

Delegation Statements

AMERICAN JEWISH COMMITTEE

Statement by
David A. Harris
EXECUTIVE DIRECTOR

To the Delegates to the Washington Conference on Holocaust-Era Assets:

As one of the non-governmental organizations privileged to be accredited to the Conference, we join in expressing our hope that this historic gathering will fulfill the ambitious and worthy goals set for it.

The effort to identify the compelling and complex issues of looted assets from the Second World War, and to consult on the most appropriate and expeditious means of addressing and resolving these issues, offers a beacon of light at the end of a very long and dark tunnel for Holocaust survivors, for the descendants of those who perished in the flames, for the vibrant Jewish communities which were destroyed, and for all who fell victim to the savagery and rapacity of those horrific times.

We are pleased as well that, in addition to discussion of these enormously important topics, the Conference will also take up the matter of Holocaust education, for, in the end, this can be our permanent legacy to future generations.

We hope that the Conference will reach a consensus on the need for enhanced international consultation, with the aim of encouraging more widespread teaching of the Holocaust in national school systems. Moreover, we commend those nations that have already taken impressive steps in this regard.

Not only can teaching of the Holocaust provide young people with a better insight into the darkest chapter in this century's history, but, ultimately, it can serve to strengthen their commitment to fundamental principles of human decency, mutual understanding and tolerance – all of

which are so necessary if we are to have any chance of creating a brighter future.

When we speak of education, we must recognize that it cannot be limited to the classroom or the textbook, necessary though both are.

One element regarding both historical memory and education that deserves, in our view, greater attention from the international community is the identification, preservation and protection of sites of destruction and extermination connected to the Holocaust. Experience has taught us that visits to sites have a profound impact, not least on young people.

In some countries, considerable attention has been devoted to this matter; in others, regrettably, this has not been the case.

In some countries, great care has been taken to designate such sites, provide demarcation, ensure adequate security, and introduce pedagogical elements; in other countries, sites go unmarked, threatened by commercial or other development, and therefore destined for disappearance.

In some countries, comprehensive national legislation exists; in others, either there is no relevant legislation or responsibility lies with local rather than national governments, leading, sad to say, to an inconsistent and unreliable approach.

In some countries, ample funds have been earmarked to maintain the sites; in others, few, if any, resources have been committed.

In addition to our concern for strengthening Holocaust education, we raise this issue because it also serves other vital goals – seeking to preserve memory by reminding us all of what once was and what has been lost, and paying our respects to those who perished in the Final Solution, and to the vibrant civilization that was destroyed.

Many questions can surely be raised about specific aspects of our proposal – for example, issues of definition and jurisdiction. Our aim is precisely to raise these questions, leading, we would earnestly hope, to greater international consultation and coordination on guidelines and approaches among the distinguished nations and non-governmental organizations represented at this Conference.

Kindly be assured that the American Jewish Committee stands ready to assist in this effort in the months and years ahead.

We extend our best wishes and the expression of our highest esteem to all the delegates attending the Conference.

Respectfully submitted,

David A. Harris, Executive Director

ARGENTINA

Delegation Joint Statement

Argentina and its Commission of Enquiry into the Activities of Nazism (CEANA) wish to thank Under Secretary of State Stuart Eizenstat for his indefatigable efforts to organize this important conference on Holocaust-era assets. Our thanks are also extended to Ambassador Eizenstat's kind and often repeated expressions of support for CEANA's work, as most recently highlighted by the decision to postpone his departure from Buenos Aires in order to participate – together with Foreign Minister Guido Di Tella and Swedish Trade Minister Leif Pagrotsky – in the opening session of CEANA's plenary session in November 1998.

This conference's significance for Argentina not only stems from the need to take a joint approach to the wide gamut of issues that, sad to say, still await clarification more than half a century after the demise of the Third Reich, but also to do justice to its Jewish and other victims, as well as their descendants. Argentina's solidarity with the latter has led it to join the growing number of countries taking part in Ambassador Eizenstat's proposed relief fund, as was announced at the London conference on Nazi gold. Argentina's recent history suggests that this healing process is also a valuable way to consolidate our democracy, as well as to prevent the recurrence of the terrible episodes that the country witnessed during past decades.

The meeting is also important for CEANA's work. Created in 1997 and supported by the Argentine government as a sign of its commitment to try to eradicate the scourge of Nazism in the country and elsewhere, CEANA, nonetheless, is a non-governmental commission; its findings require certification by an array of Argentine and foreign personalities of different political and other affiliations. Owing to Argentina's recent past, CEANA's research agenda is somewhat broader than that of peer commissions, covering not only the subject of expropriated assets but also the issues of war criminals who found an Argentine refuge and the influence of Nazism in the country. Such a research agenda led CEANA's International Panel and Advisory

Committee to approve in November an extension of the Commission's life for another year, as well as to endorse the notion that the lessons arising from this self-introspective exercise should be made available to Argentine's student population, and to other sections of Argentine society as soon as possible.

Against this background, Argentina is keen to see that the recently established Task Force does not exclude Latin America in general and Argentina in particular. Clearly, permanent changes in public perceptions of Nazi era and other genocides can only be achieved through educational programs. Education also means familiarizing the public and honoring Argentines and others who took risks in order to save numbers of those whose lives were threatened by Nazism. Not surprisingly, therefore, CEANA's plenary coincided with the unveiling of a Buenos Aires monument of Raoul Wallenberg and issuing of a commemorative stamp (initiatives jointly sponsored by a CEANA international panelist, Sir Sigmund Sternberg; Argentina's Foreign Ministry; and the city of Buenos Aires autonomous government). Not well known in Argentina and elsewhere, Wallenberg's exertions to rescue countless Jews were partly assisted by a former employee of the Argentine consulate in Budapest inasmuch as Sweden represented Argentine interests in several European capitals after the country's belated severance of diplomatic relations with the Axis in January 1944.

Discussed at greater length in CEANA academic coordinator Ignacio Klich's presentation at the relevant panel, Commission work has fueled the opening of a number of Argentine archival repositories. Yet it is clear that all interested parties stand to benefit from the exchange of information afforded by this meeting. To this extent, CEANA reiterates its offer to share with others the fruits of its research at Argentine and other repositories, as well as acknowledges the important benefits derived from the seminar held here in June 1998 and from this conference, in particular by its research unit an art.

Such a unit has sought to confirm information arising from non-Argentine sources about the arrival of looted works of art, as well as the possible use of the country as a transit point for this trade. This has prompted the painstaking scouring of catalogues of Buenos Aires-based art galleries and analyzing the history of acquisitions by museums, as well as to recording individual art work losses in Europe by victims of Nazism who settled in Argentina and relaying such information to a U.S. database.

As previously mentioned, education is the way to avoid a sorry repetition of Nazi and other more recent genocides. While Argentina is

only at the beginning of this road, before long its students will be exposed to such subjects as the implications of Hitler's rise to power and Argentina's performance during the Nazi era. Likewise, a Buenos Aires-based Holocaust museum, an initiative supported by the government's grant of the building to house such a museum and of monies to set it up, will be inaugurated in the near future. Not too far away is the day when Argentina will also join the nations that year in, year out commemorate the Nazi extermination of Jews.

All this is part of Argentina's wish to build a democratic and pluralist society, an indispensable ingredient to achieve this being learning from history. From this angle, the opening of archival sources, like the creation of CEANA, are only part of the tools that are meant to facilitate such learning. In the future, it is to be hoped that international events, like the London and Washington conferences, will contribute to further this process wherever necessary.

AUSTRIA

Delegation Statement

Executive Summary

Austria welcomes the holding of the Conference on Holocaust-Era Assets in Washington as an important step to complete knowledge of historical facts related to assets looted by the Nazis including art, insurance and other assets. We share the objectives of the conference, to strengthen the international commitment to open relevant national archives and other records for research on Nazi-looted assets and to examine steps taken to return looted assets as well as promoting broad consensus for further action. We are ready to assume our part in investigating those facts as far as they relate to our own country and to make every effort to shed complete light on all unresolved questions.

HISTORICAL BACKGROUND

Of the approximately 210,000 Jews who lived in Austria before World War II, approximately 110,000 were forced to emigrate. Some 65,000 Austrian Jews were murdered by the Nazis.

"ARYANIZATION" (THE TAKEOVER OF JEWISH PROPERTY BY NON-JEWS)

In preparation for the return of properties taken from the rightful owners by the Nazis, a law regarding the submission of claims was passed as early as 1945. The holders of Aryanized properties were requested under threat of penalty to register those assets and to refrain from any legal transactions regarding the property in question, except "regular administrative measures". Between 1946 and 1949 seven restitution laws were passed by the Austrian Parliament which provided for restitution in several phases. The immediate victims as well as direct

descendants and siblings were eligible for restitution. In addition, four laws dealt with claims for restitution of property, for example to democratic institutions, including Jewish and non-Jewish religious institutions.

Not all aryanized and registered property was actually claimed and therefore could not be restored. A law on the collection of those assets was passed in 1957 and the „Collection Points A and B“ created. Collection Point A received all unclaimed property of persons who in 1937 had belonged to the Jewish community, Collection Point B received other claims. After the disbursement of the proceeds to victims of persecution, the collection points were liquidated in 1972.

While the legal framework for the resolution of restitution cases (with the exception of leases which were not included) was generally accepted by the Allies and victims' organizations, questions concerning the practical implementation of the laws remain. There is no systematic overview of the files or any historical analysis on that subject. Of the 42,096 claims submitted, approximately one-fifth was granted, one-third was settled by agreement, one-third was rejected or the claim withdrawn. There exist no reliable data about the monetary value of restored property.

In order to gain comprehensive knowledge of historical facts related to assets looted by the Nazis and of restitution of property after the war, the Austrian Government recently established an independent **Commission of Historians** with international participation to study all aspects of Aryanization and the country's restitution efforts to victims of the Nazi era after the war. The mandate of the Commission ranges from "dispossession of property on the territory of the Republic" to "restoration and compensation" as well as economic and social efforts by Austria after 1945. The Commission had its inaugural session on 26 November 1998. It is required to submit an outline of its future work to the Federal Government within three months.

WORKS OF ART

By January 1949 over 13,000 art objects had been returned to their rightful owners or their legitimate heirs of the over 18,500 items which had been seized during the Nazi era or which had been voluntarily given up to air-raid shelters. Restitution of the remaining objects was spread out over the subsequent years. For this purpose, two specific laws

pertaining to the settlement of claims regarding art and cultural heritage were passed in 1969 and 1986. The latter law was amended 1995 to allow for the so-called "Mauerbach Sale": in 1996 an auction of Nazi-confiscated works of art which could not be restituted to the former owners or their heirs was held to benefit Holocaust victims.

In 1998 Federal Minister for Education and Cultural Affairs, Elisabeth Gehrler, established a "Commission for Provenance Research" which was mandated to study available historical material relating to looted art in the Bundesdenkmalamt (Federal Authority for the Preservation of Monuments) and in the various federal museums and collections. The goal of this very extensive historic survey was to shed light on the looting by the Nazis during the period from 1938 to 1945 and to establish which questionable acquisitions may have been made by public collections during that time. Furthermore, the restitution procedures of the immediate post-war period were to be examined.

The findings of the Commission which has up to now completed a substantial part of its work, served as basis for a "Federal Law on the Restitution of Works of Art from Federal Museums and Collections" adopted by Parliament on 5/19 November 1998 and which is expected to enter into force shortly. The law provides the legal basis for restituting those works of art that fall under one of the categories mentioned in the Federal Law to the former owners or their legal heirs. An advisory board which will hold its inaugural session on 9 December 1998 will assist the Minister. National and international experts may be asked to participate in the Board's deliberations. In the course of the debate in Parliament, Minister Gehrler has promised to urge also non-federal museums and collections to follow suit and take similar action. A number of communities and municipalities had, however, already established similar commissions.

MONETARY GOLD

Austria is among those countries whose claims for restitution of official gold reserves looted by the Nazis were recognized by the Tripartite Gold Commission (TGC). The gold reserves of the Austrian Central Bank, amounting to 78,267 metric tons as of 17 March 1938, had to be transferred to the German Reichsbank immediately after the Anschluss in 1938. The TGC recognized the greater part of the Austrian claim after the war and 50,183 tons were returned in several installments. The remaining claim to the gold still held by the TGC amounted to some

27,000 troy ounces which have in the meantime been transferred to the account of the Austrian National Bank.

Austria was among the first countries to publicly express support for the proposal to put a substantial portion of its claim to the remainder of the Nazi gold into an international fund for the benefit of survivors of the Holocaust. To implement this political decision of principle, once the Nazi Persecutee Relief Fund had been set up, a Federal Law was passed by Parliament on 5/19 November 1998 which authorizes the National Bank to transfer the total Austrian share in the remaining gold (valued at AS 102 million, which is app. 8.5 million US Dollars) to the Nazi Persecutee Relief Fund. The law provides that the money should go mainly to those needy victims who up to now had received no or no adequate compensation. In addition, it will be possible to support projects designed to fight against anti-Semitism, racism, xenophobia and intolerance. The law furthermore stipulates that the distribution of the money must be made through the "**National Fund of the Republic of Austria for the Victims of National Socialism**", established in 1995 to make contributions to Austrian Holocaust victims from funds provided by the national budget of Austria. The National Fund is one of the eligible NGOs mentioned in the Annex to the Fund Agreement through which national contributions to the International Relief Fund can be disbursed to individuals and projects

INSURANCE CLAIMS

In addition to the general restitution laws introduced in Austria immediately after the Second World War, a settlement of insurance claims could also be obtained on the basis of the Insurance Compensation Act of 1958. It referred to those cases in which insurance companies had already paid the benefits from the insurance contract in full but the benefits were confiscated according to applicable German laws. By the end of the fifties, such compensation payments, arising from insurance contracts that were part of the domestic portfolio of insurance companies registered in Austria, were made to the claimants.

The Austrian insurance companies have offered and still offer good-will payments to Holocaust victims or their heirs without any legal obligation in those individual cases where no payments had been up to now and the claims would fall under the statute of limitation.

The legal situation in Austria prevents the Insurance Supervisory Authority to oblige insurance companies to make payments on the basis

of insurance contracts falling under the statute of limitation. However, the Insurance Supervisory Authority could already help in a number of individual cases to identify legal successors to the Austrian insurance companies and portfolio transfers, provided that such contracts were part of the domestic (i.e. Austrian) portfolios.

