

education and research will be dealt with by the *Working Group on Holocaust Education, Remembrance and Research*. The *Working Groups on Immovable Properties, Looted Art and Judaica and Jewish Cultural Property* are going to engage in finding solutions to remedy the remaining issues related to the confiscation of Jewish property, works of art and cultural artifacts during the Second World War.

I am convinced that the discussions to follow will bring an important contribution to these serious matters.

► **Stuart E. Eizenstat**

FORMER DEPUTY TREASURY SECRETARY  
AND UNDER SECRETARY OF STATE, USA

I want to thank the Czech government for hosting this historic conference, and for the leadership, vision and determination they have put into making it a success – especially Alexandr Vondra; Ambassador Miloš Pojar, and Denisa Haubertová.

I am speaking at the Czech government's personal invitation, not as head of the US delegation.

We should not see Prague as a time to close the door on the Holocaust and assign it to history, but rather as the occasion for a new burst of energy, dedication and determination to honor the memory of six million Jewish victims and millions of others, including Romani, who died at the hands of the Nazi regime, and to provide immediate assistance and a greater degree of justice to Holocaust (Shoah) survivors and other victims of Nazi persecution, many of whom live in abject poverty. The Prague Conference is an historic opportunity to refocus our attention and

regain a sense of urgency. We seek to bring a greater degree of justice, as imperfect as it may be, to those victims who remain. We seek to continue to help survivors and their families reconnect to what was stolen from them. This effort has always been intended to help Jewish and non-Jewish victims.

The Holocaust was not only the greatest genocide in world history but also the greatest theft in history of a people's entire possessions and cultural and religious heritage – a theft of Jewish movable and immovable property, financial assets, insurance benefits, art, Judaica, and Jewish cultural property. In Elie Wiesel's haunting words at the opening session on Friday, the Nazis and their collaborators "stole riches from the rich and poverty from the poor" – who were far more numerous. We cannot bring back the dead from the ovens, extermination camps, and mass graves, but what we can do is to recommit ourselves to remember them, to do justice to their heirs and survivors, to educate generations thereafter, about the Holocaust. We must not let the Conference be merely an event in which we try to show the world that we care with sterling words but without concrete deeds.

There was a 50 year period after the immediate post-war efforts, during which the need to do justice for Holocaust survivors was largely forgotten, except for the major German payments. A number of factors converged to bring the need for justice to victims of the Holocaust (Shoah) and other victims of Nazi persecution back onto the world's agenda and the consciousness of governments and people around the globe:

- ▷ The dimensions of the Holocaust became better understood with the opening of World War II-era archives to the public.

- ▷ The end of the Cold War, the collapse of Communism, and post-war anniversaries focused attention on the unfinished matters of World War II, including the inadequacy of post-war restitution.
- ▷ As survivors aged, they began to tell their stories, which had been too painful to share with even their families, before it was too late, and to try to reconnect to what had been stolen from them, following decades when they simply tried to make a new life for themselves and their families.
- ▷ The Clinton Administration took a leadership role, first for the return of communal property – Jewish and non-Jewish – to the re-emerging religious communities following the collapse of Communism; then to mediate a series of lawsuits.

Much has been accomplished in the past 15 years. To address the unresolved issues of compensation, restitution, and remembrance since World War II, several countries took the lead in convening conferences: the 1997 London Conference on Nazi-Looted Gold, the 1998 Washington Conference on Holocaust-Era Assets, the January 2000 Stockholm Conference on Holocaust Education, and the October 2000 Vilnius Conference on Cultural Property.

A series of lawsuits on behalf of victims were brought in US courts against the Swiss, German, Austrian, and French corporations implicated in the Holocaust, for slave and forced labor, the payment of insurance policies, and for recovery of hidden bank accounts. The US government mediation led to agreements that provided USD 8 billion in new compensation, a substantial portion of which went to non-Jewish victims of Nazi persecution.

- ▷ The 1998 *Swiss Bank* investigation discovered tens of thousands of hidden bank accounts. This led to a settlement of USD 1.25 billion, over 1 billion of which has been disbursed to over 440,000 Holocaust survivors and their families.
- ▷ The establishment in 1998 of the *International Commission on Holocaust Era Insurance Claims (ICHEIC)*, which included nearly all insurance companies in Europe that had issued a significant number of insurance policies to beneficiaries of Holocaust victims. ICHEIC paid some 48,000 claimants USD 306 million using relaxed standards of evidence, and another USD 169 million for humanitarian programs for the benefit of survivors worldwide.
- ▷ The *German Foundation* agreement of July 2000 led to payments of more than EUR 5.1 billion to over 1.6 million victims of Nazi persecution, the vast majority of whom were non-Jewish forced laborers in Poland, Ukraine, Russia, and other countries of Central and Eastern Europe. In addition, the Foundation covered insurance claims and claims for personal property losses. And all of the funds were paid out by 2007.
- ▷ The US agreements with Austria of 2000 and 2001 led to payments programs of nearly USD 1 billion, almost all of which have been disbursed, including funds to 132,000 forced and slave laborers, the majority of whom were non-Jewish. A fund of over USD 200 million for individuals, whose property was confiscated by the Nazi government, is now being disbursed.

