matters, during his tenure (1995 – 2000) as the U.S. President's Special Envoy for Holocaust issues.⁹⁷

2) ISRAELI PARLIAMENT: THE KNESSET

The involvement of the Knesset in Restitution started in the nineties with the establishment of the Knesset sub-committee for Restitution of Jewish Property which held a couple of hearings on the subject.

Knesset members acted as heads of the Israeli Delegation at the Washington conference in 1998 (MK Avraham Hirshzon, Chairman of the Knesset sub committee for Restitution of Jewish Property) and at the Vilnius conference on looted art in 2000 (MK Collette Avital, today the Chairperson of the Parliamentary Inquiry Committee on the Location and Restitution of Assets (in Israel) of Victims of the Holocaust).⁹⁸

The Speaker of the Knesset acts as the chairman of the Parliamentary non-Profit Organization for the Memory of the *Shoah*, which was established in 2000.

⁹² Government Resolution (2003).

⁹³ Government Resolution (2004).

⁹⁴ Arnold & Porter (2004); Arnold & Porter (2004a); Swiss Banks (2004).

⁹⁵ Barkat (2005).

⁹⁶ Symposium (1999) (Hebrew).

⁹⁷ Bechar (2004) (Hebrew); Levin (2004) (Hebrew).

⁹⁸ Eizenstat (2003); Washington (1999).

The Finance Committee of the Knesset was instrumental in the agreement on establishing the Generali Fund in memory of the Generali Insured in East and Central Europe Who Perished in the Holocaust (See Appendix B10).

The Parliamentary Inquiry Committee on the Location and Restitution of Assets in Israel of Victims of the Holocaust has recently published its Report, as well as list of names of bank account owners which is now on the website of the Knesset⁹⁹.

The Report includes recommendations on reappraising of the bank accounts and monies which held with the Public Trustee (Apotropos Klali), with and without heirs. It also includes optional administrative structures to deal with its recommendations.

The Report recommends that the Knesset should act as soon as possible to advance legislation connected with the implementation of its Report.

As for the almost 3,600 bank accounts, the Report includes a minimum appraisal in the case in which there are no heirs (less than NIS 40 million – about \$9 million), adjusted by the increase in the Israeli cost of living index since 1948 plus 3% interest per annum until September 2004. And the maximum appraisal if all bank accounts are with heirs is NIS323 million – about \$74 million, appraised by the increase in the Israeli cost of living index since 1939 plus 4% interest per annum until September 2004.

The Professional Advisory Committee to the Inquiry Committee indicated that there is no evidence that the banks acted intentionally to hide accounts of *Shoah* victims. This finding does not appear in the final Report of the Inquiry Committee.

According to the Report, most of the adjusted funds belong to Bank Leumi (NIS 35 million – about \$8 million). The bank has created a facility for members of the public who wish to inquire and demand dormant bank accounts on its Hebrew website¹⁰⁰.

The Report states clearly that the Public Trustee (Apotropos Klali) did not act to hide monies belonging to *Shoah* victims or their heirs and its actions were transparent and according to the law.

The Report states the maximum appraisal for the monies with the Public Trustee in the case in which there are no heirs at all (NIS 587 million – about \$ 135 million), appraised by the increase in the Israeli cost of living index since 1948 plus 3% interest per annum until September 2004.

Accounts with no heirs are transferred by law, after a period of time, to the government's budget.

Finally, the Report recommends that heirless accounts be directed towards welfare of *Shoah* survivors and commemoration of the *Shoah*.

An agreement was reached for the passage of a law that would establish an entity to search and distribute funds inquired in the Report. The funds to be distributed are NIS 100 to NIS 200 (\$23 to \$46 million). A public committee is to be established, to examine

⁹⁹ Inquiry (2005).

¹⁰⁰ Bank Leumi (2005).

the interest rate to be paid. Unclaimed funds will be distributed to needy *Shoah* survivors in Israel.¹⁰¹

When looking at this Report one needs to bear in mind the difference between Israel as the one and only Jewish state and any other country. Israel is with a population of *Shoah* survivors of about 500,000¹⁰² and as such the largest worldwide. Inclusive of second and third generation *Shoah* survivors, this population is about one million.

¹⁰¹ Barkat (2005); Gilbert (2005).