FEDERAL MINISTRY OF FINANCE INSURANCE SUPERVISORY AUTHORITY

The Legal Situation in Regard to "Holocaust and Insurances" in Austria

1. The forfeiture of insurances to the Third Reich
2. Reestablishment of the Austrian insurance industry
3. Payments rendered by the Republic of Austria
 - a) Historical review of the former restitution laws
 - b) Insurance Compensation Act, Federal Law Gazette No. 130/1958 (*Versicherungsentschädigungsgesetz*): Federal law of 26 June 1958 concerning the regulations on life insurance claims contracts sequestrated by the German Reich
4. Functions and limits of Austrian insurance supervision within the Federal Ministry of Finance

1. THE FORFEITURE OF INSURANCES TO THE THIRD REICH

The "forfeiture" of insurance contracts to the Third Reich results from the 11th Ordinance concerning the Law on Reich Citizens (1935) of 25 November 1941 in conjunction with a circular of the Reich Supervisory Office (Reichsaufsichtsamt), reference no. R. 53/42.

Section 1, sentence 1 of the 11th Ordinance concerning the Law on Reich Citizens adopted in 1935 provides that "a Jew who has his ordinary residence abroad cannot be a German citizen". Section 3 of the Ordinance prescribes that "the loss of citizenship also entails the forfeiture of property to the Reich and that the forfeited property is to serve the aim of promoting all objectives relating to the solution of the question of the Jews".

Under Section 7 para. 1 of the above Ordinance, all persons - including insurance companies - had to report "objects belonging to forfeited property" in their possession to the Senior Finance President in Berlin within a period of six months from the day of forfeiture. Failure to

comply with this reporting requirement was punishable by imprisonment or payment of a fine.

[At that time, the (Austrian) insurance supervisory authority was merely a "branch office" of the Reich Supervisory Office in Berlin. Except for information of a general nature such as laws, official publications and insurance reference books (so-called "*Assekuranzkompaesse*"), the insurance supervisory authority has no further records in this respect. The Austrian State Archives have hardly any files from that time in their possession.]

On the basis of this 11th Ordinance, a circular issued by the Reich Supervisory Office for Private Insurance in Berlin in 1942, reference no. 53/42, to the supervised insurance companies, provided, inter alia, for the following:

Endowment insurances of any kind with regular premium payments forfeited to the Reich in accordance with the Ordinance were regarded as being canceled as of 31 December 1941. The Reich was entitled to the surrender value (minus outstanding contributions) calculated for that date in accordance with the general operational plan. For the period from 1 January 1942 to the date of notification (cf. reporting requirement under Section 7 of the 11th Ordinance), the insurance companies had to pay the Reich interest payable on arrears.

In the case of annuity insurances of any kind where the General Standard Terms and Conditions made provision for surrender, the insurance companies also had to pay the Reich the surrender value calculated for 31 December 1941 in accordance with the general operational plan. As regards all sorts of annuity insurances where the General Standard Terms and Conditions provided no option for surrender, the Reich retained 75% of the premium reserve calculated for 31 December 1941 on the basis of the general operational plan plus the annuities due but still unpaid.

Property insurance contracts concerning the assets of "Jews" which had been forfeited to the Reich after the adoption of the 11th Ordinance still remained in force until the Reich decided to either transfer the insured object into its ownership or else to sell it. Any liability or accident insurance contracts of "Jews" who had lost their German citizenship under the terms of the 11th Ordinance, however, expired.

2. THE REESTABLISHMENT OF THE AUSTRIAN INSURANCE INDUSTRY

The development of the Austrian insurance industry has always been closely related to the economic situation. After years of inflation, monetary reform and international financial crises, there was a short period of economic recovery, followed by what became known as the Phoenix crash (*Phönix-Krach*). Repair measures ordered by the legislators in 1936, such as the creation of a fund designed to cover domestic Phoenix life insurance contracts, obliged the life insurance companies to render substantial benefits.

The explanatory remarks to the government's draft of the Insurance Re-establishment Act of 1955, Federal Law Gazette No. 185/1955 (*Versicherungswiederaufbaugesetz*) describe and summarize the postwar situation of the Austrian insurance industry as follows:

At the end of the war, insurance companies suffered losses because most of their covering funds consisted in securities which had to be bought in the era of the German Reich and became entirely worthless after it collapsed. Likewise, the value of houses and mortgages was severely affected. As a result of the currency reform, insurance companies lost around 60 percent of their deposits with banking institutions. Of all branches of the insurance industry, life insurance business was hardest hit by the losses occurring during and after the war. In order to be able to meet their hitherto limited liabilities, the insurance companies had to rely on public assistance.

3. PAYMENTS RENDERED BY THE REPUBLIC OF AUSTRIA

Article 26 para. 1 of the State Treaty of 15 May 1955 (Federal Law Gazette No. 152/1955) on the restoration of an independent and democratic Austria provides for Austria's obligation to restitute property confiscated by the German Reich and, where this is no longer possible, to grant compensation.

To implement the above provision, the "*Auffangorganisationsgesetz*" 1957, Federal Law Gazette No. 73/1957, (Absorption Organization Act) was adopted with five amendments (Federal Law Gazette Nos. 285/1958, 62 and 306/1959, 287/1960 and 1949/1966), under which collecting agencies (*Sammelstellen*) "A" and "B" were established through which heirless and unclaimed property that was liable to restitution was registered for use for the benefit of persecuted persons.

Collecting agency "A" was assigned all claims arising out of estates, legal titles and interests within the meaning of Art. 26 para. 2 of the Austrian State Treaty which were due to persons belonging the Israelite religious community on 31 December 1937. After the complete distribution of funds, both collecting agencies were dissolved.

Under the Ordinance of 26 April 1938, Reichs Gazette I Sec. 414, Jews (within the meaning of the Nuremberg Laws) had to report property held until 7 April 1938 no later than 30 June 1938. In this report, all assets exceeding 5,000 Reichsmark had to be reported. These property records also included numerous life insurance contracts. These were registered in the same manner as life insurance contracts resulting from the files of the Senior Finance President. Overall, there were 20,815 life insurance contracts in force in 1938.

a) Historical review of the former restitution laws

As from 1946, laws were passed in Austria the object of which was the restitution of confiscated and ownerless or heirless assets. Immediately after the war, the prewar legal situation was reestablished by the so-called restitution or repayment laws in order to remedy previous acts of injustice suffered with regard to property rights. Within the context of specific restitution or repayment laws, it was also possible to restore - along with other assets - insurance policies to the beneficiaries or their legal successors.

The following property categories were restored under the First and Second Restitution Acts: real estate, buildings, real estate earnings, insurance policies, securities, cash accounts, mortgage claims, business shares and undertakings as well as other movable assets (e.g., artworks, carpets, means of production).

First Restitution Act

Special mention must be made of the First Restitution Act, Federal Law Gazette No. 156/1946 on the basis of which property assets that were administrated by the Federation or by the *Länder* (regional governments) when the law entered into force in 1946 were given back to their owners.

Included in the scope of this law were mainly those emigrated or deported persons of Jewish denomination or descent whose property

assets were confiscated by the Gestapo for being hostile to the people or the state and whose property assets had been declared forfeited for the benefit of the German Reich under the 11th Ordinance to the Reich Citizens Act of 25 November 1941, with the administration of these property assets being assigned to the Senior Finance Presidents.

Second Restitution Act

Similarly, the 2nd Restitution Act, Federal Law Gazette No. 53/1947, concerned confiscated property assets that were in the possession of the Republic of Austria as a result of forfeiture and that had to be restored to the original owners or their legal successors.

This law dealt with the restitution of assets which had been taken away from the lawful owners and subsequently gone into the possession of a natural or legal person which was distributed or dissolved after the liberation of Austria under the Nazi Prohibition Act and War Criminal Act and whose property was therefore forfeited for the benefit of the Republic of Austria.

Third Restitution Act

The 3rd Restitution Act, Federal Law Gazette No. 54/1947, regulates the restoration of assets which, during the German occupation of Austria, were taken away from their owners or legitimate holders in connection with the seizure of power by the Nazis either high-handedly or under some law or other regulation. It is currently unclear whether it was possible, in view of specific constellations of facts, for insurance policies to fall within the scope of this Act.

b) Insurance Compensation Act, Federal Law Gazette No. 130/1958 (*Versicherungsentschädigungsgesetz*): Federal law of 26 June 1958 concerning the regulations on life insurance claims contracts sequestered by the German Reich

The Republic of Austria has under certain circumstances made payments in the private insurance sector in those cases where life insurance contracts were "sequestered" by the German Reich before 1945.

Section 1 of the Insurance Compensation Act of 1958, Federal Law Gazette No. 130/1958, focuses on "sequestrated" or "forfeited" life insurance contracts that were part of the domestic portfolio of insurance companies registered in Austria and were fulfilled by payment to the Third Reich on the basis of Reich regulations rescinded in Austria (or administrative regulations based thereupon). - The question whether an insurance contract was part of the domestic portfolio of an insurance company had to be determined according to Articles I and II of the Insurance Reestablishment Act (Federal Law Gazette No. 185/1955).

Beneficiaries under the Insurance Compensation Act of 1958 had to raise their claims with the insurance company concerned in writing and within a year, viz. until June 30, 1959, in order to prevent their rights from lapsing ("preclusion").

The amount of compensation was subject to the determination of benefits as defined in the Insurance Reestablishment Act 1955, which provided that under explicit legal provisions it was admissible in many cases only to render 40% of contractual payments. The amounts thus disbursed were rather small, not least because of missing premiums or, occasionally, due to policy loans that had previously been paid out. Other reasons for poor benefits are related to the monetary reform of 1946 and to the amounts insured, which were rather low by present-day standards.

4. Functions and limits of Austrian insurance supervision within the Federal Ministry of Finance

In Article 18 para. 1 of the Federal Constitution Act, the principle of legality is laid down as a pillar of the Austrian Federal Constitution which provides that public administration must only be executed on the basis of the law. The Insurance Supervisory Authority is thus strictly obliged to observe legal limits in the discharge of its supervisory duties with regard to insurance companies.

Apart from the system of substantive executive supervision, the state also has to protect the interests of insured parties directly vis-à-vis the insurance company, and indirectly by preserving the different insurance enterprises and the insurance sector in its economic integrity.

The Insurance Supervisory Authority also deals with complaints and inquiries about insurance contracts submitted to it by insured persons. It is obliged to ensure that the insurers observe the applicable rules regulating the operation of insurance contracts and the generally accepted principles of proper business operation.

Even though it is considered desirable for insurers to offer adequate goodwill payments in connection with Holocaust policies, the Insurance Supervisory Authority has no legal means of coercing the insurance industry to make payments on accommodating terms arising from barred claims.

The Insurance Supervisory Authority may assist claimants in identifying Austrian legal successors of Austrian insurers in connection with "old policies" (e.g. in the case of name changes or asset transfers within Austria). -Immediately after having been informed about the New York class action in March/April 1998, the Insurance Supervisory Authority also examined the fate of "old" life insurance policies (assessment of the legal situation roughly starting in the 1930s, during the Nazi period and the cancellation of forfeitures/confiscations of insurance policies after the war in 1945; investigations in the State Archives and in the insurance industry, more specifically with the Association of Insurers as the interest group of the Austrian insurance industry, as well as among insurance companies known to be affected).

Austrian Restitution of Works of Art

Background Information

Within the limits of the restitution laws adopted after the end of WWII, the Republic of Austria returned, among other things, works of art which were unjustly seized to their rightful owners or their legitimate heirs. In certain unambiguous cases a formal restitution procedure was deemed unnecessary. With the two art and culture restitution laws of 1969 and 1986, as well as the amendment of 1995 (which established a legal foundation for the transfer of those works of art which could neither be returned to their rightful owners nor to their legitimate heirs to the Federation of Jewish Communities in Austria) the restitution legislation found its conclusion.

Due to the results of a review of archival materials concerning art restitution as well as concrete cases, which was begun in the 90's, it was ordered in January 1998 that the archives of the federal museums and collections as well as the Bundesdenkmalamt archives undergo a systematic review in order to gain insight into the occurrences of the period between 1938 and 1945, as well as into the restitution results after the end of WWII. Independently, surveys were also carried out in the collections of the „Bundesimmobilienverwaltung“. Within the Federal Ministry for Education and Cultural Affairs, a "Commission for Provenance Research" was appointed which was entrusted with the assignment of systematically categorizing all of the acquired art objects during the time in question, in order to clear up all questions about their ownership during the National Socialist Rule and the immediate Post-War period.

The first results of the work of this Commission are now available. The following categories of art objects have been identified:

- 1) Art and cultural objects which were retained under the law prohibiting exportation of works of art and entered into the property of Austrian museums and collections labeled as "Gifts" or "Dedications". All works or art in this category have already been subject to restitution and were thus returned to their rightful owners. These cases are therefore thoroughly documented. In return for the granting of an export

allowance under the law prohibiting the exportation of art, it was agreed upon with the owners who sought exportation that some of these pieces should go to Austrian museums. From today's standpoint and based on the fact that both the art and cultural restitution laws were explicitly exempt from the application of the regulations of the statute prohibiting exportation, the course of action chosen at that time is unjustifiable.

2) Art and cultural objects which legally became property of the Federal Government, but were previously subject to a legal transaction which has been declared void under the regulations of the so-called "Nullity law" (Nichtigkeitsgesetz). After the war, several museum directors purchased art works in good faith from authorized dealers, whereas doubts to the origin of these works only emerged at a later time. Several such cases have been discovered in the course of the Provenance study.

3) Art and cultural objects which, despite restitution attempts, were unable to be returned to their rightful owner or legitimate heirs and thus became property of the Federal Government as ownerless goods.

With the present draft law, the legal foundation shall be laid in order to return these art objects to their original owners or legitimate heirs.

The law provides for an advisory board, which is assembled as follows:

- A Representative of the Federal Ministry for Education
- A Representative of the Federal Ministry for Economic Affairs
- A Representative of the Federal Ministry for Justice
- A Representative of the Federal Ministry for Defense
- A Representative of the Finanzprokuratur (branch of the Ministry for Finance)
- A historian and art historian nominated by the Conference of University Deans

It is the duty of the advisory board to give advice regarding the determination of all persons to whom works of art shall be restituted. The advisory board can invite additional experts to its meetings.