- ▷ The 2001 agreement between the United States and France led to some EUR 38 million in payments. France has also distributed EUR 410 million to 25,000 victims of property spoliation.
- ▷ It is particularly noteworthy that Germany and Austria have established foundations for the future as part of these agreements for projects of education and tolerance, as a way of honoring Holocaust victims and other victims of Nazi persecution and bringing lessons learned from the Holocaust to our problems today.
- ▷ In addition, France, the Netherlands and Belgium undertook to resolve Holocaust-era claims by creating national commissions.

Like the Holocaust itself, the efficiency, brutality, and scale of Nazi art theft was unprecedented in history. Experts have estimated that as many as 600,000 paintings were stolen, 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 swell into the millions.

At the Washington Conference, we obtained a consensus from 44 countries on a voluntary set of *Principles on Nazi-Confiscated Art*, which profoundly changed the world of art. The guidelines have important moral authority. They called on museums, galleries, and auction houses to cooperate in tracing looted art through stringent research into the provenance of their collections. Leeway was to be given in accepting claims. An international effort was to be made to publish information about provenance research. A system of alternative dispute resolution was to be considered to prevent art claims from turning into protracted

legal battles. Since none of these principles was legally binding, one may legitimately ask whether anything has really changed. The answer is unequivocally yes.

Major auction houses conduct thorough research on artworks that they bring to market, museums examine the provenance of any prospective purchases carefully; and private collectors consider the prior history of paintings they have under consideration. Some 164 contributing US art museums have developed a creative web “search engine,” with over 27,000 works posted, which allows potential owners of Nazi-looted art to input their claim into one place, and have it considered by all the museums linked to the search engine. And hundreds of artworks have been returned to their rightful owners.

The political will generated at the Washington Conference revived interest and activity in Holocaust issues. There is no greater success story than the *Task Force for International Cooperation on Holocaust Education, Remembrance, and Research*. The 27-nation Task Force has focused its strengths in teacher training in Central and Eastern Europe. On the diplomatic front, in 2006, the Task Force issued a strong statement, carried widely in the European and international media, condemning Holocaust denial and anti-Semitism.

### **What Remains to Be Done**

With all that has been accomplished, some may wonder why, nearly 65 years later, we are still addressing restitution and compensation issues. It is because our work to rectify the wrongs of the Holocaust remains highly incomplete, and because many civilian victims of Nazi barbarism continue to live in terrible and unacceptable circumstances today.

For all that has been accomplished, some areas, like private and communal property restitution and compensation, have barely scratched the surface in Central and Eastern Europe; social needs for survivors worldwide are greater than ever; and art restitution and recovery results are disappointing in many countries. Meeting these and other challenges must be the work of the Prague Conference.

In the USA, Central Europe, and Israel, tens of thousands of elderly survivors today live at or near the poverty level. Our first priority must be to deal with the social needs of survivors, many of whom live in poverty, without adequate access to medical and home care and to medicines, including in my country, the United States of America. It is unacceptable that those who have suffered so grievously during their lives should continue to suffer in their declining years. This is a worldwide problem. It requires a worldwide response.

Governments should recognize the special needs of Holocaust survivors and other Nazi victims, who may be more vulnerable than the rest of the elderly population, and consider a variety of creative mechanisms to provide assistance to needy survivors, including special pensions to non-residents, and the use of assets from heirless property. In almost all European countries, heirless property reverts to the state. But, in the case of heirless property owned by Holocaust victims whose entire families were killed by the Nazis, national governments should not be the ultimate beneficiaries. Funds obtained from such heirless property should be used to assist living Holocaust survivors and other victims of Nazi persecution.

As in so many other areas, the Czech Republic has shown special leadership, which other countries could emulate by providing

an additional pension for survivors of concentration camps. Austria also offers a positive example by expanding home care to all former citizens who were persecuted by the Nazi regime and reside abroad.

France has developed a series of programs that set an example for other countries – restitution or compensation for victims of property spoliations, and a pension or lump sum for orphans of deportees.

In insurance, we need to give the victims and their heirs the confidence that everything has been done – and will be done – to track down insurance policies. ICHEIC companies should renew their commitments to continue accepting all Holocaust-related claims despite the closedown of ICHEIC.

While there has been some progress in the way the art market functions and some important artworks have been returned, there have also been some areas where there has been only minimal progress, or no change at all. Large gaps remain between the Washington Principles and the current reality. It is high time that all states here fulfill the promise of the Washington Principles. Several countries, led by Austria, the Netherlands, and the UK, have actually incorporated the essence of the Washington Principles into their domestic legislation. Too few people have recovered too few of their Nazi-looted art works and too many works remain in museums in Europe and around the world.

It is time for Europe to embrace the 1999 *Council of Europe Resolution* and the 2003 *European Parliament Resolution* and take concrete steps to develop and implement common principles with respect to issues of looted art, cultural and movable property.

