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Chairman's concluding statement, Washington Conference on Holocaust-Era Assets,
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Introduction

We have just completed a series of fascinating and challenging discussions over the past 3 days. I believe that the work of this conference has been a landmark event in fulfilling the international community's long-overdue commitment to focus on Holocaust-era assets. It has been a personal privilege to chair proceedings that may well be considered to have made a historic contribution to justice.

I want to thank the delegations from Europe, the United States, Canada, South America, Australia, and the international Jewish and Romani Union communities that have brought a diversity of perspectives and views, but also a common commitment to address candidly these immensely complex and sensitive issues. Our presenters, ranging from historians to insurance regulators, from government officials to museum directors, together with the delegates' responses, have made rich contributions to our substantive agenda.

I also want to express my gratitude to the chairs of our plenary sessions: New York Federal Reserve President McDonough on gold; Ambassador Olson on insurance; Congressman Leach on art; Congressman Gilman on communal property; and French Ambassador Amigues on archives, books, and historical commissions.

Finally, of course, I want to thank Stuart Eizenstat and the State Department, together with Miles Lerman and the U.S. Holocaust Memorial Museum, for so ably hosting the Conference. I also want to commend J.D. Bindenagel, the Conference Director, and his entire team for their skillful management of this week's sessions and their painstaking preparations over many months.

In her remarkable keynote address on Tuesday morning Secretary Albright displayed a frankness and openness that set the tone for the entire Conference. She called on our nations "to chart a course for finishing the job of returning or providing compensation for stolen Holocaust assets to survivors and the families of Holocaust victims." I believe that together we have risen to the challenge.

We have made important advances in developing principles and processes for addressing the complex issues relating to restitution for confiscated insurance, art, and communal property assets in particular. We have also made significant strides in identifying the specific problems that must be

surmounted in order to achieve the widest possible openness and accessibility of relevant archives. We have also emphasized the enduring importance of Holocaust education and remembrance for future generations. I would like to add the personal observation that throughout our deliberations, Conference delegates have displayed a willingness to examine the historical record and to consider the case for justice.

My purpose in this statement is two-fold: first, to summarize highlights of the many presentations and discussions; and second, to crystallize major areas of consensus around principles and processes which I believe have been reached. Let me be clear: Consistent with the terms of reference of the conference, these are areas of general consensus, not formal agreement or binding commitment. I invite each delegation to add any supplementary material to the conference record by mid-January. The conference proceedings will be published in the spring of 1999 and a second volume will be issued at the end of 1999 documenting further research and progress. Moreover, I believe that we have achieved a basis for sustaining and accelerating the international community's willingness to act.

Let me now turn to each of the substantive sections of the agenda we have completed, proceeding in the order in which they were addressed in plenary sessions.

Looted Gold and the Tripartite Gold Commission

The brief plenary session held on looted gold may be the final large-scale discussion on the part of so many countries on this set of issues. From the head of the U.S. delegation we heard an overview of the major research completed on wartime gold transactions over the last year since the London Conference by national historical commissions in Switzerland, Portugal, Spain, Sweden, and Turkey, as well as by the United States. Drawing on these and other previous reports, elements of an historical consensus have now been established on looted gold.

France reported on its completion, together with Britain and the United States, of their governments' collective responsibility as custodians of the Tripartite Gold Commission over five decades. With the opening of its archive and the actions of many countries in dealing with remaining claims on gold, its mission has been completed with dignity and justice.

The United Kingdom presented an encouraging report on the progress of the Nazi Persecutee Relief Fund, a laudable effort by which Tripartite Gold Commission claimant countries and others have now pledged over \$60 million to assist the neediest survivors of the Holocaust. The mechanisms through which donations can be made and projects implemented were described. A number of delegations -- including Italy, the Netherlands, and Belgium -- shared details about their previous pledges or contributions. We also heard from Spain that it would channel its previously announced contribution through the Nazi Persecutee Relief Fund. Slovenia and Croatia indicated their intention to pledge to the Fund.

Insurance

I believe that this Conference has brought unprecedented international focus on the wrenching history of Holocaust insurance claims. We have learned that, through direct and indirect means, the Nazi regime deliberately sought to confiscate the insurance assets of Jewish victims. In

recognition of this massive loss and injustice, the postwar West German Government made an effort to compensate the victims. According to the German delegation, after the war and as of January 1998, the German Government had paid out 102 billion deutsche marks in compensation to victims of Nazi persecution. Over the next several years, the German compensation program is expected to pay out another 24 billion deutsche marks (about \$14 billion), including for the first time direct payments to central and eastern European survivors.

Other delegates indicated that there is also a need to address claims arising from assets and liabilities that were nationalized by former communist regimes in central and eastern Europe.

By bringing together key parties on both sides of the Atlantic, the International Commission offers the most effective vehicle for resolving these issues swiftly and justly. The insurance firms Allianz and Generali noted their commitment to pay all valid claims against their companies and to participate fully in the Commission. The Commission also will help forge a positive, cooperative approach that can avoid transatlantic tensions of the kind that have at times arisen on other Holocaust-era issues.