The statute prohibiting exportation does not apply to the law. For this law the regulations of grants are freed from all taxes and duties. The law applies to a period of 25 years.

Federal Minister Elisabeth Gehrler has stated during the parliamentary debate of the new law that she will contact the nine federal states, the various communities as well as other museums in Austria to put a comparable initiative in place.

A progress report will be given before the end of the regular session of parliament. Further reports will be given on a yearly basis.

3) Arguments and Facts:

a) Status of the review and order of magnitude of the objects in question:

Category 1 para. 1, subpara. 1: Due to archival information available to the Bundesdenkmalamt the dimension of this category can be determined quite precisely. The review of the various museum's archives is, at this point, almost complete. This category encompasses stock from 13 former collections, amounting altogether to approximately 405 catalog entries and approximately 500-600 object pieces (among them coins and dishes). Well known names of these collections are, among others; Rothschild, Lederer, Bloch-Bauer and Lanckoronski.

Category 2 para. 1, subpara. 2: This category deals with purchases of the federal museums during WWII and their acquisitions after the war. So far the provenance research brought to light a number of cases, which total under 20. The study under this category is the least advanced because research proves to be most difficult in these cases.

Category 3 para. 1, subpara. 3: Due to the recent and systematic archival review, additional art works and objects have been discovered, which belong under the category "Naziraubkunst" (artwork stolen by the Nazis). At this moment, this category contains up to 200 objects. None of them are „major pieces“ of art but rather furnishings (decorations) and installation objects.

b) The law provides that ownerless goods or goods where no heirs can be found shall be transferred to the National Fund for the Victims of National Socialism. Concurrently with the adoption of the art restitution law, the law governing the National Fund has also been amended. Thereby the National Fund was authorized to transfer the proceeds from the sale of these art works to victims of National Socialism.

4) Additional questions:

Bloch-Bauer: There are claims from the family, which - given today's level of information - fall under category 1 of the law and are therefore governed by the new law. Further claims by the family must, however, be looked into by the advisory board to determine whether or not they fall under the restitution law.

Claims by the Mahler family: For these claims too, the advisory board must examine archival materials in order to determine whether the claims are legitimate according to the law.

Such cases which do not fall under any of the three categories of the law and therefore cannot be restituted, should be looked into by the Commission of Historians.

Leopold Museum (Leopold-Privatstiftung): Concerning the two Schiele paintings in New York, the Leopold Foundation has been advised (upon the initiative of Minister Gehrler) to propose to the New York District Attorney that - after the return of the paintings to Vienna - the Leopold Foundation will issue a legally binding waiver of its right to a plea concerning the statute of limitations in these cases.

The actual return of property under the law can begin as soon as the law enters into force (expected by the beginning of December 1998): Federal Minister Gehrler has already written to the above mentioned institutions and requested their nominations to the advisory board. The nine federal states and communities were likewise contacted by the Minister with the request to follow suit and take similar action. The inauguration of this advisory board will take place in a first meeting on 9 December.

Austrian Historical Commission

Handout for the Washington Conference

The Historical Commission was established jointly by the Austrian Federal Chancellor (i.e. Prime Minister), the Vice-Chancellor, the Speaker of the National Assembly and the Speaker of the Federal Council (i.e. the second chamber of the Austrian Parliament). The Commission will be their agent.

The Commission's mandate is to investigate and report on the whole complex of expropriations in Austria during the Nazi era and on restitution and/or compensation (including other financial or social benefits) after 1945 by the Republic of Austria (cf. the decision of the Austrian Cabinet of 1 October 1998).

MEMBERS OF THE COMMISSION

Prof. Clemens Jabloner, President of the Austrian Administrative Court, Chairman,
Dr. Brigitte Bailer-Galanda,
Dr. Avraham Barkai,
Prof. Lorenz Mikoletzky, Director-General of the Austrian State Archives,
Dr. Bertrand Perz,
Prof. Roman Sandgruber.

HOW THE MEMBERS WERE CHOSEN

One reputed foreign expert. The "Yad Vashem" Institute, Jerusalem, the Holocaust Memorial Museum, Washington DC, and Mr. Simon Wiesenthal, Vienna, were invited to draw up short list of three.

One Austrian economic and social historian. The heads of the Departments of Economic and Social History of the Universities of

Vienna, Linz, Innsbruck and Graz and of the Vienna University of Economics were invited to draw up a short list of two.

Two Austrian experts on contemporary history. The heads of the Departments of Contemporary History of the Universities of Vienna, Graz, Linz and Innsbruck, the head of the History Department of Salzburg University, the head of the Contemporary History Section of the History Department of the University of Klagenfurt and the head of the Boltzmann Institute for Research into the Consequences of the War, who also heads the Documentation Archive of Austrian (Anti-Nazi) Resistance, were invited to draw up a short list of four.

From the nominations submitted by these organizations, the Austrian Federal Chancellor, the Vice-Chancellor, the Speaker of the National Assembly and the Speaker of the Federal Council selected the members of the Commission. The Commission's Secretariat is at the Austrian State Archives (Österreichisches Staatsarchiv, 1030 Wien, Nottendorfer Gasse 2, phone +43 1 79540/180 or 181, fax +43 1 79540/186, e-mail hiskom@oesta.gv.at).

The constituent session of the Commission will take place on 26 November 1998. The agenda will include the following items: rules of procedure; should the Commission's sessions be public or private; outlines of the Commission's work program; suggestions on methods to be used; organizational requirements; time schedule; budget. As required by its mandate, the Commission will announce its general work program within 3 months of its constituent session.

The Commission's budget is part of the Austrian Parliament's Budget. The Commission will probably submit intermediate "Progress Reports" from time to time. In addition to the work of its members, the Commission will subcontract some research work to outside historians in order to speed up its work and make it more efficient.

As the Federal Chancellor said in the Cabinet on proposing the Commission, the object of the exercise is to make "another significant step towards an objective, transparent, independent and comprehensive coming to terms with one of the most painful chapters" of the history of the Republic of Austria.

BIOGRAPHIES OF THE MEMBERS OF THE COMMISSION

1. Clemens Jabloner

Born 28 November 1948, Vienna.

Studied law at Vienna University

June 1972	Graduated as Doctor of Law
1975	Assistant in public law, Vienna Economic University
1 January 1976	Assistant, Institute for Public and Administrative Law, Vienna University
1 March 1978	Seconded to Federal Chancellery, Department of Legal Advisers
1982	Appointed head of media subdivision of that Department
December 1989	Appointed head of the Civil Service Department, Federal Chancellery
1988	Habilitation as lecturer (<i>Dozent</i>) in constitutional law, Vienna University (under Prof. Walter)
1993	Chosen to be Second Executive Secretary of the Hans Kelsen Institute; received title of "Associate Professor" from Federal President
1 December 1991	Appointed Vice-President of the Administrative Court
1 April 1993	Appointed President of the Administrative Court
1 October 1998	Appointed Chairman of the Historical Commission

Dr. Jabloner continues to lecture at the university and to publish on law and legal philosophy.

Selected publications

- * With R. Walter, *Hans Kelsen (1881-1973) - Leben-Werk-Wirkung* [on the life, work and echo of Hans Kelsen], in: Luther, Stiefel and Hoeflich (ed.), *Der Einfluß deutscher Emigranten auf die Rechtsentwicklung in den USA und in Deutschland* [The Influence of German Emigrés on Legal Developments in the USA and Germany] (1993), p. 521 (part IV);
- * "Kelsen" in: Schlink and Jacobson (ed.), *Weimar: A Jurisprudence of Crisis* (in preparation);
- * "Menschenbild und Friedenssicherung" [The Concept of Man and Action to Secure Peace], in: Walter and Jabloner (ed.), *Hans Kelsens Wege sozialphilosophischer Forschung* [on Kelsen's approach to social philosophy](1997), 57;
- * "Der Bundesstaat und die Gerichtbarkeit des öffentlichen Rechts" [The Federal System of Government and Public Law Courts], in: Schambeck (ed.), *Bundesstaat und Bundesrat in Österreich* [on the federal system and the second chamber of parliament in Austria] (1997), 135;
- * "Legal Techniques and Theory of Civilization - Remarks on Hans Kelsen and Carl Schmitt", in: Dinerand Stolleis, *Hans Kelsen and Carl Schmitt. A Conference in Legal History* (1998) (in preparation).

2. Brigitte Bailer-Galanda

Born 1952, Vienna

Studied social science, economics and history at Vienna University (Master of Social and Economic Science, Dr. phil.)

Since 1979 Staff member of Documentation Archive of Austrian Resistance

Since 1993-94 Instructor, Institute of Political Science, Vienna University

Dr. Bailer-Galanda has researched and published on the Nazi era in Austria, particularly on the resistance movement and Nazi persecution, and on racism and rightist extremism after 1945 with special emphasis on Nazi apologists and Holocaust deniers as well as the problems of compensation for Nazi victims and the Austrian response to the country's Nazi past in general.

Selected publications

Own publications or co-editor:

Wiedergutmachung - kein Thema. Österreich und die Opfer des Nationalsozialismus [Compensation - Not a Suitable Subject: Austria and the Victims of Nazism], Vienna 1993;

With Wolfgang Neugebauer, "... ihrer Überzeugung treu geblieben". *Rechtsextremisten, "Revisionisten" und Antisemiten in Österreich* [on the extreme right, revisionism and anti-Semitism in Austria], Stiftung Dokumentationsarchiv des österreichischen Widerstandes [Foundation for the Documentation Archive of Austrian Resistance] (ed.), Vienna 1996;

Co-editor and contributor with Wolfgang Benz and Wolfgang Neugebauer, *Wahrheit und "Auschwitzlüge". Zur Bekämpfung "revisionistischer" Propaganda* [Truth and "Auschwitz Lie". How to counter revisionist propaganda], Vienna 1995, expanded edition under licence in Germany;

Die Auschwitzleugner. "Revisionistische" Geschichtslüge und historische Wahrheit [Those Who Deny Auschwitz: "Revisionist" Historical Lies and Historical Truth], Berlin 1996 (co-editor and contributor).

Contributor:

- * *Erzählte Geschichte. Berichte von Widerstandskämpfern und Verfolgern und Verfolgten*, Vol. 1: *Arbeiterbewegung* [Vol. 1 - dealing with the workers' movement - of an oral history collection featuring resistance fighters, persecutors and persecuted people], ed.

- Stiftung Dokumentationsarchiv des österreichischen Widerstandes, Vienna 1985 (contributor and project director);
- * *Jüdische Schicksale, Berichte von Verfolgten* [Jewish Stories: Reports by Persecuted Persons], ed. Stiftung Dokumentationsarchiv des österreichischen Widerstandes, Vienna 1992 (vol. 3 of *Erzählte Geschichte* [Oral History]), (contributor and project director);
 - * "Verfolgt und vergessen. Die Diskriminierung einzelner Opfergruppen durch die Opferfürsorgegesetzgebung" [on discrimination against certain categories of victims in Austrian legislation], in: Yearbook 1992, Dokumentationsarchiv des österreichischen Widerstandes, pp. 13-25, Vienna 1992;
 - * "'Ohne den Staat weiter damit zu belasten ...' Bemerkungen zur österreichischen Rückstellungsgesetzgebung" ["Without Creating Additional Burdens for the State": Notes on Austrian Restitution Legislation] in: *Zeitgeschichte* 11/12 (1993), pp. 367-381;
 - * "Gleiches Recht für alle? Die Behandlung von Opfern und Tätern des Nationalsozialismus durch die Republik Österreich" [Equal Rights for All? The Treatment of Nazi Victims and Nazi Perpetrators by the Republic of Austria], in: *Der Umgang mit dem Holocaust. Europa-USA-Israel* [Coming to Terms with the Holocaust: Europe-USA-Israel], ed. Rolf Steininger, pp. 183-197 Vienna, Cologne and Weimar 1994 (Publications of the Contemporary History Department of Innsbruck University and the Jewish Museum of Hohenems, Vol. 1);
 - * "Anschreiben gegen die Leugner, Neue Literatur zum Thema "Revisionismus"" [Writing against the Deniers: New Literature on the Subject of "Revisionism"], in: *Jahrbuch für Antisemitismusforschung* [Yearbook for Research on Anti-Semitism], ed. Wolfgang Benz for the Centre for Research on Anti-Semitism of the Berlin Technical University, pp. 287-300, Frankfurt and New York 1995;
 - * "Das Konzentrationslager Mauthausen" (Mauthausen Concentration Camp) in: Simon Wiesenthal, *Denn sie wußten, was sie tun. Zeichnungen und Aufzeichnungen aus dem KZ Mauthausen* [For

They Knew What They Were Doing: Drawings and Notes from Mauthausen Concentration Camp], pp. 11-13, Vienna 1995;

- * "'Alle haben gleich gelitten?' Antisemitismus in der Auseinandersetzung um die sogenannte 'Wiedergutmachung'" [All Suffered to the Same Extent? Anti-Semitism in the Debate about So-Called 'Reparation'], in: *Die Macht der Bilder. Antisemitische Vorurteile und Mythen* [The Power of Images: Anti-Semitic Prejudices and Myths], ed. Jüdisches Museum der Stadt Wien [Jewish Museum of the City of Vienna], pp. 333-345, Vienna 1995;
- * "Die sogenannte 'Auschwitz-Lüge' - neue Ausdruckform für althergebrachten Antisemitismus" [The So-Called 'Auschwitz Lie' - a New Expression of Traditional Anti-Semitism], in: *Die Macht der Bilder. Antisemitische Vorurteile und Mythen*, ed. Jüdisches Museum der Stadt Wien, pp. 360-365, Vienna 1995;
- * "Alle waren Opfer. Der selektive Umgang mit den Folgen des Nationalsozialismus" [They Were All Victims: The Selective Treatment of the Consequences of Nazism], in: Wolfgang Kos and Georg Rigele (ed.) *Inventur 45/55. Österreich im ersten Jahrzehnt der Zweiten Republik* [Stocktaking 45-55: Austria in the First Decade of the Second Republic], pp. 181-200, Vienna 1996.

In English:

- * "They Were All Victims: The Selective Treatment of the Consequences of National Socialism", in: Günter Bischof and Anton Pelinka (ed.), *Austrian Historical Memory and National Identity*, New Brunswick Austrian Contemporary Studies, Vol. 5), London 1996;
- * "'Revisionism" in Germany and Austria: The Evolution of a Doctrine", in: *Anti-Semitism and Xenophobia in Germany after Unification*, ed. Hermann Kurthen, Rainer Erb and Werner Bergmann, New York and Oxford 1997.