¹⁰² Arnold & Porter (2004);(2004a)

C2. JEWISH ORGANIZATIONS: CLAIMS CONFERENCE, WJRO, CENTER OF ORGANIZATIONS OF HOLOCAUST SURVIVORS IN ISRAEL

1) THE CONFERENCE ON JEWISH MATERIAL CLAIMS AGAINST GERMANY

History: The Claims Conference (CC) was established in 1951 by 23 major Jewish national and international organizations active in those days, to help negotiate material claims against Germany, at a conference which met in New York.¹⁰³

The members are: Agudath Israel World Organization; Alliance Israelite Universelle; American Gathering of Jewish Holocaust Survivors; American Jewish Committee; American Jewish Congress; American Jewish Joint Distribution Committee; American Zionist Movement; Anglo-Jewish Association; B'nai B'rith International; Board of Deputies of British Jews; Canadian Jewish Congress; Centre of Organizations of Holocaust Survivors in Israel; Conseil Représentatif des Institutions Juives de France; Council of Jews from Germany; Delegacion de Asociaciones Israelitas Argentinas; European Jewish Congress/European Council of Jewish Communities; Executive Council of Australian Jewry; Jewish Agency for Israel; Jewish Labor Committee; South African Jewish Board of Deputies; World Jewish Congress; World Jewish Relief; World Union for Progressive Judaism; Zentralrat der Juden in Deutschland.

The CC has 17 officers and 58 members on its Board of Directors: 48 members (two for each organization) and another 10 members who were nominated on a personal rather than organizational basis.¹⁰⁴

The CC is the legal successor to unclaimed property in the former East Germany since 1990.

The CC established the Committee for Jewish Claims on Austria (CJCA) in 1953 to secure compensation directly from Austria.

Legal Status: The CC is a nonprofit organization, a membership corporation pursuant to the Membership Corporations Law of the State of New York. Its mandate according to its Certificate of Incorporation is: "voluntarily to assist... act... on behalf of Jewish persons... who were victims of Nazi persecution... in matters relating to compensation and indemnification... and relating to the restitution of property... and to apply any moneys... to the relief... of victims of Nazi persecution..."¹⁰⁵

Budget: The CC annual budget was about \$800 million in the year 2002. Allocations included direct compensation to Survivors (\$590 million); Allocations for Social Welfare Projects for Nazi Victims and Holocaust Research, Documentation and Education (\$94 million); Heirs of Property Goodwill Fund (\$65 million); Other Grants; Administration (\$26 million); Other expenses composed primarily of costs of management of certain properties and the legislative program (\$8 million).

¹⁰³ Claims Conference (1952).

¹⁰⁴ Claims Conference(2002); Claims Conference(2002a); Claims Conference(2002b).

¹⁰⁵ Claims Conference (1952).

Total Successor Organization revenue, as of the end of 2002, is approximately \$1 billion. Of that amount more than \$450 million was allocated primarily to organizations and institutions assisting needy survivors; \$167 million was paid by the Goodwill Fund; \$157 million was set aside for future payments of the Goodwill fund; and \$259 million was set aside for longer-term needs of Jewish victims of Nazi persecution.

Its CC's salaried staff consists of 310 personnel and additional temporary and contract staff. Staff dealing with the main programs (core and slave labor): in its headquarters in New York - 135; in offices in Europe – 60; in Israel (Tel Aviv) – 70. In Germany (Frankfurt) and Austria (Vienna) staff dealing with the property – 45, plus additional temporary and contract staff.¹⁰⁶

Activity: Over the past five decades, the CC has negotiated for compensation for injuries inflicted upon individual Jewish victims of Nazi persecution; negotiated for the return of and restitution for Jewish-owned properties and assets confiscated or destroyed by the Nazis; obtained funds for the relief, rehabilitation and resettlement of Jewish victims of Nazi persecution, and aided in rebuilding Jewish communities and institutions devastated by the Nazis; administered individual compensation programs for *Shoah* survivors; recovered unclaimed East German Jewish property and allocated the proceeds from their sale to institutions that provide social services to elderly, needy Nazi victims and that engage in Holocaust research, education, and documentation. CC attained more than 25 agreements in order to obtain a small measure of justice for Jewish victims of Nazi persecution around the world.

The CC is leading the following bodies, activities and programs: Negotiating Committee – Germany; Committee for Jewish Claims in Austria; Program for Former Slave and Forced Laborers; Article 2 Fund; Central and Eastern European Fund (CEEFF); Hardship Fund; Swiss Refugee Program; Swiss Deposited Assets Program; Insurance 8A1 Program; Community Leader Fund; Hassidei Umot Haolam Program; Successor Organization; Goodwill Fund; Institutional Allocations; Yad Vashem.¹⁰⁷

2) WJRO: WORLD JEWISH RESTITUTION ORGANIZATION

History: Following the collapse of the Communist regimes in Eastern Europe, the world's eight leading Jewish organizations decided in early 1993 to establish the World Jewish Restitution Organization (WJRO). The founding members were: The Jewish Agency for Israel; The World Zionist Organization; The World Jewish Congress; the American Jewish Joint Distribution Committee; The Conference on Jewish Material Claims against Germany; B'nai Brith International; The American Federation of Jewish Holocaust Survivors; and the Organization of Holocaust Survivors in Israel.