Delegates representing survivor organizations and American insurance commissioners thanked those on the International Commission for addressing their concerns, noting that the Commission is a voluntary organization that includes, *inter alia*, six European insurers and two European insurance regulators. Many delegates called for other companies and countries to join the International Commission. The head of the Czech Delegation reported on the activities of the Czech Working Group on Holocaust Insurance and said that the Czech Government supports the proper representation of the survivor communities in the Czech Republic and other central and eastern European countries on the International Commission. The Hungarian delegation indicated its interest in cooperating with the International Commission.

The Chairman of the International Commission has assured us that he will move quickly to press for expanded membership, an audit to identify unpaid Holocaust-era insurance claims, and an expeditious adjudication of claims, using relaxed standards of proof.

Moreover, a view was often expressed that a humanitarian relief fund may provide swift means for compensating Holocaust survivors promptly. In this regard, many welcomed the \$90 million contribution by insurance companies to the International Commission's fund for humanitarian relief.

Art

On the topic of art, the conference was presented with the history of how the Nazis confiscated art works of individuals as part of a deliberate and premeditated program to enrich their leaders, finance their military aggression, and exterminate an entire people. We were told how post-war restitution policies were generally successful, but fell short of restoring property to many individuals. We have reached a greater understanding of why restitution issues were dormant for so many years and why they have suddenly reappeared with renewed force, creating a challenge to legal frameworks, all sectors of the art world, and concepts of morality and justice.

Several delegations described what their countries are trying to do in order to balance the claims of pre-war owners against the rights and

responsibilities of current owners, be they museums, galleries, or individual collectors. Representatives of several museums emphasized the challenges in establishing clear provenance of artworks caught in the dislocation of the War and its aftermath. Delegates were also briefed on the work being done with claimants to help them recall the nature and circumstances of their loss with the specificity needed to make a viable claim.

The work being done using new technologies to check claims against catalogues and inventories has also helped expedite the process. As we have heard, there is already a substantial effort to locate and publicize missing art works, determine their provenance, and come to an equitable resolution of ownership questions. The Russian delegation indicated its willingness to search for confiscated art works, to help create a database, and to entertain properly presented claims for the return of looted art.

My sense from these discussions is that the nations represented at this conference are willing to open their archives to facilitate research leading to the identification and location of art confiscated during the Holocaust. They welcome the development of computerized research tools designed to aid this search by matching identified art with claims. They look forward to the completion of central on-line repositories -- a "digital collecting point" as one participant called it -- that would include complete lists of missing and recovered art works and mechanisms for filing claims.

The delegates' discussions during the conference helped develop a set of principles to guide the international community toward a consensus on Nazi-confiscated art. All countries want to contribute toward a speedy resolution of all art claims, those of individuals as well as those of nations, so that stability can be restored to the art market and beneficial international cultural exchange will not be disrupted.

As Chairman, I am pleased to recognize one of the most important accomplishments coming out of the discussion of this conference: a consensus that, within the context of the national laws and national judicial processes of the participating nations, the 11 principles on art offer a means for addressing the major issues relating to Nazi-confiscated art. Although they are non-binding, they will be a moral force and guide for dealing with this issue.

Communal Property

Delegations discussed the varying and difficult circumstances surrounding restitution of communal property and artifacts. Much of this property is in run-down condition, owned by the government or currently inhabited. One delegate made the point that at the end of the War and during the communist period, the political and social environment for Jews in central and eastern Europe was inhospitable and that emigration was considered the main alternative. With new democratic governments, religious life is reviving throughout the region for Jewish, Catholic, and Protestant communities alike. Return of their property is essential.

Much has been done to return communal property, but historical differences and current political realities have led each country to proceed on restitution in its own way. The conference heard encouraging reports indicating that the countries of eastern and central Europe have perceived the need for communal property restitution and some have set up legal structures to provide restitution or compensation. However, obstacles remain, making the process of restitution very slow.

The Polish, Romanian, and Hungarian delegations shared their national experiences in handling communal property restitution in their countries, including the laws passed and the status of implementation. Two speakers described the relative success of property restitution in eastern Germany and expressed the hope that it would also be successful elsewhere. Almost all affected countries have taken action to return property or compensate religious groups for their confiscated property. We also heard the perspectives of international organizations on the progress and stumbling blocks to restitution, including the significance of return and care for religious artifacts and cemeteries.

The United States described a set of principles to make the process of restitution just and effective. To implement these principles, "best practices" include: clear restitution policies implemented at the national, regional and local levels and not limited to religious communal property; transparent and simple procedures for legal claims; and, where needed, establishment of foundations jointly managed by local communities and international groups to assist with claims and administration of restituted property. Lastly, governments should take into account legitimate needs of current occupants of restituted property. The Chair encourages governments to implement these principles.