3. Avraham Barkai

Born 1921, Berlin.

1938-1940 Emigrated to Palestine, student of agriculture at Mikveh, Israel

since 1941 Member of Kibbutz Lehaveth Habashan

1977 Ph.D., Tel Aviv University in History of Economics, since 1986 part-time assistant-professor at the Tel-Hai-College, Israel.

Visiting professor at Israeli and foreign universities

Member of the historical commission investigating the history of Deutsche Bank under the Nazis (report has been submitted)

Member of the Board of Directors(1994-1997 chairman), Leo Baeck Institute, Jerusalem

Currently Research Fellow at Yad Vashem's International Center for Holocaust Studies where he is researching the history of "Centralverein deutscher Staatsbürger jüdischen Glaubens", 1893-1938, the largest and most representative German-Jewish organization.

Selected publications

- * *Vom Boykott zur Entjudung. Der wirtschaftliche Existenzkampf der Juden im Dritten Reich 1933-1943*, 1988 [about the economic struggle for survival of Jews in Nazi Germany] ; Engl. ed. *From Boycott to Annihilation*, Hanover: Brandeis UP 1989;
- * *Das Wirtschaftssystem des Nationalsozialismus* (1st ed. 1977, 2nd enlarged ed. 1989, Engl. ed. *Nazi Economics. Ideology, Theory, Policy*, New Haven: Yale UP and Oxford, UK: Berg 1990);
- * *Jüdische Minderheit und Industrialisierung in Westdeutschland 1850-1914* [The Jewish Minority and Industrialization in West Germany, 1850-1914] (1988);

- * With Paul Mendes Flohr, *Deutsch-Jüdische Geschichte in der Neuzeit* [German-Jewish History in the Modern Age, Vol. IV, 1918-1945] (1997), Engl. edition New York: Columbia UP 1998;
- * Many essays and conference papers on German Jewish history, the ideology, economics and politics of Nazis, the Holocaust etc.

4. Lorenz Mikoletzky

Born 12 May 1945, Vienna.

1964-1969	Studied history and classical archaeology at Vienna University
1969	Graduated as Dr. phil., joined Austrian State Archives
1 February 1991	Appointed head of General Administrative Archive
1 July 1991	Promoted to <i>Hofrat</i> (Chief Archivist)
1 July 1994	Appointed Director-General of Austrian State Archives and Chairman of Central Archives Office
13 January 1993	Appointed Honorary Professor of Modern Austrian History, Faculty of Letters and Humanities, Vienna University

International Activities (inter alia):

Member, Executive Committee of the International Council on Archives, for Europe and North America
 Austrian representative in CIBAL (Comité et Centre International d'information sur les sources de l'histoire balkanique et méditerranéenne).

Work in academic commissions and organizations:

Honorary member of the Historical Commission of the Grand Duchy of Luxembourg

Honorary member of the Association of Romanian Archivists

Executive Vice-President of the Union of Austrian Historians and Historical Associations

Member of the Board of the Commission for Austrian Modern History

Member of the Board of Curators of the Documentation Archive of Austrian Resistance

Member of the Board of the Austro-Polish Society

Member of the Letters and Humanities Committee of the Austrian Commission for UNESCO

Selected publications

- * "The Independence of Economics and Politics. An Example from the Austro-Russian Alliance during the Napoleonic Wars", in: *The Journal of European History*, 2/2, 1973, pp. 355-362;
- * "Le recensement des archives des firmes et des entreprises en Autriche: état actuel" [The Present State of the Inventorization of Business Archives in Austria], in: *Bulletin du Comité des Archives d'Entreprises* 3/1980, pp. 21-26;
- * "Josef Bürckels Dienststelle und die Steiermark 1938/39. Ausgewählte Materialien aus dem Amt des Reichskommissars für die Wiedervereinigung Österreichs mit dem Deutschen Reich" [Josef Bürckel's Office and Styria, 1938-39. Selected Materials from the Office of the Reich Commissioner for the Reunification of Austria with the German Reich] in: *Siedlung, Macht und Wirtschaft* [Settlement, Power and the Economy], 1981, pp. 281-291;
- * "Bibliographie zum 12. Februar 1934. Eine Auswahl" [Selected Bibliography on 12 February 1934] in: *Erwachsenenbildung in Österreich* [Adult Education in Austria] 4B/1983, pp. 11-13;
- * "Überblick über das österreichische Archivwesen seit dem Zweiten Weltkrieg" [Survey of Austrian Archival Work since World War II], in: *Archives et Bibliothèques de Belgique*, LV/1-4/1984, pp. 73-83;

- * "Österreichische Parlaments- und Parteiarchive" [Austrian Parliamentary and Party Archives], in: *Archives et Bibliothèques de Belgique*, LX/3-4/1989, pp. 77-81;
- * "Das Österreichische Staatsarchiv und das Problem der Massenaktenbewältigung" [The Austrian State Archives and the Problem of Handling Large Quantities of Files], in: *Scrinium* 44/45, 1991, pp. 206-210;
- * "Austrian Archival Work - Yesterday, Today and Tomorrow", in: *Bulgarische Archivzeitschrift* 1-2/1995, pp. 77-87 (in Bulgarian);
- * "Die österreichischen Archive und Europa - Das Österreichische Staatsarchiv" [Austria's Archives and Europe - The Austrian State Archives] in: *Scrinium* 49/1995, pp. 451-455;
- * *Archives of the Holocaust. An International Collection of Selected Documents*, Vol. 21: *Allgemeines Verwaltungsarchiv, Archiv der Republik* [General Administrative Archive and Archive of the Republic], Vienna, New York and London 1995.

5. Bertrand Perz

Born 9 February 1958, Linz.

Studied history and for some semesters geology, philosophy and art history at Vienna University. In lieu of military service, served at the Documentation Archive of Austrian Resistance. Doctoral dissertation supervised by Karl Stuhlpfarrer (with Erika Weinzierl as second examiner) at Department of Contemporary History, Vienna University, subject: "Melk Concentration Camp: Expansion of the Armament Industry and Forced Labour by Concentration Camp Prisoners at the Steyr-Daimler-Puch AG Company". Graduated as Dr. phil., 1990.

Since 1981

Contributed to numerous research projects at the Contemporary History Department, University of Vienna, on subjects such as Nazi concentration camps and ghettos, forced labour, the Holocaust, the culture of remembrance and commemorative shrines at concentration camps

- 1982-1987 Member of the Commission for Research into Resistance and Persecution in Lower Austria in preparation of the publication of the same name
- 1991-1992 Expert for the Duisburg Regional Court (Germany) in the criminal trial of former member SS guards of Wiener Neudorf concentration camp
- since the academic year 1991-92 Instructor, Contemporary History Department, Vienna University, conducting classes inter alia on Nazism and its impact on cultural history and the history of technology
- 1992 With Gottfried Fliedl planned and did the historical work for the permanent exhibit on the history of Melk concentration camp opened in Melk on 8 May 1992
- 1993-1995 Member and coordinator of the international commission of experts appointed by the Federal Minister of Education and Art for the Mauthausen commemorative shrine
- 1995-1996 Instructor, Contemporary History Department, Innsbruck University
- since 1997 Staff member of the Independent Commission of Experts on Switzerland in World War II (Bergier Commission)
- Secretary of Forschungsgemeinschaft zur Geschichte des Nationalsozialismus (organization of researchers working on the history of Nazism)
- since 1 July 1998 Holder of a fellowship from the Hamburg Foundation for the Encouragement of Science and Culture to enable him to work on his

habilitation thesis the subject of which will be the department run by Odilo Globocnik as SS and police chief in Lublin (organization and personnel).

Selected publications

Self-contained

- * With Florian Freund, *Das KZ in der Serbenhalle. Zur Kriegsindustrie in Wiener Neustadt* [on a concentration camp connected with war industries in the town of Wiener Neustadt], Vienna 1988;
- * *Projekt Quarz. Steyr-Daimler-Puch und das Konzentrationslager Melk* [The Quartz Project: Steyr-Daimler-Puch and Melk Concentration Camp], Vienna 1991;
- * *Konzentrationslager Melk. Begleitbroschüre zur ständigen Ausstellung in der Gedenkstätte des ehemaligen Konzentrationslagers Melk* [Visitor's handbook for the commemorative shrine in Melk] (with a contribution by Gottfried Fliedl), Vienna 1992;
- * *Il campo di concentramento di Melk. "Commando" di Mauthausen - Impianto sotterraneo "Quarz"*, Burolo (TO) 1993 (enlarged Italian version of the Melk brochure).

Essays

- * With Hans Safrian, "Wege und Irrwege der Faschismusforschung" [Routes and Wrong Turnings of Research on Fascism], in: *Zeitgeschichte*, 11/12 (1980), pp. 437 ff;
- * Joint editor with Hans Safrian and Karl Stuhlpfarrer of *Faschismus in Österreich und International* [Austrian and International Fascism]. Yearbook 1980-81 of the Austrian Society for Contemporary History, Vienna 1982;

- * With Werner Eichbauer and Florian Freund, *Die Außenlager des KZ Mauthausen in Niederösterreich* [The Sub-camps of the Mauthausen Concentration Camp in Lower Austria] in: *Widerstand und Verfolgung in Niederösterreich* [Resistance and Persecution in Lower Austria], Vol. 3, pp. 602-631, Vienna 1987;
- * With Florian Freund, "Industrialisierung durch Zwangsarbeit" [Industrialization through Forced Labour] in: Emmerich Talos, Ernst Hanisch and Wolfgang Neugebauer (ed.), *NS-Herrschaft in Österreich 1938-1945* [Nazi Rule in Austria 1938-1945], pp. 95-114, Vienna 1988;
- * "Die Errichtung eines Konzentrationslagers in Wiener Neudorf. Zum Zusammenhang von Rüstungsexpansion und Zwangsarbeit von KZ-Häftlingen" [The establishment of a Concentration Camp in Wiener Neudorf: the Connection between Armament Expansion and Forced Labour by Concentration Camp Prisoners], in: *Dokumentationsarchiv des Österreichischen Widerstandes* (ed.), *Jahrbuch 1988* [Yearbook], pp. 88-116, Vienna 1988;
- * "Der Todesmarsch von Wiener Neudorf nach Mauthausen. Eine Dokumentation" [The Death March from Wiener Neudorf to Mauthausen: Documents], in: *Dokumentationsarchiv des Österreichischen Widerstandes* (ed.), *Jahrbuch 1988* [Yearbook], pp. 117-137, Vienna 1988;
- * "Steyr-Münichholz, ein Konzentrationslager der Steyr-Daimler-Puch AG, Zur Genese der Zwangsarbeit in der Rüstungsindustrie" [Steyr-Münichholz, a Concentration Camp of Steyr-Daimler-Puch AG: Notes on the Genesis of Forced Labour in the Armament Industry], in: *Dokumentationsarchiv des österreichischen Widerstandes* (ed.), *Jahrbuch 1989*, pp. 57-61, Vienna 1989;
- * With Florian Freund and Karl Stuhlpfarrer, "Das Getto in Litzmannstadt (Lodz)" [The Ghetto in Litzmannstadt, i.e. Lodz] in: *"Unser einziger Weg ist Arbeit." Das Getto in Lodz 1940-1944* ["Our Only Way Is Work. The Lodz Ghetto, 1940-1944"], ed. Jewish Museum, Frankfurt am Main, pp. 17-31, Vienna 1990;
- * With Florian Freund and Karl Stuhlpfarrer, "Bildergeschichten - Geschichtsbilder" [Pictorial Histories, Historical Pictures], in:

"Unser einziger Weg ist Arbeit". Das Getto in Lodz 1940-1944, ed. Jewish Museum, Frankfurt am Main, pp. 50-59, Vienna 1990;

- * With Florian Freund and Karl Stuhlpfarrer, selection of colour slides from the archives of the German ghetto administration in Lodz (including quotes), in: *"Unser einziger Weg ist Arbeit". Das Getto in Lodz 1940-1944*, ed. Jewish Museum, Frankfurt am Main, pp. 50-59, Vienna 1990;
- * With Florian Freund, "Fremdarbeiter und KZ-Häftlinge in der 'Ostmark'" (Foreign Workers and Concentration Camp Prisoners in Nazi-Occupied Austria), in: Ulrich Herbert (ed.), *Europa und der "Reichseinsatz". Ausländische Zivilarbeiter, Kriegsgefangene und KZ-Häftlinge in Deutschland 1938-1945* [Europe and "Assignment for the Reich": Foreign Civilian Workers, Prisoners of War and Concentration Camp Prisoners in Germany, 1938-1945], pp. 317-350, Essen 1991;
- * With Florian Freund and Karl Stuhlpfarrer, "Farbdias aus dem Ghetto Lodz" [Colour Slides from Lodz Ghetto], in: *Zeitgeschichte* 18 (1990/91) No. 9/10, pp. 271-303;
- * With Gottfried Fliedl, Florian Freund and Eduard Fuchs, "Den Toten zur Ehr - den Lebenden zur Lehr?" [To Honour the Dead and to Teach the Living a Lesson?] in: *Österreichische Zeitschrift für Geschichtswissenschaften* 2 (1991), No. 4;
- * With Florian Freund and Karl Stuhlpfarrer, "Der Bau des Vernichtungslagers Auschwitz-Birkenau. Die Aktenmappe der Zentralbauleitung Auschwitz 'Vorhaben Kriegsgefangenenlager Auschwitz (Durchführung der Sonderbehandlung)' im Militärhistorischen Archiv Prag" [The Construction of Auschwitz-Birkenau Annihilation Camp: The Files of the Auschwitz Central Construction Management on "Project POW: Camp Auschwitz (Application of Special Treatment)"], in: *Zeitgeschichte* 20 (1993), No. 5/6, pp. 187-214);
- * "Rüstungsindustrie in Wiener Neustadt 1938-1945" [Armament Industries in Wiener Neustadt, 1938-1945], in: Sylvia Hahn and Karl Flanner (ed.), *"Die Wienerische Neustadt", Handwerk, Handel und*

Militär in der Steinfeldstadt [Crafts, Trade and the Military in Wiener Neustadt], pp. 47-90, Wien, Cologne and Weimar 1994;