To these were added Agudath Israel World Organization in 1994, the European Jewish Congress and the European Council of Jewish Communities – Joint European Delegation, in 1998.¹⁰⁸

¹⁰⁶ Claims Conference(2002); Claims Conference(2002c).

¹⁰⁷ Claims Conference(2002); Claims Conference(2002c).

¹⁰⁸ WJRO(1993).

Legal Status: The WJRO is a non-profit organization registered in Israel. Its mandate according to its Rules of Association is: “[to] centralize and coordinate the efforts of the Members in their attempts to help recover Jewish assets which belonged to individuals, communities and organizations who became victims of National-Socialist rule and of the Holocaust in all the countries where such assets are situated except Germany and Austria ... and to arrange for compensation for personal suffering of Holocaust survivors residing in or originating from those countries.”.

The governing structure of the WJRO consists of twenty Council Representatives, two nominated by each member organization. Edgar M. Bronfman is the President; ten members of the Executive Committee, one nominated by each member organization; and six officers. A memorandum on cooperation and coordination exists between the Government of Israel and the WJRO.¹⁰⁹

Budget: The annual budget of WJRO is less than \$1 million, which enables to carry out limited activities. Its salaried staff consists of six members. Its headquarters is in Jerusalem. In the year 2003, and to date, the WJRO did not receive any participation of the Government in its budget, as opposed to the previous 10 years, due to new method of supporting non-profits directed by the Attorney General.¹¹⁰

Activity: Co-operation Agreements & Foundations – The WJRO concluded cooperative agreements with a number of Jewish communities in Eastern Europe, where a basis has been set up to establish joint foundations supported by the WJRO and the local community. So far, such foundations have been established in Poland, Hungary and Romania and are operational. The WJRO is in the midst of intensive efforts to create such a foundation in Lithuania. The purpose of these foundations is to research and locate Jewish communal properties (in addition to the archival project and database located at WJRO headquarters) and to receive and manage restituted communal property.

In addition, the activities of the WJRO have led to the creation of foundations in France, Belgium, Norway and Holland, as well as the \$59 million International Fund for Assistance to the Victims of Nazi Persecution (Nazi gold fund). Due to the efforts of the WJRO, a number of countries have set up historical commissions to investigate the activities and roles of their countries in the Holocaust era.

Partial solutions to the problems of the restitution of private property and compensation for survivors have been achieved in Hungary, Romania, Slovakia, the Czech Republic, and Belgium.

The WJRO is working to jumpstart negotiations in Poland, Croatia and Slovenia.

Holocaust Insurance Claims - The International Commission for Holocaust Era Insurance Claims (ICHEIC) was created in 1998 to enable claimants to recover unpaid insurance policies. The State of Israel, the WJRO, and the Claims Conference are the representatives of the Jewish world within ICHEIC. The overall scale of the activities of the Commission is about \$400 million.

¹⁰⁹ Memorandum (1993).

¹¹⁰ WJRO (2003).

Swiss Banks - WJRO conducted negotiations with the Swiss banks and was a party to the \$1.25 billion (plus interest) settlement on the class-action suits. It recently submitted proposals jointly with the Government of Israel for possible residual funds to be allocated by the court.¹¹¹

Swiss Fund for the Needy Victims of the Holocaust – In addition to the Swiss bank settlement, the WJRO was chosen to be the implementing partner for the distribution of the Swiss Fund for the Needy Victims of the Holocaust to eligible Jewish recipients. In this capacity, the WJRO distributed approximately \$185 million to about 253,000 *Shoah* survivors.