Archives and Historical Commissions

One of the central achievements of the London Conference was to highlight the importance and urgency of greater openness and accessibility of archives and records bearing on Holocaust-era assets. Since London, we have had the occasion to applaud the immense progress achieved on all Holocaust-era assets issues and to recognize that it has only been possible as a result of the opening in so many countries of the relevant historical archives. We have heard during this conference of the great outpouring of important Holocaust research undertaken in the last several years by 17 national historical commissions that have been established to compile an accurate and final historical accounting of Holocaust assets issues. These national commissions, with varying mandates but with a common goal of examining wartime experiences have done vital and courageous work examining the formerly hidden aspects of a terrible period of history.

We heard yesterday from a broad range of commissions and experts who described the current status of their individual projects and the progress they have made and the problems they have encountered in identifying and preserving records and making sense of them. The U.K. delegation described to us the research at the Foreign and Commonwealth Office on postwar British policies on reparations and restitution. The U.S. delegation reviewed the great success of the National Archives in Washington in quickly assembling more than 15 million pages of Holocaust-era records, devising a finding aid to those records that now approaches 1000 pages in length, and making the National Archives research room the center of international study of these issues.

The German delegation reminded the conference of the destructive impact of the Nazi German regime, the war, and the dislocations of the postwar period on the critical historical records in Germany, and pointed to the vital importance of accurate document "provenance," in order to assure a properly preserved historical record for any society. Finally, Switzerland gave us a summary of the wide-ranging mandate of the Swiss Independent Commission of Experts which has already reported in great detail on wartime gold transactions and is close now to publishing a final report on the treatment of refugees in Switzerland before and during the war.

Break-out sessions yesterday heard many reports on the problems and possibilities confronting archivists and commissions in many countries. I cannot summarize here all that was discussed, but it was important to hear of the issues facing the Netherlands as it established its Commission on Jewish assets and of the Holocaust-era archival projects undertaken by the Yad Vashem Institute, particularly the list of lists with its 18 million entries thus far. I believe we all took encouragement from the reports we heard about the diverse but critical research underway or recently completed by the historical commissions in Spain, Sweden, Turkey, and Argentina.

While we congratulate those countries that have worked to identify and make available archives and other sources of information on this period, many conference participants emphasized the importance of full archival openness. The Task Force on International Cooperation on Holocaust Education, Remembrance and Research presented a declaration encouraging all archives, both public and private, be made more widely accessible and that all documentation bearing on the Holocaust be available to researchers by a target date of December 31, 1999.

Books

The conference was reminded of an issue thus far not fully grasped in our consideration of Holocaust-era assets. We heard reports from U.S. experts that will help define and deal with the despoliation of libraries and private collections of books in occupied Europe and the vital urgency of setting the book issue to rights. The delegate from the U.S. Justice Department detailed how the American occupation authorities in Germany rescued 3 million books looted from Jewish individuals and communities and was able to return 2.5 million of these books to their countries of origin or rightful owners by 1948. The remainder of the books were distributed to appropriate recipients by Jewish groups. Another delegate warned that a shortage of resources threatened preservation activities and access to many invaluable books and papers from the Holocaust era.

Education

A striking aspect of this conference, from the solemn ceremony and eloquent speeches made on Monday evening at the Holocaust Museum, to the statements we heard earlier in our closing plenary session this morning, is the emphasis placed so forcefully by so many on the importance of Holocaust education and remembrance. Speaker after speaker from country after country told us of their appreciation of the importance of teaching future generations about the unique tragedy and the lessons it can offer as this century comes to a close.

A remarkably rich series of break-out panels held yesterday at the Holocaust Museum featured leading Holocaust educators from both sides of the Atlantic, including both distinguished scholars and leaders of non-governmental organizations. A number of materials on Holocaust curricula and remembrance activities being undertaken by these organizations and others, as well as by governments, were on display and available for delegates.

The break-out sessions at the Museum and more briefly our plenary session earlier today highlighted the Task Force for International Cooperation on Holocaust Education, Remembrance, and Research. Initiated by Sweden, currently chaired by the United States, and also composed of the United Kingdom, Israel and Germany, the Task Force presented a report describing its specific efforts underway to promote international cooperation in these important areas. The Task Force report includes a declaration committing the Task Force countries and calling on others to

strengthen or undertake new efforts on Holocaust education and remembrance. France and the Netherlands have already expressed a desire to participate in the Task Force, and it is likely that other countries will join them.

As the conference drew to a close, the delegates looked forward to other gatherings to continue the work of this historic meeting. The Swedish delegation announced its intention to convene an international conference on Holocaust education. The World Jewish Restitution Organization suggested on behalf of many of the non-governmental organizations that the important work of the conference should be continued next year in Jerusalem. The U.K. delegation spoke in favor of "satellite conferences" to address different issues. The head of the U.S. delegation urged conference countries to use the historical record established, the information shared, and the consensus reached in the past 3 days to galvanize our efforts in all areas.

Conclusion

Let me conclude by reaffirming my view that this conference has added substantially to the historical record on these events, so terrible and tragic for those involved, while strengthening the framework for countries to work together to act on the difficult and painful issues of restitution and justice.

The willingness of so many countries to confront the past is enormously encouraging, especially after so many decades. I urge us all to continue down this path, determined to meet our historic responsibilities to address the unparalleled wrongs of this century as the new millennium beckons.

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