- * "Perspektiven der österreichischen Forschung zu Zwangsarbeit und Arbeitsmigration im Nationalsozialismus" [Perspectives of Austrian Research on Forced Labour and Worker Migration under Nazism], in: *Österreichischer Zeitgeschichtetag Innsbruck 1993* [Proceedings of the 1993 Congress of Austrian Contemporary Historians], ed. Ingrid Böhler and Rolf Steininger, p. 209-215, Innsbruck and Vienna 1995;
- * "Das Konzentrationslager Mauthausen in der historischen Forschung" [Mauthausen Concentration Camp as Reflected in Historical Research], in: *Nouvelles recherches sur l'univers concentrationnaire et d'extermination nazi. Revue d'Allemagne et des pays de langue allemande*, vol. 27, No. 2 - April/June 1995, pp. 265-274;
- * "'Auf Wunsch des Führers ...'. Der Bau von Luftschutzstollen in Linz durch Häftlinge des Konzentrationslagers Linz II" ["It is the Führer's Wish" The Building of Air-Raid Dugouts by Prisoners from Concentration Camp Linz II], in: *Zeitgeschichte*, 22nd Year, September/October 1995, No. 9/10, pp. 342-346;
- * "Politisches Management im Wirtschaftskonzern. Georg Meindl und die Rolle des Staatskonzerns Steyr-Daimler-Puch bei der Verwirklichung der NS-Wirtschaftsziele in Österreich" [Political Management in a Business Concern: Georg Meindl and the Role of the State-Owned Steyr-Daimler-Puch Company in the Implementation of Nazi Economic Objectives in Austria], in: Hermann Kaienburg (ed.), *Konzentrationslager und deutsche Wirtschaft 1939-1945* [Concentration Camps and the German Economy, 1939-1945], pp. 95-112, Opladen 1996;
- * "Das Ghetto in Lodz und die Errichtung des Vernichtungslagers Chelmno-Kulmhof" [The Ghetto in Lodz and the Construction of Chelmno-Kulmhof Annihilation Camp], in: *Österreichischer Zeitgeschichtetag Linz 1995, Österreich - 50 Jahre Zweite Republik* [Proceedings of the 1995 Congress of Austrian Contemporary Historians in Celebration of the Fiftieth Anniversary of the Second

Republic], Rudolf G. Ardelt und Christian Gerbel (ed.), pp. 220-224, Innsbruck 1996;

- * As member of the historical staff, co-authored the report of the Swiss Commission on gold transactions in World War II (*Bericht der Unabhängigen Expertenkommission: Schweiz - Zweiter Weltkrieg: Goldtransaktionen im Zweiten Weltkrieg: Kommentierte statistische Übersicht. Ein Beitrag zur Goldkonferenz in London, 2.-4. Dezember 1997*), Berne 1997;
- * "Der Arbeitseinsatz im KZ Mauthausen" [Work Assignments in Mauthausen Concentration Camp], in: *Die nationalsozialistischen Konzentrationslager - Entwicklung und Struktur* [The Nazi Concentration Camps - Development and Structure], Ulrich Herbert, Karin Orth and Christoph Dieckmann (ed.), pp. 533-557, Göttingen 1998;
- * (In the press): "'Selbst die Sonne schien damals ganz anders ...'. Die Entstehung der KZ-Gedenkstätte Mauthausen 1945-1970" ["Even the Sun Shone Quite Differently Then..." The Genesis of the Camp Shrine in Mauthausen], in: *Steinernes Bewußtsein. Die öffentliche Repräsentation staatlicher und nationaler Identität Österreichs in seinen Denkmälern* [Remembrance in Stone: The Public Representation of Austria's Statehood and National Identity in Her Monuments], Vol. 2, Heidemarie Uhl (ed.), Vienna, Cologne and Weimar (to be published spring 1999).

6. Roman Sandgruber

Born 20 February 1947, Rohrbach, Upper Austria

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| 1965-1971 | Studied history, German literature and economics at Vienna University |
| 1972-1988 | Assistant, Department for Social and Economic History, University of Vienna (under Professors Alfred Hoffmann and Michael Mitterauer) |
| 1982 | Habilitation as lecturer (<i>Dozent</i>) in Economic and Social History, Vienna University |

since 1982	Full Professor and Head of the Department of Economic and Social History, Linz University
since 1995	Corresponding Member of the Austrian Academy of Science
since 1996	Chairman of the Senate of Linz University
1998	Academic Director of the Upper Austrian Regional Exhibition 1998, "Land of Hammers - Iron Ore Land" and Chairman of the Academic Advisory Committee of the "Iron Road" regional association in Upper Austria Chairman, Economic History Section, Union of Austrian Historians and Historical Associations

Prof. Sandgruber has published a comprehensive account of the economic history of Austria from the Middle Ages to the present (*Ökonomie und Politik. Wirtschaftsgeschichte Österreichs vom Mittelalter bis zur Gegenwart*, Vienna 1995) in the ten-volume series *Österreichische Geschichte*. In this book, he deals *inter alia* with the question of confiscations of property, forced labour, restitution and various forms of compensation. He has also done research on the history of Austrian farming, the iron industry in the Alps, historical statistics, demand patterns in the age of industrialization, the history of everyday life, the changing environment and general Austrian economic and social history in the 20th century. He has published seven monographs and about 150 articles in academic journals and collections of essays (see below). He is a regular contributor to a number of daily papers and magazines.

In addition to numerous smaller awards, he has been honoured with the Sandoz Prize for distinguished research achievements (1987), the Karl von Vogelsang Prize from the Austrian government (1988) and the Economic Research Award of the state government of Upper Austria (1990).

Selected publications

Self-contained

- * *Ökonomie und Politik, Österreichische Wirtschaftsgeschichte vom Mittelalter bis zur Gegenwart* (Vol. 10 of *Österreichische Geschichte*, a series of publications on Austrian history ed. by Herwig Wolfram), Vienna 1995 (see above);

Essays

- * "Rollenverständnis in Bauern-, Heimarbeiter- und Industriearbeiterfamilien Österreichs im 18., 19. und 20. Jahrhundert" [Role Perception in Peasant, Homeworker and Industrial Worker Families in Austria in the 18th, 19th and 20th Centuries] in: Peter Borscheid and Hans J. Treuteberg (ed.), *Ehe, Liebe, Tod* [Marriage, Love and Death], pp. 135-149, Munich 1983;
- * "Die Postsparkassensparer. Sozialstruktur und Alltagsleben im Lichte von Bankkunden" [The Postal Savings Bank Savers: Social Structure and Everyday Life in the Light of Bank Customers], in: Roland Löffler and Michael Wagner (ed.), *Stillstand ist Rückschritt. Der erste Postsparkassen-Gouverneur 1910* [Standstill Means Retrogression: The First Governor of the Postal Savings Bank, 1910], pp. 43-67, Vienna 1986;
- * "Von der Ersten zur Dritten Republik. Stationen eines erstaunlichen Weges durch das 20. Jahrhundert" [From the First to the Third Republic: Stages of an Amazing Progress through the 20th Century], in: *Standort Österreich. Über Kultur, Wirtschaft und Politik im Wandel* [Location Austria: Culture, Economy and Politics in a Period of Change], ed. Gerd Bacher, Karl Schwarzenberg and Josef Taus, pp. 287-316, Graz 1990;
- * "The Industrial Tradition in Lower Austria", in: John Komlos (ed.) *Economic Development in the Habsburg Monarchy and in the Successor States*, pp. 303-316, New York 1990;
- * "Le cooperative in Austria: sviluppo storico e struttura attuale" [Cooperatives in Austria: History and Present Structure], in: *Cooperazione di credito. Rivista trimestrale di cultura cooperativa*

[Italian journal of the Cooperative Movement], No. 126, 41st Year, pp. 413-422, 1989;

- * "Österreich 1650-1850" [Austria 1650-1850], in: *Handbuch der europäischen Wirtschafts- und Sozialgeschichte* [Handbook of European Economic and Social History], Vol. 4, ed. by Ilja Mieck, pp. 619-687, Stuttgart 1993;
- * With Vera Mühlpeck and Hannelore Woitek, "The Consumer Price Index from 1800 to 1914. A Calculation in Retrospective for Vienna and the Contemporary Territory of Austria", reprinted in: Herbert Matis (ed.), *The Economic Development of Austria since 1870*, pp. 199-229, Cambridge 1994;
- * "Der 'lange Schatten' der österreichischen Wirtschaftspolitik" [The "Long Shadow" of Austrian Economic Policy], in: *Information zur politischen Bildung* [Political Education Information Sheet] 1996, No. 11, pp. 43-56.
- * "Spiegel von Wirtschaftsrechnungen und Lebenserinnerungen" [Reflecting Mirror: Economic Accounts and Biographical Reminiscences], in: *Wiener Wege der Sozialgeschichte. Themen - Perspektiven - Vermittlungen. Michael Mitterauer zum 60. Geburtstag* [Festschrift to celebrate the 60th birthday of Prof. Michael Mitterauer], pp. 299-334, Vienna 1997.

Gold Transactions Carried out by the Oesterreichische Nationalbank during Austria's Occupation (1938-1945), and the History of the so-called Salzburg Gold

Summary of the preliminary report of Fritz Weber
(English translation of the German original)

On Austria's *Anschluss* to Nazi Germany, the Oesterreichische Nationalbank (OeNB) de facto lost its independence immediately; de iure its independence was taken away a few days later on March 17, 1938, through a decree which stipulated that the OeNB was to be liquidated and put under the Reichsbank's control. Another decree, dated April 23, 1938, declared the OeNB's right to issue banknotes null and void. All the OeNB's gold and foreign currency holdings – which at the time of the *Anschluss* exceeded the Reichsbank's holdings – became Reichsbank property. Moreover, the German Foreign Exchange Act, which as of March 23, 1938, superseded the Austrian regulations hitherto applicable, made it compulsory for all private holdings of gold bars to be registered with the Reichsbank. This obligation was subsequently extended to include gold coins through a decree dated July 16, 1938.

The body which purchased the gold assets delivered to the OeNB between March 17 and April 25, 1938, was *technically* still the OeNB under liquidation; as is evident from the OeNB's records, these assets were at a later stage credited to the OeNB's liquidation account by the Reichsbank. The assets in question had not been sold under duress; much rather it was the premium on the German gold price that was offered in Vienna which had spurred those deals (which also explains why there were gold coins among the assets bought).

Beyond those gold purchases, there is no evidence in the OeNB's archives of any other transactions with gold during the period 1938 to 1945 (with the sole exception of the Reichsbank's gold transports to the Balkans via Vienna – for this mission, gold shipped by train from Berlin was temporarily stored at the *Reichsbankhauptstelle*, or Vienna branch of the Reichsbank, before being transported onward by plane).

This evidence shows that the OeNB did not profit from the gold transactions carried out under the Nazi regime. Likewise the OeNB did not benefit illegally from the so-called Salzburg gold that was detected on Austrian territory in May and June 1945 and subsequently transferred to the OeNB by the U.S. occupation forces in 1947, because these gold assets were entered in the books as a down-payment for amounts that would in any case have been restituted to Austria by the Tripartite Commission.

BELARUS

Delegation Statement

The problems viewed at the conference are of great importance for the mankind. The cooperation and mutual understanding of nations depend greatly on how fairly these problems are going to be resolved.

Immediately after the London Conference Belarus came back to the problem of Nazi gold: documents in national archives, as well as in those of Germany and Russia were thoroughly studied.

This research resulted in the collection of documents "Nazi Gold from Belarus" published in September, 1998, which had included 46 documents containing data on gold, silver and other jewelry confiscated by the Nazis from the population of Belarus and sent to the Reich.

Out of the book's 410 pages, 185 pages are devoted to the documented lists of persons whose jewelry had been confiscated by the Nazis. They are Belarusians and Jews, Russians and Poles, Ukrainians and Tartars, and people of other nationalities. It's worth noting that the research included documents and materials dealing mainly with the central part of Belarus (during the Nazi occupation it formed the General Region of Byelorussia incorporated into the Ostland Reichkommissariat) which accounts for a quarter of today's territory of the country. The remaining part of the Belarusian territory was under the authority of the military occupation administration of the Center Army Group Rear and the General Regions of Bialostok and Lithuania. Therefore, the real number of citizens whose jewelry was confiscated by the Nazis is much larger.

Work on this collection of documents leads to the conclusion that citizens of Belarus have their full right to demand that their country be included into the group of states which will be compensated for the assets confiscated from them. We do hope that our research will be taken into account when deciding finally the fate of Nazi gold.

The second very important question viewed at this conference deals with the Nazi-confiscated works of art, property and documents of national archives and museums. This problem is very acute for Belarus, too, because it was among the most Nazi-stricken countries in Europe.

During the W.W.II a great number of the works of art, property of national museums, documents and publications of national archives and libraries were taken away from the country, the rest was completely or partially destroyed. Similar to Germany of the 30s where the Nazis burned books of Goethe, Schiller, Heine, they destroyed national masterpieces in Belarus of the 40s. Who and how will compensate these irretrievable losses?

The damage (far from being complete) inflicted only by the taking away to Germany of more than 11 thousand museum exhibits amounted to 163 mln. pre-war roubles or nearly the same value in US dollars. Only a part of them were returned back to Belarus.

There are documents on that score from German, Russian and Belarusian archives.

In 1997, Belarus hosted the UNESCO-sponsored Conference on the Restitution of Cultural Values which considered the legal, scientific and moral aspects of this problem. What is the Belarusian vision of its solution? We believe that the cultural values, in case of their misappropriation during or after the W.W.II, must be returned to their countries of origin or their private owners.

Further, we consider it necessary:

- to carry out the systematization of international legal acts on restitution and returning of cultural values to the countries of their origin and set up common international standards;
- to bring national legislations in conformity with international standards;
- to continue work on creating national databases of lost cultural values. With that end in view it is necessary in all countries to create favorable conditions for the experts to study migration of cultural values;
- to organize the exchange of information on this problem, through the Internet included.

When studying and solving this problem another question arises – what is to be done with the cultural values of arguable origin. In our opinion, such works of art, archive funds, book collections can and must be commonly researched, published, exhibited or deposited. Their description, publication, displaying are to some extent their return to their native land.

We believe in the future of inter-governmental and inter-regional projects aimed at returning the cultural values.