Looted Art – The WJRO, in cooperation with the Claims Conference, is working to improve and promote the handling of the problem of restituting looted works of art.¹¹²

3) CENTER OF ORGANIZATIONS OF HOLOCAUST SURVIVORS IN ISRAEL¹¹³

History: The Center of Organizations of Holocaust Survivors in Israel (Center) is addressing the needs of *Shoah* survivors in Israel was established in 1989 and serves as the umbrella organization of their organizations. The following 16 organizations are members of the Center:

National Organization of Former Jewish Prisoners of the Nazis; Union of Jewish Bulgarian Immigrants; Union of Jewish Bukovina Immigrants; National Union of Jewish Immigrants from Russia and Former Soviet Union; Organization of Jewish Second Generation for the Heritage of the *Shoah* and Heroism; Union of Jewish Hungarian Immigrants; Union of Jewish Yugoslavian Immigrants; Organization of Jewish Survivors from Greece in Israel of Concentration Camps; Union of Jews from Libya and Tunisia; Organization of Jewish Nazi Victims Invalids; World Federation of Sefardi Jews; "Amcha" the Israeli Center for Psychological and Social Support for *Shoah* Survivors and Second Generation; World Federation for Polish Jews; Jewish Union of Polish Immigrants in Israel; Jewish Union of Czechoslovakian Immigrants; Jewish Union of Romanian Immigrants in Israel.

The Center was instrumental after the fall of the Berlin Wall, when it participated in submitting 100,000 claims for Jewish property in prior East Germany. About 50% came from Israel and from Russia, by initiative of the Center.

The Center initiated the establishment of WJRO (See above). As a result Prime Minister Yitzhak Shamir, erected a Ministerial Committee chaired by Minister of Justice, Dan Meridor, members Ministers of Finance and Foreign Affairs.

The Center initiated the establishment of the foundation for the benefit of Holocaust Victims in Israel.¹¹⁴

Legal Status: The Center is a non-profit organization registered in Israel.

¹¹¹ WJRO (2004).

¹¹² WJRO (2004).

¹¹³ Center (1999) (Hebrew); Flug (2005) (Hebrew).

¹¹⁴ Center (1999) (Hebrew).

Budget: The annual budget of the Center is about \$350,000. It has six salaried staff members. Its headquarters is in Jerusalem.

Activity: The Center is a member at the Claims Conference and the WJRO. As such, members of the Center participate in negotiations with the German Government on Personal Restitution, Compensation, Indemnification and Pensions for *Shoah* Holocaust Survivors and in negotiations on Restitution of Jewish Property (see above: Claims Conference and WJRO).

C3. U.S. CONGRESS: "HELSINKI COMMISSION"¹¹⁵

The United States Helsinki Commission, an independent U.S. federal agency, by law monitors and encourages progress in implementing provisions of the Helsinki Accords. The Commission, created in 1976, is composed of nine Senators, nine Representatives and one official each from the Departments of State, Defense and Commerce.

The Helsinki Final Act (HFA) was signed in Helsinki, Finland in 1975, and includes ten Principles Guiding Relations between participating States (the "Decalogue").

The United States Helsinki Commission held hearings on Restitution of Property in Central and Eastern Europe in 1999 and 2002 and got an update in 2003.

It also received reports from the Special Envoy for Holocaust Issues at the State Department as well as from the President of the Claims Conference.¹¹⁶

C4. U.S.: STATE DEPARTMENT & TREASURY DEPARTMENT

The State and Treasury Departments were involved in restitution during the tenure of Stuart Eizenstat (1995-2000) who served as Under Secretary of State in the first Clinton Administration and Deputy Treasury Secretary in the Second Clinton Administration.

An Office of Special Envoy for Holocaust Issues was also created during the Clinton Administration, and the post was held during the Clinton years by career diplomat by J.D. Bindenagel. In the first Bush administration, Secretary of State Colin Powell maintained the Special Envoy Office and Bindenagel was replaced in 2002 by another career diplomat Randolph Bell. The current Holocaust Issues Envoy is Edward O'Donnell, who was Eizenstat's chief of staff in 1999. Secretary of State Condoleezza Rice, during her confirmation hearings, indicated that she would maintain the Office of Special Envoy for Holocaust Issues.

Since 1995 the policy of the U.S. supporting Restitution has been expressed in various ways:

¹¹⁵ Commission(a); Commission (b).

¹¹⁶ Claims Conference (2002d).

In 1995 Speaker of the House Newt Gingrich said: "It is the clear policy of the United States that each [Belarus, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russia, Slovakia and the Ukraine] should expeditiously enact appropriate legislation providing for the prompt restitution and/or compensation for property assets seized by the former Nazi and/or Communist regimes. We believe it is a matter of both law and justice..."

President Clinton, in a letter to Mr. Edgar Bronfman President of the WJRO dated May 2, 1996, wrote as follows: "I would like to express my continuing support in the area of restitution of Jewish property."

In 1998 Congress resolved that "countries in transition in Central and Eastern Europe should remove certain citizenship or residency requirements for individual survivors of the Holocaust seeking restitution of confiscated property and noted that former Communist countries which seek to become members of the North Atlantic Alliance and other international organizations must recognize that a part of the process of international integration involves the enactment of laws which safeguard and protect property rights that are similar to those in democratic countries..."