Except for a few countries, most have not undertaken open archival access and thorough provenance research, nor have they published the results. The *Terezin Declaration* stresses the importance of completing this task, without which the goal of the Washington Principles will not be fulfilled. In Germany, which has undertaken such research, State Secretary Bernd Neumann said Germany has “thousands and thousands” of looted artworks in its museums today. Russia may have the largest amount of Nazi-looted art, but despite an excellent art restitution law, the Russian government has done little to implement it. Some US museums also need to do more provenance research. In many states, there is no searchable centralized register. Some states permit no restitution at all from public museums. Few countries have an effective national claims process. Countries should redouble their commitment to alternative dispute resolution mechanisms. The USA should work with all stakeholders to develop an expert advisory group, modeled on that of the UK, to assist claimants and museums to resolve ownership disputes.

I am also concerned by the tendency for holders of disputed art to seek refuge in technical defenses to avoid potentially meritorious claims, including statutes of limitation; adverse possession; de-accession laws; and export control laws, which bar the export of looted art back to their rightful owner, even when its ownership has been established.

No country has a moral right to hold onto property that belonged to Holocaust victims. Where there is a living owner or heir, the property should be returned to that person. Where there is no living owner, countries should consider using some portion to help needy survivors in their declining years.

The biggest gap we hope to address in Prague is to find an effective way to encourage governments in Central and Eastern Europe to provide for the restitution or payment of compensation for wrongfully confiscated personal immovable property. This issue was largely ignored between the mid-1950s and the 1990s.

While several countries have created modest compensation funds in lieu of property restitution, virtually no Central or Eastern European country has created a transparent, non-discriminatory restitution or compensation program. Reasonable, affordable compensation is a better way to handle confiscated private property now in private hands than restitution since displacement of current owners is not feasible.

The largest amount of Nazi-confiscated Jewish real property is located in Poland. Poland has repeatedly committed to pass legislation to establish a compensation process, but has yet to enact it. Poland has shown positive leadership on Jewish memorial sites and on Jewish and, most recently, Catholic, communal property restitution. We look forward to seeing similar leadership regarding immovable property.

But other countries in the region should do likewise, as it is advantageous for them, as well as for claimants. It can remove clouds over title, broaden the availability of title insurance for smaller properties, facilitate the privatization process and enhance the rule of law. Many countries need to do more on communal property used for religious or secular purposes. The Lithuanian government has made a recent useful proposal to its Parliament to pay around USD 45 million in compensation for communal property, which represents only a fraction of the current value of wrongfully seized Jewish communal property. We hope that the restitution of several communal buildings can be added.

Victims and their families are usually left to themselves to pursue their looted art and property. I recommend that governments consider establishing offices to facilitate their claims. The wholesale looting of Judaica and Jewish cultural property has meant that much of this historical patrimony could not be reclaimed after the War. We need to establish procedures that will lead to a return of this property, either to the original owners or heirs, or to appropriate religious and cultural organizations.

Governments need to make archives of all kinds related to the Holocaust available to the fullest extent possible to the public and to researchers in accordance with established international guidelines. Israeli leadership would set an example for other countries. Information remains essential to vindicating the rights at issue and to ensuring that the history of the Holocaust is as complete and well documented as possible.

I am pleased to announce that the National Archives of the USA, the UK, and Germany launched a joint international project to extend access to records relating to Holocaust-era looted cultural property. By mid-2010, approximately three million documents will be digitized, indexed, and made available online for researchers worldwide. The plan is to include over time other archival and research organizations with pertinent holdings or databases. I hope other countries will join this important international effort.

Government authorities and civil society should ensure that the unmarked mass graves with the remains of Nazi victims should be identified and protected, and memorial sites created and protected.

## Conclusion

The Terezín Declaration is an excellent document. It is our collective responsibility to convert these words into actions, to implement the non-binding promises into reality. The Terezín Institute, as the first follow-up mechanism for any international Holocaust Conference, can help provide best practices and guidelines in all of these cases, including an impetus for action. For example, The Terezín Institute will facilitate the development of voluntary guidelines and best practices for restitution and composition of wrongfully seized immovable property that comports with EU law, and in other areas covered by the Terezín Declaration. All this will require political will on the part of our governments and our private sector – in Elie Wiesel's words, to create sparks in our hearts out of the ashes. How we honor these voluntary pledges will speak volumes about whether we can rise to the challenge of making certain that in the 21<sup>st</sup> century we properly remember and honor those who suffered so grievously in the 20<sup>th</sup> century in history's worst genocide and theft.

### ► Tom Eric Vraalsen

CHAIRMAN, TASK FORCE FOR INTERNATIONAL  
COOPERATION ON HOLOCAUST EDUCATION,  
REMEMBRANCE, AND RESEARCH, NORWAY

Mr. Chairman, Honorable Delegates, Ladies and Gentlemen:

Before the end of 1998, delegations from five countries held a meeting in Washington, DC concurrently with the first Holocaust-Era Assets Conference.