And one more: whatever good recommendations we may accept the above problems will not be resolved without a free access to the archive information. Belarus has made a certain step in this direction. In accordance with national legislation, the wartime documents kept in state archives are now accessible to all researchers except those dealing with personal privacy. On the eve of the Washington Conference the annotated reference book "The Documents on the History of the Great Patriotic War in the State Archives of the Republic of Belarus" was out of print. All the documents of that period have been declassified and opened to public.

How Much Did 800,000 Murdered Belarusian Jews Cost?

By
Leonid Levin

PRESIDENT, BELARUSIAN ASSOCIATION OF JEWISH ORGANIZATIONS
AND COMMUNITIES

A STATEMENT REGARDING THE BOOK, "NAZI GOLD FROM

First of all, I don't separate the tragedy of Belarusian Jews during the wartime from the tragedy of all Belarusian people.

Let me stop on the Jewish issue.

Taking into account the available documents.

Victims.

Politics.

Documents.

The Nazi goal was to capture the "living space" through human death.

Jews, Gypsies, Slavs were in first lines.

Annihilation of Jews took place immediately after the capture of a town or village. It's easier to kill all together.

For this matter - ghetto.

Thus,

There were more than 200 ghettos on the territory of Belarus.

Nearly 800,000 Jews were murdered.

The year 1946.

The Conference on Nazi gold fate.

The international conference. 42 countries participating. 11 international organizations.

The issue is Nazi gold.

The list of 15 European countries which could claim to get Nazi gold was made.

Today.

All those who are entitled to solve this problem represent a new civilized world.

From today's viewpoint.

The fact that Belarus, Ukraine and Russia have not been included into the List looks like a mockery.

There is a formal reason:

Stalin refused from Nazi gold.

All that is in the past.

Europe became Europe.

The Soviet Union exists no more.

There is no Stalin.

An amazing book has been published in Belarus.

“Nazi Gold from Belarus.”

The book is based on documents.

46 official Nazi orders, instructions, protocols of interrogations.

The second part of the book.

Lists of those whose jewels were confiscated.

But there are no Jews in the List.

They couldn't be there.

The Jews were annihilated all together.

All at once.

Their documents were taken away.

Their jewels, personal belongings, gold, silver, crockery, their lives were seized.

This “contribution” was packed in casks, boxes.

Out of 46 documents published in the book only a few do not deal with the Jewish issue.

All other documents:

- to put Jews into ghettos,
- to seize gold,
- to seize jewels,
- to seize clothes,
- to seize even metal beds,
- execution, execution, execution,
- evidences.

Official data:

January, 1947. The Belarusian Soviet Socialist Republic's Memorandum on the Peace Treaty with Germany.

Direct damage for the Republic - \$ 15 bln.

Personal damage for citizens - \$ 4,720 mln.

For the Jews this “damage” was their death 1/3 of the sum mentioned above.

Special Account No 34 in the Minsk German Credit Bank for money of the Jews and for their death.

The center of all looted - Riga.

The final destination point - Berlin.

1942. From: Glubokoye, Gebitskommissar Peterson.

To: Riga, Ostland Reichskommiissar Lose:

- valuables seized from Jews: 3,610 gold Rubles and 3,069 kg of gold, 20 gold Czar Rubles - 0.026 kg, 210 gold Dollars - 0,351 kg and a box of 4,267 gold items of various kinds. the box is marked “Fish”.

1941. Borisov.

Burgmeister Stankevich’s report. List of items seized from Jews and handed by Vasilyev and Meleshkevich.

1942. In the village of Glubokoye seized from Jews for Account No 34:

June 4, 1942 - DM 169,909.77.

July 6, 1942 - DM 115,247.11.

December, 1942. Grodno.

“I turn in gold, valuables, money, discovered in the ghetto. The

February, 1943. Grodno.

“The list is enclosed - total DM 7,717.65.”

Report of the Chief of the Gendarmery Office.

April, 1943. Grodno.

After the execution, DM 4,874.12 were turned in from six gendarmery posts and DM 7,424.58 more in April.

thousands of victims changed into Deutsche marks.

May, 1943. Vertilishki.

The last Jews were annihilated.

Total DM 808,32 received.

January, 1946. A trial in Minsk.

Defendant Skakun: "I counted 2,000 gold and silver items."

Witness Yanshtob: On July 12, 1941, the German occupation authorities informed us that all Jewish citizens aged 15 to 60 are to gather in the synagogue. There all their documents were taken away and they were ordered to come here in the afternoon and bring various valuables, such as gold, silver, foreign currency. When everybody came the Nazis lead them out across the River Viliya and shot them dead by 7-8 p.m.

Facts, only facts.

There are plenty of them.

And what was going on in the biggest ghetto on the territory of Belarus - the Minsk Ghetto.

May, 1943. Minsk. The chief of the city prison reports to the General Kommissar of Belarus.

"In April, 1943, former German dentist Ernest Tischauer and his wife Elsa Tischauer testified that all German and Russian Jews had undergone an operation of pulling or breaking out their gold teeth and crowns. It took place 1-2 hours before the appropriate actions." Since April 13, 1943, 516 German and Russian Jews were killed with Hauptscharfurher Ruber in attendance who took the gold. It was determined that 50 percent of the Jews had gold teeth, bridges or fillings.

Here are only a few examples.

And how many of them in all ghettos, in entire Belarus.

An approximate calculation shows that the Jews of Belarus alone were robbed of several hundred kilograms of gold, hundreds of kilograms of silver, jewels of various kinds.

I am not mentioning the losses of the entire peaceful population of Belarus.

Ladies and Gentlemen,

The time has come.

The world has changed.

Each was held responsible for the crimes he had committed.

The history puts everything in its place.

Today the Belarusian Jewish community amounts to nearly 100 thousand people.

Today more than 10 million people live in Belarus.

All of us hope for a fair solution of this problem.

It is not Stalin's signature at the Potsdam Conference that is before us.

It is the world that changed.

It is thousands of graves of those killed.

It is your high and just solution.

Letter to the Conference Chairman

**HE Judge Abner J. Mikva, Chairman
Washington Conference
on Holocaust-Era Assets**

December 1, 1998
Washington, D.C.

Dear Sir,

The delegation of the Republic of Belarus would like to reiterate its appeal to include our country into the list of claimant states, rightfully seeking positive solution of their claims for Holocaust-Era Assets.

The looted Nazi gold should return to its rightful owners, people of Belarus, which suffered through all the tragedy of Holocaust, among them.

Numerous archival records are available now to support these claims.

Vladimir Adamushko

Head of the Delegation,

Deputy Chairman, Belarus State Committee on Archives

Valyantsin Gerasimau

Chairman, Mutual Understanding and Reconciliation Fund

Leonid Levin

President, Belarusian Association of Jewish Organizations
and Communities

Olga Nekhai

President, Belarusian Association of Former Nazi Prisoners

BELGIUM

MINISTRY OF ECONOMIC AFFAIRS

The Spoliation of Cultural Goods in Belgium during the Second World War

THE GERMAN ORGANIZATION

On May the 10th 1940, like its neighbors Netherlands, Luxembourg and France, Belgium was invaded and occupied by the German army. The first spoliations took place during the military conquest of Belgium, but were mostly of private nature.

In June 1940, a German Military Occupation Government (*Militärverwaltung*) was installed in Brussels with General A. von Falkenhausen at its head. Regarding cultural matters, this military government relied on the specialists of the *Kunst*, *Archiv* and *Bibliothekschutz*.

Many German services took part to the plundering of Belgium, but the two most important for cultural matters were certainly the group of *Sicherheitspolizei-Sicherheitsdienst* (SIPO-SD), which was in charge of collecting the political archives and documentation of the enemies of national-socialism (mainly Jews, freemasons and socialists) and the *Einatzstab Reichsleiter Rosenberg* (ERR) which received the order to « savekeep » the cultural goods of these enemies of the Third Reich.

The organized looting began in the summer of 1940 with the plundering of the freemasons lodges, the Jewish organizations, the socialist organizations and of the artworks, archives and libraries of the persons who had fled Belgium before May 1940. Meanwhile, the *Archivschutz* was active in looking through the Belgian ministerial archives, with special interest for the archives of the Ministries of National Defense, Colonies, Foreign Affairs and Economic Affairs. The ERR reported that the first 340 crates were collected and partly sent to Berlin in November 1940.

The German services also focused on cultural goods they regarded as German considering that Belgium had received them after the first World War in compensation for the destructions (mainly the archives of Eupen-Malmédy, *The Mystic Lamb* of the Van Eyck brothers and *The Last Supper* of D. Bouts).

THE SPOLIATION OF THE BELGIAN JEWISH COMMUNITY

The persecutions against the Jewish community of Belgium (which counted about 65.000 people, of whom less than one tenth had the Belgian nationality. The rest was made up of immigrants from Germany and Central and Eastern Europe) started as soon as October 1940 with different nazi decrees aiming the complete isolation of the Jews in the Belgian society. In order to organize the economical spoliation of the Jewish community, the *Militärverwaltung* set up in Brussels, the *Brüsseler Treuhandgesellschaft*, to control and to liquidate « enemy property ». In June 1942, started the first *razzia*'s in Brussels and Antwerp and the first convoy left from the Caserne Dossin in Malines to Auschwitz on the 4th of August 1942. Between August 1942 and July 1944, 25.257 Jews were deported from Belgium, of whom only 1.207 survived.

Meanwhile had started the *Möbelaktion*, the purpose of this operation was to liquidate the households of the houses where Jews lived. The buildings were sealed, transport firms brought the contents over to centralized depots where the selection was made: all interesting cultural objects were given to the ERR and sent to Germany or Paris and the normal furniture were sent to Germany for the victims of the allied bombings. In less than two years, more than 4.500 houses were emptied in Belgium alone.

THE ART MARKET

Aside these plunderings, some Belgian collectors and art-dealers seized the opportunity to sell their collections under or without any pressure. Large sums were paid by agents working, for example, for the Hitler's Linz Museum project, for H. Goering's collection or others. The most famous collection that has been sold is the Renders collection of twenty Flemish primitive paintings. From these twenty paintings, ten were recuperated after the war and the ten others are still missing.

BELGIAN RECUPERATION EFFORTS

Right after the end of the war started the first step of the Belgian recuperation with the especially created *Office de Récupération Economique* (ORE) which main task was the recuperation of economic goods such as trains, ships, coal, steel... Within the ORE, a small unit was formed to search the spoiled cultural goods in Germany and Austria. This essential step went on until 1952 and allowed Belgium to find back 492 artworks and 2.749 books; among them were masterpieces such as *The Mystic Lamb* of the Van Eyck brothers or the Michelangelo's *Madonna* from the Church of Our Lady in Bruges. Meanwhile, hundreds of goods found in Belgium were returned to their owners.

A second step started in 1950 in close contact with the West-German authorities and lasted until 1964 without any concrete result and in 1967 the ORE was dismantled and unfortunately its archives were not properly kept.

Besides the recuperated artworks, still 3.273 documented paintings, drawings, sculptures, tapestries, furniture... remain lost. One should be careful with these figures for several reasons: the looting is only partly documented, many figures come from German sources or from claims introduced after the war (who did not make a claim is not taken in account) and the ORE selected only identifiable artworks in its claims.

The recuperation effort started again in 1993 within the Ministry of Economic Affairs because of the opening of Eastern Europe and the conviction that only a part of the cultural goods were returned to their rightful owners. The major problem faced at that time was the lack of documentation, both the losses and the efforts for recuperation made after the war are poorly documented and the first task has been and is still the search for archives in order to make restitution possible.

Today, this effort continues on two levels. First, within the Ministry of Economic Affairs with the Mission Restitution Spoiled Goods which edited two catalogs documenting the losses of artworks belonging to the Belgian State and prepares three others catalogs that will document the private losses but also the spoiled libraries and archives.

Secondly, in July 1997, the Belgian government decided to establish a commission that is now investigating what has happened to the goods belonging to members of the Jewish community of Belgium during the German occupation. The commission which is part of the Prime Minister's services, is presided by Lucien Buysse, and the

members of the commission are representatives of the different Ministries involved (namely Economic Affairs, Foreign Affairs, Justice and Public Health), historians and representatives of Jewish organizations. The first intermediary report was submitted to the government in July 1998. The commission is presently investigating various fields, including the bank sector, the insurance, the real estate and cultural goods.

Person to contact on this subject

Nicolas Vanhove (with the help of Jacques Lust's works)

Mission Restitution Spoiled goods

Ministry of Economic Affairs of Belgium

Tel +32 2 206 58 62

Fax +32 2 514 03 89

MINISTRY OF FOREIGN AFFAIRS

The Antwerp Diamond Sector during the Second World War

Although the Belgian commission studying the fate of the Jewish assets during WWII has still to conclude its findings concerning the diamond sector, the following note gives some first indications of how the Antwerp diamond sector survived World War II.

Diamonds are, as gold, luxury goods but were appreciated during the last war also for their industrial (the hardest ore known by that time) and the monetary (“valeur refuge”) value and were therefore considered rightfully as strategic goods. During these years Belgium put the diamond as well as the uranium ore extracted in its former colony Congo at the disposal of the allied war effort.

Antwerp was for centuries an important diamond trading, carving and policing center and remains so today. Its recent history can be resumed as follows.

THE THIRTIES: THE ECONOMIC CRISIS

The slump of 1927 heralded the major economic crisis of 1929-1930. The diamond world survived these difficult times virtually unscathed, despite some heavy blows. Undeterred by these difficulties, in 1928-1929, the sector made an 800 million BF profit and employed 25.000 people.

In 1929, “Antwerpsche Diamantkring” (the Antwerp Diamond Circle) was founded, Antwerp’s fifth diamond bourse at the time. At that time, several social improvements were introduced in the diamond trade, which were later adopted by other branches of industry, and acquired legal validity in Belgium.

The crisis of 1930 was the inevitable result of the Wall Street crash in November, which shook the economic foundations of the entire world; for, suddenly, there was an enormous discrepancy between consumption and production.

Its influence was felt after the 1930 world exhibition at which the Antwerp diamond sector participated predominantly. Also the "Forminière", the company that exploited the diamond mines in (Belgian) Congo had a remarkable stand there.

Soon afterwards however consumption in important outlets like India, China, Egypt, Russia, Japan, Brazil and Argentina dropped sharply.