Deputy Treasury Secretary Eizenstat stated before the Helsinki Commission in 1999: "[T]he basic principle that wrongly expropriated property should be restituted (or compensation paid) applies to them all [countries in central and eastern Europe] and their implementation of this principle is a measure of the extent to which they have successfully adopted democratic institutions, the rule of law with respect to property rights and market economy practices. As these governments seek to join western economic and political organizations and to integrate their economies more closely with ours, we do expect them to adopt the highest international standards in their treatment of property..."¹¹⁷

Secretary of State Madeline Albright stated during the Washington Conference on Holocaust Era Assets (1999).

"Our imperative must be openness. Because the sands of time have obscured so much, we must dig to find the truth. This means that researchers must have access to old archives and by that, I don't mean partial, sporadic or eventual access – I mean access in full, everywhere...the obligation to seek truth and act on it is not the burden of some but of all, it is universal, ... every nation, every business, every organization ...is obliged to do so. In this arena, none of us are spectators, none are neutral; for better or worse, we are all actors on history's stage."¹¹⁸

The U.S. Government established a set of principles for the restitution of private and communal property which were promulgated by Deputy Secretary Stuart Eizenstat in 1999.

Deputy Secretary Richard Armitage declared in 2001 that "following the fall of the Berlin Wall, possibilities opened for the US Government and others to resume work on

¹¹⁷ Commission (b)

¹¹⁸ Washington (1999).

securing justice for Holocaust victims....we are convinced that the greatest effort we can make is to try to make a measure of justice to the survivors of the Holocaust. The United States Government remains committed to work for the human dignity that is the hallmark of our country.”¹¹⁹

There has been bipartisan support in the US to address Holocaust related issues. The recommendations of the Presidential Advisory Commission on Holocaust Assets in the United States (2000) included the following points¹²⁰:

1. Establish a public-private foundation - the Congress should establish a public-private foundation to promote further research and education in the area of Holocaust-era assets and restitution policy.

“A Bill : To establish a National Foundation for the Study of Holocaust Assets” (sponsored by Sen. Gordon Smith, Republican from Oregon, and Sen. Hillary Rodham Clinton, Democrat from New York) was introduced in the Senate; on June 4, 2003, it was referred to the Senate Banking, Housing, and Urban Affairs Committee. An earlier version (sponsored by Rep. Brad Sherman of California) was introduced in the House and was referred to the Financial Services Committee. Neither bill was reported from the Committee to which it was referred.¹²¹

2. Review by the Department of Defense - the Department of Defense be prepared to review existing policies, orders, directives and regulations governing the control of and accountability for property that may come under US military control when the military is deployed on operations in foreign countries.

3. Legislation that removes impediments - the Congress should pass legislation that removes impediments to the identification and restitution of assets belonging to Holocaust victims.

The issue of the “Gold Train” that was dealt with by the Presidential Advisory Commission on Holocaust Assets became a class action suit in U.S. federal court in Miami filed by Jews from Hungary against the U.S. The claimants argued that American soldiers sold during WWII or illegally distributed 1,200 paintings, silver items, gold, jewelry, china, 3,000 carpets and other households located on the Gold Train.¹²²

In December 2004, the U.S. Government announced that it had settled the suit for \$25 million, to be distributed to needy survivors from Hungary.¹²³

Note: The fact that in the mid 1990’s until January 2001, the President’s Special Envoy for Holocaust Issues (Stuart Eizenstat) was also serving as Under Secretary of the U.S. State Department and later as Under Secretary of the Treasury Department, was very helpful for the achievements on restitution at that time. President Bush did not appoint such a Special Presidential Envoy.

¹¹⁹ Commission (b)

¹²⁰ Commission (2000).

¹²¹ Foundation (2003).

¹²² Zweig (2002).

¹²³ Levin (2004a) (Hebrew).

C5. FOUNDATIONS

Various foundations¹²⁴ were created during the process of restitution of Jewish property and some of them serve the needs of both Jewish and non-Jewish survivors of WWII. This report deals primarily with Western European Foundations created to fund projects, and does not treat funds intended for individual or direct communal compensation payments.

1) AUSTRIA

a. Name: National Fund of the Republic of Austria for victims of National Socialism¹²⁵

Founding date: 1995

Founders: Austrian State

Purposes:

- 1) One time gesture-payment of 70,000.-schillings (about \$5,000) to *Shoah* survivors of Austrian origin and supplementary help to those in special need.
Size: unlimited
Status: distribution till end of year 2004 approx. \$200 million to 29,556 persons worldwide.
- 2) Compensation for loss of leased apartments, personal valuables and household property. Lump-sum payment of \$ 7,000 to survivors of Austrian origin.
Size: \$150 million.
Status: Filing period ended June 2004. Fully distributed.
- 3) Nazi Persecutee Relief Fund for projects and payments to “double victims”, Jewish communities in the former Eastern Countries and Austrian victims of *Shoah*.
Size: \$10.9 million.
Status: distributed \$9.6 million to 160 projects worldwide.
- 4) National Fund Special Projects for institutions of *Shoah* remembrance, medical equipment, psychological help, educational projects etc.
Size: unlimited (subject to yearly negotiations).
Status: distributed \$4.3 million to 125 projects with special focus on Austria.

b. Name: General Settlement Fund¹²⁶

Founding date: 2001

Founders: Austrian State and Austrian industry.

Purpose: payments to *Shoah* survivors and their heirs for compensation for loss of property, business and other, bank accounts and other financial assets, insurance policies, moveable property, educational loss and other losses.

¹²⁴ Foundations (2005).

¹²⁵ National Fund (2003).

¹²⁶ General Settlement Fund (2003).

Size: \$210 million

Status: further research required.

c. Name: Arbitration Panel for In-Rem Restitution

Founding date: 2001

Founders: Austrian State and Austrian industry.

Purpose: Return in nature to survivors of the *Shoah* and their heirs of real estate(land) and buildings (superstructures)which on 17th of January 2001 were owned by the Federal Government or by provinces or municipalities that have declared to accept the recommendations of the Arbitration Panel.

Status: further research required.

2) BELGIUM

Name: Belgian Fund

Establish date: June 2002

Establisher: Belgian government, central bank, insurance companies.

Purpose: for compensation payments to individual claimants for stolen assets, unclaimed life insurance policies, plundered bank accounts.

However, under the law establishing the Indemnification Commission, with the completion of the mandate of the Commission, remaining funds are to be transferred to a foundation “whose missions of a social, cultural and religious nature meet the needs of the Jewish Community of Belgium, these missions can also extend to fighting racism, intolerance and the violation of human rights”. So far, the Commission has paid out 6.5 million euro (\$8 million) on about 20% of the claims. The administrative expenses of the Commission have been covered by the budget of the office of the Prime Minister.

Size: 110 million euro (\$143 million) - from three sources: the banks (53million euro=\$69 million), the insurance companies (10 million euro=\$13 million) and the government and national bank (46 million euro=\$60 million). Belgian banks agreed to pay the additional 53 million euros (\$69 million) to compensate for funds in plundered bank accounts.

Status: further research required.

3) FRANCE

Name: The Foundation for Remembrance of the Shoah

Establish date: 2000

Establisher: French government

Purpose: Funded projects are divided into 4 areas: history and research, education and transmission, “solidarity” (social welfare for survivors), and Jewish culture. Project proposals in each area are dealt with by a separate committee. In 2003 the Foundation allocated a total of 14 million euro (\$18 million), of which 8 million euro (\$10 million), went towards the CDJC memorial, and 6 million euro (\$8 million), went for other projects. Funds for other projects were

divided as follows: 30% “solidarity” (social welfare), 23% Jewish culture, 15% memorial sites, 12% historical research, 11% education, 9% other.

Decision Making Structure: Board of the Foundation is comprised of 25 members: 8 from various government ministries, 10 from French Jewish institutions, and 7 chosen on an individual basis by the other members of the board.

Size: 800 million euros (\$1,040 million).

Status: 14 million euros (\$18 million) distributed in 2003.

4) GERMANY

a. Name: Remembrance, Responsibility & The Future Fund

Founding date: 1999

Founders: German industry, banks, insurance companies and German government.

Purpose: to compensate surviving forced and slave laborers, owners of insurance policies and owners of dormant bank accounts.

Size: DM 10 billion (\$5 billion). Special allocations for insurance (ICHEIC) - DM 550 million (\$275 million); Dormant Bank Accounts - DM 450 million (\$225 million); Future Fund - DM 700 million (\$ 350 million).

Status: all funds were allocated and mostly distributed.

b. Name: Remembrance, Responsibility & Future (Future Fund)

Founding date: 1999

Founders: German industry, banks, insurance companies and German Government.