The Antwerp and Amsterdam diamond exchange houses decided therefore to limit production by 50 % during a limited period in order to prevent further overproduction, and because of a faltering market due to sundry financial crises elsewhere. As a result 25.000 people in Belgium, including the Jewish traders were affected to some extent by decreased working hours.

At the international level similar decision of the London Syndicate to temporally limit the sights for the manufacturers was respected by the entire sector, including the Kempen district.

This period of general economic regression contrasted sharply with the revival of the German economy, including its diamond sector.

THE SECOND WORLD WAR

The Second World War drastically hit the diamond sector and all people involved in it. The industry itself temporarily left the scene. Just before the war, though, the market had again become active. A sense of foreboding made people look for a safe investment in diamonds, because of its high and stable value, and because it was easy to hide and transport. With the outbreak of war, many took refuge in places where the conqueror could not set foot, in particular, the Jewish families who were well aware of the anti-Semitism of the German regime. Antwerp diamantairs surfaced in the USA, Portugal, Cuba and the then Palestine. Others took their stock across the Channel, to the United Kingdom, in the hope of taking up their activity in the vicinity of the London Syndicate. They got united into the "Refugees Branch", with over five hundred members, who managed to process a considerable amount of rough stones. They had to contend with persistent attempts, to organize a British diamond industry, in Brighton amongst other places, in place of

the defunct industries of Antwerp and Amsterdam. In Antwerp, only clandestine work was possible. The Antwerp Jews, of whom 80 % were engaged in diamond activities in 1940, were robbed of their stocks without recourse to justice. The dire fate of the Jews in the hands of the Nazi's is well known. Of the many Jewish prisoners and deportees, only few returned.

In 1941, the German publications admitted that 90 % of the diamonds that were available in Antwerp before the invasion had been smuggled out of Belgium.

It was to the credit of the Antwerp mayor Camille Huysmans, together with two prescient diamantairs, Messrs. Romi Goldmuntz and Herman Schamisso, that they went to considerable pains to save as much as possible of the goods of the Antwerp dealers. Wartime conditions made this anything but easy. The British Navy, which closely policed the seas, had been given authority by the Admiralty to stop all ships anywhere and investigate their freight. Goods bound for hostile or occupied territories could be confiscated in exchange for a receipt; the owner could file a complaint with a special tribunal, which was assisted by technical experts when passing judgement.

The gentlemen mentioned above established the "Correspondence Office for Diamond Industry" (COFDI) to advise the court in the event of diamond consignments and thus entire fortunes were saved for the Antwerp diamond industry. Most of the goods were held for safekeeping in London, which allowed for a speedy recovery of the Antwerp diamond industry, even before the hostilities had completely ended. As soon as one felt the end of the war was approaching, the return to Belgium was prepared for, both materially and psychologically.

MINISTRY OF FOREIGN AFFAIRS

Belgian Jewish Museum of Deportation and Resistance

The Museum of the Deportation and Resistance of Jews in Belgium is housed in a wing of the former “Dossin de Saint Georges Barracks” at Mechelen. This historic site is also a place of remembrance, for it is here, halfway between Brussels and Antwerp, that the Nazis set up the “SS-Sammellager Mecheln”, which served as the assembly point for Jews about to be deported from Belgium.

“SS-Sammellager Mecheln” was the first step on a journey from which only a handful returned. Between 1942 and 1944, 28 train convoys carried 25,257 prisoners from Mechelen to Auschwitz in Poland. Two-thirds of the deportees were gassed upon arrival. Only 1,207 were still alive when the camps were liberated. The Dossin barracks were nothing less than the antechamber of death.

Visitors to the Museum of the Deportation and Resistance of the Jews in Belgium can follow the history of the Endlösung or “Final Solution” and how it affected Belgium and Europe. Numerous aspects of the holocaust are considered in the Museum, including the help and support given to the SS, although only a relative small group, by Belgian institutions; the collaboration by ultra-right organizations; the extermination of almost half of Belgium’s Jews; the resistance of those Jews who managed to elude deportation and the efforts of a broad section of Belgian society to foil the SS, which enabled numerous Jewish children to survive the occupation.

SOME HISTORICAL FACTS:

The Jews of Belgium

In 1940, there were 56,000 Jews living in Belgium.

Occupation

After the invasion of Belgium on March 10, 1940, the country was occupied by the German army and the Nazis stayed in Belgium until the complete liberation of the country in October 1944.

Persecution

April 14, 1941: the Antwerp pogrom.

May 27, 1941: an order is promulgated forcing Jews to wear a yellow star. “The Jew is known, registered, branded, confined to his home, ... ready for the “Final Solution”.

Deportation

August 4, 1942 - July 31, 1944: 25,257 prisoners were deported from Mechelen to Auschwitz (Oswiecim).

Extermination

16,000 Jews deported from Mechelen were gassed on arrival in Auschwitz (Oswiecim).

Only 1,207 of the deportees survived.

Resistance

The Resisters were Jewish or non-Jewish, armed or not, who rose up against the Nazi torment and made some heroic actions, such as the famous “Attack of the 20th Convoy” who gave the opportunity to more than 230 Jews to escape.

The Righteous among the Nations

Despite the Nazi atrocities, there were many Belgians who risked their lives and those of their families to save their Jewish neighbors. After the war, they were recognized by the Yad Vashem and called the “Righteous among the Nations”.

MINISTRY OF FOREIGN AFFAIRS

Belgium and the Relief Fund for Victims of Nazi Persecution

- Belgium recently adhered to the Nazi Persecutee Relief Fund.
- Belgium will contribute to the Fund for an amount of 1 million USD.
- The Belgian government will soon take a decision on the selection of NGOs and the projects' beneficiaries of this sum of 1 million USD.

CANADA

Statement on Insurance

SUMMARY

Our investigations indicate that no Canadian life insurance companies operated in continental Europe during the years from 1930 to 1945. This search did indicate that several Canadian life insurance companies operated in the United Kingdom during that period. These foreign operations of Canadian life insurance companies, as well as their Canadian operations, may have sold policies insuring persons who subsequently became victims of the Holocaust. We do not know, at this time, the extent to which such policies may have been sold; however, based on our preliminary investigations, the numbers are likely to be very small. In addition, there is no indication of life insurance policies relating to the events of this period that may not have been properly paid.

INTRODUCTION

The Office of the Superintendent of Financial Institutions (OSFI), a branch of the government of Canada, is responsible for the prudential regulation of Canadian banks, and federally chartered insurance and trust companies. OSFI has coordinated a preliminary investigation pertaining to Holocaust-Era insurance claims.

The Canadian financial institution regulatory system, like that in some countries, is a shared responsibility between two levels of government. Insurance companies may be incorporated at either the federal or provincial levels; however, market conduct matters (e.g., the registration of insurance sellers, and laws pertaining to disclosure and contracts) are solely a provincial responsibility. The implication of this shared responsibility is that investigating life insurance policies relating to the Holocaust requires coordination with Canadian provincial regulators, in addition to coordination with the industry.

INVESTIGATIONS

The former Department of Insurance, a predecessor organization to OSFI, was required to file an annual report to the Minister of Finance, outlining the progress of business and the condition of federal life insurance companies. Based on a review of these reports for each year from 1930 to 1945, and other inquiries, we have been able to conclude that no Canadian life insurance company operated in continental Europe during this period. These reports did indicate that several Canadian life insurance companies operated in the United Kingdom during this period, and it is conceivable that these companies, because of their close proximity to continental Europe, sold some policies to persons who subsequently became victims of the Holocaust. It is also conceivable, although less likely, that Canadian life insurance companies sold policies from their Canadian operations to persons who subsequently became victims of the Holocaust.

We do not know, at this time, the extent to which Canadian insurance companies might have sold policies to persons who subsequently became victims of the Holocaust. More work will be required to determine the extent of the issue. However, based on the finding that no Canadian life insurance company operated in continental Europe during this period, and other investigations we have made, it appears unlikely that anything more than a very small number of policies were sold to persons who became victims of the Holocaust.

Our investigations have also included OSFI's public affairs group, which is responsible for dealing with public inquiries, contacting the Canadian Life and Health Insurance Association (CLHIA), which is the industry association for life insurance companies, contacting certain life insurance companies and contacting major provincial insurance regulators.

The purpose of these investigations was to determine if any of these organizations have any knowledge of, or have had any information brought to their attention, indicating that Canadian life insurance companies may have sold policies to persons who became victims of the Holocaust, and for which monies relating to these policies may not have been properly paid. Based on these preliminary investigations, there is no indication of this, although work will continue by the CLHIA and individual companies to determine if additional relevant information may be available.

OTHER ARRANGEMENTS

The CLHIA has established a toll free number, and provided training for its call center staff, to assist persons with any inquiries they may have about Canadian or non-Canadian life insurance companies in relation to Holocaust-Era insurance assets. This service will be well publicized within the Canadian Jewish community.

FURTHER INQUIRIES

Anyone with concerns regarding possible unclaimed proceeds of insurance policies purchased from Canadian and other life insurance companies before and during the Second World War, may contact the life and health insurance industry's Consumers Assistance Center either by telephone or by writing:

Inquiries in English:

Canadian Life and Health Insurance Association Inc.
1 Queen Street East
Toronto, Ontario
Canada
M5C 2X9
1-800-860-3413

Inquiries in French:

Association canadienne des compagnies d'assurances de personnes inc.
1001, boul. de Maisonneuve Ouest
Bureau 630
Montréal (Québec)
H3A 3C8
1-888-361-8070

Statement on Other Assets

SUMMARY

Canada used legislative devices to deny to the Axis powers any economic resources in which Canadian interests were involved. These controls were aimed at jurisdictions under the control of the enemy and did not differentiate between the enemy and those residing in enemy occupied territory or those resisting the enemy. At the end of the war the Custodian of Enemy Property was controlling bank deposits, securities, commercial equity, real properties, mortgages, pension funds, patents and copyrights and other assets which eventually totaled \$1 billion Canadian. The disposal of these assets took place under the conditions set down in international negotiations. The records of all assets affected by the Government have been preserved at the National Archives of Canada.

HISTORICAL AND LEGISLATIVE BACKGROUND

On 2 September 1939 Canada enacted *Regulations Respecting Trading with the Enemy (RRTWE)*, one of its principal legislative weapons for conducting economic warfare against the German Reich. These all-encompassing regulations were aimed at depriving the enemy of any financial assistance that could be controlled by the Canadian Government and, then, mobilizing these enemy external assets to support the Allied war effort. Responsibility for these regulations and the control of all enemy property was in the hands of the Custodian of Enemy Property, whose legal powers surpassed other Allied Custodians by virtue of the fact that he was a member of the Cabinet War Committee, being *ex officio* the Secretary of State. As a result, he could operate without recourse to courts or other bodies of government in seizing or vesting enemy property in his name and acted earlier than his counterparts in declaring countries overrun by the Axis powers as enemy territory.

The objective of thwarting Germany from exploiting the economic resources of those nations in her path was paramount and

necessitated a policy whereby all bank deposits, securities, real properties, patents and copyrights were brought under the control of the Custodian. Consequently, the RRTWE provided the Canadian Custodian with a blunt instrument which did not allow for distinguishing between victims of Nazi persecution and genuine enemies. Relief agencies communicated to the Canadian Government that these actions were often hampering efforts of genuine refugees to flee, and prior to the US entry into the war, efforts were made to use neutral consular services to determine the status of those seeking relief from the RRTWE. By 1942, Axis control over Eastern Europe prevented even these attempts to assist.

Of the assets under the control of the Custodian, securities and other forms of commercial equity posed a particular problem. Securities were generally sold through brokerage houses in Europe and were in the form of bearer bonds and certificates; the actual bearer was often not known to the Custodian. The solution adopted was to block the securities at source; thus prohibiting liquidations or payment of interest or dividends to enemy and enemy occupied territory. This power was also used to block accounts in neutral countries where the status of the beneficial owner of the account was unknown.

At its peak the Custodian was controlling a billion Canadian dollars in assets. These assets were ultimately disposed of in one of three ways. Enemy external assets were disposed of according to the accounting principles set down by the Inter-Allied Reparations Agency, allowing for the restitution of property to the victims of persecution. The Custodian returned property belonging to nationals of former enemy occupied territory when the former owners or their heirs presented themselves. The remaining property was transferred to the Canadian War Claim Fund.

FURTHER RESEARCH

The records of the Office of the Custodian of Enemy Property have been transferred to the National Archives in Ottawa. The records consist of subject files, case files and ledgers and card indexes, allowing for a researcher to follow the handling of every individual account. Case files for all individuals and firms who were affected by the actions of the Custodian and RRTWE have been listed and will be available on line in the near future. These records are now available for research subject to the provisions of the *Access to Information and Privacy Acts*. Parties

interested in individual accounts or further study in Canada's handling of Holocaust era assets should contact the following address:

Researcher Services Division
National Archives of Canada
395 Wellington
Ottawa, Ontario
K1A 0N3
613 -992 -3884
www.archives.ca

Due Diligence: A Report on the Bank of Canada's Handling of Foreign Gold during World War II

By
Dr. Duncan McDowall
November, 1997

Complete report available on the Bank of Canada website
(<http://www.bank-banque-canada.ca/>)

SUMMARY FINDINGS

During World War II, Canada played a major role in the earmarking of foreign gold for safekeeping at the Bank of Canada. Between the first rumblings of war in 1938 and peace in 1945, foreign central banks deposited 2,586 tons of gold in Ottawa for safekeeping. For many nations that had fallen under German occupation, this of safe gold was the ultimate guarantee of national survival. In particular, the central banks of Belgium, the Netherlands, France, Norway and Poland availed themselves of this unique type of Canadian wartime hospitality. The Bank of England was also a frequent earmarker of gold in Ottawa and in the dark days of 1940 even made plans to create a "shadow" Bank of England in Ottawa that could draw upon Britain's gold cache in Canada. Such deposits involved no profit for Canada beyond small handling charges.

The flow of earmarked gold to the Bank of Canada was almost exclusively one-way. Large amounts of gold crossed the Atlantic in the early war period, especially from the Bank of England and the Banque de France. After 1941, virtually no more gold arrived from Europe, with the exception of a shipment of 525 bars from the Bank Polski in London in 1944. During the course of the war, virtually none of the gold stored in Ottawa was shipped back across the Atlantic, with the exception of two small shipments of gold coin returned to England in 1942. All the transactions in question in this report were paper transfers of gold ownership between one central bank account at the Bank of Canada and other central bank accounts. There is therefore no possibility that tainted

gold – gold looted by Germany – ever found its way into the Canadian gold stream.