Purpose: To foster projects that serve the purposes of better understanding among peoples, the interests of survivors of the Holocaust, youth exchange, social justice, remembrance of the threat posed by totalitarian systems and despotism, and international cooperation in humanitarian endeavors. It is also intended to further projects in the interest of the heirs of Holocaust victims. The Fund accepts applications only within approved "funding programs". The Fund has currently approved the following funding programs: "History and Human Rights", "Scholarships", "Psychosocial and medical care for former victims of the Nazis", "Encounters – Sixtieth Anniversary of Liberation", "Documentation of the life stories of former slave and forced laborers", "International Journalism Competition on the Topic of Gestures of Reconciliation".

Size: DM 700 million (358 million euros = \$ 465 million).

Status: distributes annual interest of 7-8million euros = \$ 9-10 million.

5) HOLLAND

Name: The Dutch Jewish Humanitarian Fund

Establish date: further research necessary.

Establisher: Dutch government.

Purpose: "Building and ensuring the continuity of Jewish communities in such areas as culture, knowledge transfer, and enhancement of the non-capital infrastructure, Facilitating Jewish education, Promoting mutual respect between people, Supporting civilian victims of war situations." Primarily dedicated to aiding Jewish communities in the formerly communist countries. Will not fund projects in the Netherlands, or relating to the Dutch-Jewish community in Israel.

Size : 24 million euros (\$31 million).

Status: intends to distribute annual interest.

6) NORWAY

Name: The Norwegian Fund for the Support of Jewish Institutions or Projects Outside of Norway

Establish date: further research necessary.

Establisher: Norwegian government.

Purpose: "To commemorate and develop the Jewish traditions and culture that the Nazis tried to eradicate." Jewish education, teaching, research, or information. Has funded: "In the Footsteps of Herzl" an educational program for Jewish youth leaders, and a traveling exhibition on Jewish life in Norway prior to W.W.II. (Not an exhaustive list)

Size: NOK 60 million (about \$7 million). Intends to allocate all of capital.

Status: further research required.

7) OTHER

Name: Nazi Persecutee Relief Funds

Establish date: December 1997

Establisher: as part of the Nazi Gold Conference in London, and based on an agreement between the Gold Tripartite Commission (France, Great Britain and the United States) and countries whose gold reserves were seized by the Germans. More than 10 countries donated to the Fund.

Purpose: to provide relief to needy victims of Nazi persecution and related projects.

Size: \$60 million.

Status: all funds were distributed.

APPENDIX D - POST HOLOCAUST ISSUES

In the aftermath of the *Shoah* the Jewish People made an oath: Never Again!

However, *Shoah* Denial exists (See D1), and Anti-Semitism is increasing (See D2).

There is increased need for international cooperation in combating *Shoah* Denial and Anti-Semitism and for international cooperation in *Shoah* commemoration and education (See D3), and for follow up on Historical Commissions on Conduct of Nations During the *Shoah* and Reconciliation (See D4).

D1. *Shoah* DENIAL

Holocaust denial is a growing phenomenon, occurring in the United States, Canada, Europe, former Soviet Union and is especially prevalent in Arab lands. This pathological belief seeks to deny the reality of the Nazi regime's systematic mass murder of six million Jews in Europe during World War II.¹²⁷

David Matas, Senior Counsel for the "League for Human Rights" in Canada of the B'nai B'rith organization says that the *Shoah* was the murder of six million Jews, including two million children and that Holocaust denial is a second murder of those same six million. First their lives were extinguished; then their deaths.¹²⁸

According to the Global Survey on Holocaust denial 2004, Holocaust-deniers in the United States continued their efforts to gain a measure of respectability, and benefitted from the willingness of several individuals of prominence to associate with them. Many Arab and Islamic governments continued to actively promote Holocaust-denial. At the same time, a number of Western governments and other institutions took important steps against Holocaust-deniers.¹²⁹

According to the US State Departments' first "US Global Anti-Semitism Report: July 1, 2003 – December 15, 2004", Holocaust denial and Holocaust minimization efforts find increasingly overt acceptance as sanctioned historical discourse in a number of Middle Eastern countries.¹³⁰

D2. ANTI-SEMITISM

Jews continued to be murdered in the aftermath of the *Shoah*. According to recent research, in Poland itself about one thousand Jewish *Shoah* survivors were murdered after 1945. In Holland, *Shoah* survivors were put in a camp together with Nazi war criminals. In Paris, a demonstration was held against restitution of Jewish property.¹³¹

The U.S. State Department published its first "US Global Anti-Semitism Report: July 1, 2003 – December 15, 2004"¹³², pursuant to the Global Anti-Semitism Review Act

¹²⁷ Holocaust Denial(2005).

¹²⁸ Holocaust Denial (2005a).

¹²⁹ Holocaust Denial(2005b).

¹³⁰ Anti-Semitism (2004).

¹³¹ Barkat (2004) (Hebrew).

¹³² Anti-Semitism (2004).

signed by President George W. Bush on October 16, 2004. The report describes acts of violence against Jews, as well as actions governments are taking to prevent this form of bigotry and prejudice.

According to this Report, global anti-Semitism in recent years has had four main sources:

1. Traditional anti-Jewish prejudice that has pervaded Europe and some countries in other parts of the world for centuries. This includes ultra-nationalists and others who assert that the Jewish community controls governments, the media, international business, and the financial world.
2. Strong anti-Israel sentiment that crosses the line between objective criticism of Israeli policies and anti-Semitism.
3. Anti-Jewish sentiment expressed by some in Europe's growing Muslim population based on longstanding antipathy toward both Israel and Jews, as well as Muslim opposition to developments in Israel and the occupied territories, and more recently in Iraq.
4. Criticism of both the United States and globalization that spills over to Israel, and to Jews in general who are identified with both.

Anti-Semitism in Europe increased significantly in recent years. The disturbing rise of anti-Semitic intimidation and incidents is widespread throughout Europe.

The problem of anti-Semitism is not only significant in Europe and in the Middle East, but there are also worrying expressions of it elsewhere.

The proliferation of media outlets (television, radio, print media and the internet) has vastly increased the opportunity for purveyors of anti-Semitic material to spread their propaganda unhindered.

Stuart Eizenstat said recently in public that due to restitution efforts, an increase in anti-semitism was present during his tenure (1995-2000) only in Switzerland.¹³³

D3. *Shoah* COMMEMORATION AND EDUCATION¹³⁴

The Task Force for International Cooperation on *Shoah* Education, Remembrance, and Research consists of representatives of governments, as well as governmental and non-governmental organizations. Its purpose is to place political and social leaders' support behind the need for Holocaust education, remembrance, and research both nationally and internationally.

Membership in the Task Force is open to all countries. Members must be committed to the Declaration of the Stockholm International Forum on the *Shoah* (1999), and must accept the principles adopted by the Task Force regarding membership. They must also be committed to the implementation of national policies and programs in support of Holocaust education, remembrance, and research.

¹³³ Bechar (2004) (Hebrew); Levin (2004) (Hebrew).

¹³⁴ Task Force (2005).

The governments comprising the Task Force agree on the importance of encouraging all archives, both public and private, to make their holdings on the *Shoah* more widely accessible. The Task Force also encourages appropriate forms of *Shoah* remembrance.

Countries wishing to create programs in *Shoah* education or to further develop their existing information materials and activities in this area are invited to work with the Task Force. To this end, Liaison Projects can be established between countries and the Task Force for long-term cooperation. Such cooperation is mutually beneficial to all concerned.

The first Liaison Project, with the Czech Republic, began in 1999. Within this project's framework, a national teacher training program at the Terezin Memorial has been developed, and Czech teachers have received advanced training at the Anne Frank House in Amsterdam, the United States *Shoah* Memorial Museum in Washington, D.C., and Yad Vashem in Jerusalem. The project also includes cooperation with Roma cultural organizations. The experience with the Czech Republic has served as a model for work in other countries. Liaison Projects have also been initiated in cooperation with Argentina, Croatia, Estonia, Greece, Hungary, Romania, and Slovakia. The Task Force has established working groups in regard to each of these countries, as well as in regard to memorials, information projects, research, and education.

The website of the Task Force (<http://taskforce.ushmm.org>) maintains an international directory of organizations in Holocaust education, remembrance, and research; an international calendar of events; a directory of archives; listings of remembrance and education activities; as well as additional information about the Task Force.

Task Force countries are: Argentina, Austria, Czech Republic, Denmark, France, Germany, Hungary, Israel, Italy (current chair of the Task Force), Latvia, Lithuania, Luxembourg, The Netherlands, Norway, Poland, Romania, Sweden, Switzerland, United Kingdom, United States of America.

A crucial component in education and commemoration of the *Shoah* is the Central Database of Shoah Victims' Names published recently by Yad Vashem in Jerusalem (see Bibliography).

D4. HISTORICAL COMMISSIONS ON CONDUCT OF NATIONS DURING THE *Shoah* AND RECONCILIATION¹³⁵

Nations that have looked into their conduct during the *Shoah* era and have struggled with their past can reach important insights into how to prevent wrong conduct in the future and how to prevent such a thing from happening again. This soul searching is essential for every nation in order to make sure that another *Shoah* will never happen.

¹³⁵ World Jewish Congress (2002).

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