The 1942-43 transfer of Bank of England gold earmarked in Ottawa to the Ottawa earmark account of the Banque Nationale Suisse involved 56 tons of gold, a small fraction of the overall wartime deposit of foreign gold in Ottawa. This gold was swapped for Swiss francs delivered to the British in Switzerland. This swap was necessitated by Britain's desperate need for Swiss francs to maintain its trade and diplomatic relationship with Switzerland and was entered into reluctantly by the Swiss. Switzerland already had large quantities of gold stockpiled beyond its borders in London and New York, but this was blocked and of no wartime use to Switzerland. The Swiss accepted the deal only as a *pro tem.* measure in the hope of keeping stalled trade negotiations with the British alive.

To safeguard the gold that had passed from Allied hands to neutral hands under earmark in Ottawa, the Bank of Canada altered the minimal prewar arrangements for foreign gold deposited in Canada to reflect the exigencies of war. The primary concern was that the 56 tons of gold held by Switzerland in Ottawa might find its way back to Europe and ultimately be applied to the ends of the Axis. These conditions stipulated that the gold received by the Banque Nationale Suisse from the Bank of England might be physically exported only to other central banks in the Western Hemisphere or transferred on paper to central banks in the Western Hemisphere and to the central banks of European neutral countries, namely Portugal, Sweden and Spain. These conditions were to apply until the end of hostilities. The Swiss agreed to these conditions.

The Bank of Canada's willingness to facilitate such swaps was strongly conditioned by its relationship with the Bank of England. Canada was one of the last Western powers to create a central bank and, since its inauguration in 1935, the Bank of Canada had relied heavily on the guidance of the Bank of England. This relationship was epitomized by the close personal friendship of Bank of Canada Governor Graham Towers and Bank of England Governor Montagu Norman. The Bank of England was, for instance, the first foreign central bank to open — in 1936 — an earmarked gold account in Ottawa. Similarly, the Bank of Canada's first deputy governor was seconded from the Bank of England in 1935. While Towers was never oblivious to protecting Canada's interests, there was an almost filial inclination to respond to England's bidding. This would precondition the Bank of Canada's positive response

to Britain's request to facilitate the gold-for-francs swap with Switzerland and other European gold exchanges involving Canada.

The 1942 gold-for-francs swap had been preceded by another request from the Bank of England in September 1940. Confronted with an influx of small holdings of gold deposited in English commercial banks by Europeans anxious for the safety of their wealth and well-being, the British asked the Bank of Canada to earmark these deposits of personal gold under the umbrella of its own Ottawa accounts. This was a departure from usual earmark procedure in that it allowed foreign individuals the prerogative of the security of an earmark account well beyond the fray in Europe. Control of the deposits remained in the hands of the Bank of England. A handling charge of 5% of each individual's gold was imposed by the Bank of England and the depositor had to sign an agreement acknowledging that the gold would not be released until after the war, except in extraordinary circumstances approved by the Bank of England. During the course of September 1940 to June 1941, 155 of these so-called "sundry persons" deposits of personal gold at the Bank of England were included in shipments to the Bank of Canada from London. The total deposit was the equivalent of 1,315 bars of gold. Many of the depositors appear — by name and testimonial — to have been European Jewish refugees who had fled their homelands in the early stages of the war. They were generally well-to-do and had left their homelands early enough to avoid the Holocaust. Other deposits appear to have been made by Swiss and other nationals. A small number of the depositors — 34 sundry persons — were able to convince the Bank of England to release their gold in Ottawa before the end of the war. The remaining deposits were all closed after the war without incident or complication. The last deposit was closed in 1955.

Almost as soon as the process of swapping English gold for Swiss francs had begun in the spring of 1942, the Banque Nationale Suisse [BNS] began seeking ways to apply the gold it was accumulating in Ottawa to its domestic needs at home, principally the building up of internal gold reserves as a check on Swiss inflation. This desire was limited by the conditions set on the earmark account by the Bank of Canada. An initial attempt to establish Swiss commercial bank accounts in Ottawa and thereby open the way for transfers between off-shore central bank and commercial bank accounts was blocked by vigilant officials at the Bank of Canada. In the wake of this decision, Governor Towers informed the general managers of Canada's chartered banks that it was the government's wish that they stop opening new gold safekeeping accounts for non-residents and to report any future requests

for such services to Ottawa. Rebuffed in this direction, the BNS began negotiations with the Banco de Portugal, which had gold accounts with it in Switzerland. In two equal transactions in April and May 1942, the BNS subsequently traded four tons of its earmarked gold in Canada for a similar amount of gold held by the Portuguese earmarked in its vault in Switzerland. Thus, the Swiss succeeded in obtaining the free use of four tons of gold in Switzerland in return for surrendering four tons of assuredly clean gold in Canada. To achieve this swap, the BNS was obliged to pay a steep commission to the Banco de Portugal of 1 1/2% on the first swap and 2 1/2% on the second swap. These commissions reflected the fact that the gold Portugal was obtaining in Ottawa was blocked for the duration of the war. In the wake of these swaps, the BNS board of directors decided to abandon the tactic of offering gold in Ottawa for gold in Europe because the transaction costs were exorbitant. The crucial question of whether the Portuguese gold released to the Swiss was tainted gold of German origin is elucidated by reference to classified British wartime documents drawn from British intercept of cables between the Swiss and Portuguese central banks and from banking records recently released by the Banco de Portugal. These reveal that, while the Banco de Portugal did receive large amounts of Reichsbank gold into its BNS accounts, the gold transferred to the Swiss in 1942 was generally believed to be drawn from an account "thought to be without German taint." There is no absolute assurance that this swapped gold was beyond all possible taint, but this evidence and the complete absence of any indication of concern on the part of Allied bankers involved in the swap indicate that this was likely the case. Once again, national liquidity needs, not schemes to launder dirty German gold, seemed to drive the transaction.

In 1944, Portugal itself encountered liquidity problems in its trade with Switzerland and Sweden. Increasingly unable to trade in gold because of the tightening Allied injunctions on looted gold, Portugal was driven to finance its trade with hard currencies like the Swiss franc and the Swedish krona. By August, the value of the Portuguese escudo was plummeting against the franc and the krona. Both the Swiss and Swedish proved reluctant to accept Portuguese offers of gold-for-currency swaps. In desperation, the Banco de Portugal therefore offered the Sveriges Riksbank, Sweden's central bank, clean gold in Ottawa in exchange for kronor. This offer of a ton and a half of gold in September and October of 1944 was accepted by the Swedes on the condition that the Portuguese applied the resultant kronor to the process of Swedish-Portuguese trade alone. Subsequently, the Sveriges Riksbank and the Banco de Portugal

agreed to ease Portugal's ongoing exchange needs by using the swapping of gold earmarked in Ottawa back and forth to provide kronor for Lisbon. By the end of this process in September 1945, the Sveriges Riksbank had accumulated two and a half tons of gold previously owned by the Banco de Portugal in Ottawa.

One last gold swap rounded out the Bank of Canada's role in gold transfers between neutral European central banks. In the midst of its swaps with the Sveriges Riksbank in September 1944, the Banco de Portugal swapped another two tons of its gold in gold holdings in Switzerland for Swiss gold held in Ottawa. As in 1942, the gold in Switzerland was taken from Portugal's untainted account. This time, Portugal received a smaller commission of only 3/8%, probably because it saw the advantage of topping up its Ottawa reserve of gold at a time when its newly made agreement with Sweden might have required more gold if the escudo's exchange value had continued to deteriorate.

With the lifting of all conditions restraining foreign gold on earmark in Ottawa after the war, there was no rush by neutral central banks to clear out their accounts in Ottawa. In fact, all parties to the wartime swaps maintained their Ottawa earmarks well into the peace, often increasing their balances.

Throughout all these transactions, officials at the Bank of Canada, usually in consultation with officials at the Department of Finance and the Bank of England, exhibited due diligence in handling these transfer requests from Europe. The context of the times must be borne in mind. These transactions took place at the height of the war, when the pressures of wartime decision-making bore heavily on Ottawa's mandarins. These gold swaps between friendly and neutral central banks constituted fleeting decisions in a myriad of wartime challenges and must be seen in this light. By and large, the decisions taken around Canada's custodianship of foreign gold earmarked in the Bank of Canada conform to the stereotype of the cautious, deliberate and well-balanced demeanor of the senior bureaucrats who have come to be known by history as the "Ottawa men." They never possessed the absolute knowledge or the power to eliminate any possibility that Ottawa might facilitate the movement of looted gold, but their instincts led them to policies that made that possibility remote. In this sense, Canadians can take justifiable pride in the efficient manner in which the rather prosaic service of earmarking of gold was turned to commendable Allied and, at times, humanitarian ends during the war.

CONFERENCE ON JEWISH MATERIAL CLAIMS AGAINST GERMANY

Delegation Statement

We welcome the opportunity – following the historic Washington Conference on Holocaust-Era Assets – to present the position of the Conference on Jewish Material Claims Against Germany (Claims Conference) on the major issues of concern to Holocaust survivors and the world Jewish community.

The Claims Conference was established in 1951 by 23 major Jewish national and international organizations to attain the following objectives:

- to gain indemnification for injuries inflicted upon individual victims of Nazi persecution;
- to secure restitution of assets confiscated by the Nazis;
- to obtain funds for the relief, rehabilitation and resettlement of Jewish victims of Nazi persecution;
- to aid in rebuilding Jewish communities which Nazi persecution had devastated;
- to foster commemoration, research, documentation and education of the Holocaust.

For nearly 50 years the Claims Conference has and continues to vigorously pursue these objectives, primarily in its negotiations with the German and Austrian governments. It was instrumental in securing major indemnification and restitution legislation. The Claims Conference is also directly involved in the administration of limited individual compensation programs, in the recovery of heirless and unclaimed private and communal Jewish assets, in the allocation of funds for social care of needy Holocaust survivors and for research, documentation and education of the Shoah.

The Claims Conference is painfully aware of the fact that the destruction of Jewish life during the Holocaust cannot be made whole. It is imperative, however, that:

- the survivors of the Holocaust who were not or are not adequately compensated receive acceptable indemnification for their injuries and losses;
- Jewish private and communal assets which have not as yet been restituted should be restituted or compensated for in lieu of restitution;
- needy aging survivors receive necessary individual and institutional services;
- the lessons of the Holocaust be fully documented and disseminated throughout the world.

These are the guiding principles which must be applied in dealing with the unresolved indemnification and restitution issues. The fact that 53 years after the liberation of the concentration camps, many issues are still unresolved, and most survivors are of advanced age, calls for very urgent action by all governments concerned.

The Washington Conference highlighted progress on some issues but others have not as yet been considered in this unique forum of governments and nongovernmental organizations.

In order to insure that the survivors receive long overdue justice, it is essential to intensify the efforts to achieve the above objectives. We suggest that:

- (1) a follow-up conference be convened in 1999;
- (2) the United States and the United Kingdom – as convenors of the London and Washington conferences – establish a secretariat to:
 - (a) monitor the implementation of matters considered at the London and Washington conferences, and,
 - (b) prepare the next conference.

Dr. Israel Miller, President
Saul Kagan Executive Vice President
Gideon Taylor, Executive Vice President-Designate

CROATIA

Delegation Statement

The Republic of Croatia welcomes the organization of the Conference in Washington which, in the same way as the Conference on Nazi Gold held last year in London (2-4 December 1997), aims to finally determine the objective, historical truth about monetary gold and other expropriated assets.

Whereas the emphasis of the Conference in London was placed upon investigation of the destiny of monetary gold, the intention of the participants of the upcoming Conference in Washington is to examine ways and means of extending this issue to other expropriated property, primarily expropriated works of art, archive materials, insurance policies, the property of religious communities and others.

Now, at the end of the second millennium, it is indeed high time that the historical truth about the Holocaust be determined, and to find ways of indemnifying victims of the Holocaust.

This is the reason why, based on its decision taken on 13 November 1997, the Government of the Republic of Croatia established a Commission to investigate the historical facts of the property of victims of Nazism. This Commission includes representatives from the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Economy, the Ministry of Finance, the National Bank of Croatia, the Institute for Migrations and Nationalities, the Jewish Community of Zagreb, the Croatian Institute for History, and Croatian National Archives.

The Commission has been tasked to gather and analyze all available materials pertaining to the period of the Holocaust, and to propose to the Government of the Republic of Croatia the positions it should take and to reach appropriate decisions with regard to it.

Additionally, in November of 1997 the Government of the Republic of Croatia reached a Decision to waive its part of the remaining resources of the Tripartite Commission, which should belong to it on the basis of the succession of successor States of the former Yugoslavia, in favor of Jewish people and other victims of Nazi persecution. The Republic of Croatia is, therefore, one of the first States to have supported

the establishment of the new Fund for the compensation of Holocaust victims, undertaking to pay a certain financial amount into the Fund. The sum that the Republic of Croatia has decided to pay into the Fund, taking into consideration the criteria laid down by the International Monetary Fund for the distribution of financial resources according to the succession principle, amounts to US\$ 118,000.

The Republic of Croatia considers that distribution of the remaining part should not wait for a final solution to the succession issue, but rather that the shares of individual successors may be determined independently of the outcome of negotiations held to decide other succession issues. Thus, Holocaust victims would receive their funds earlier.

The World War II archive materials at the disposal of the Republic of Croatia are open and are available to everyone for viewing. Further, Croatian National Archives has signed an Agreement with the Holocaust Memorial Museum in Washington, on the basis of which the archive materials from these archives are microfilmed and sent to Washington Holocaust Museum.

Regrettably, however, the Republic of Croatia is denied access to the common archives of the former Yugoslavia, which are kept in Belgrade. Therefore, not all materials relating to the Holocaust are available to us.

The Government of the Republic of Croatia has passed an Act on Compensation for Property Expropriated during the Yugoslav Communist rule, which sets out the principles, conditions and procedure for the return of expropriated property. This Act is also applicable to the compensation of victims of property expropriation carried out during World War II.

It is worth mentioning here that apart from overcoming the consequences of, and eliminating the damage inflicted as a result of, World War II, after gaining its independence the Republic of Croatia was to face further consequences and damage resulting from more than 50 years of communist rule.

Hence, the issue of returning expropriated property was made especially difficult and sensitive, since it was frequently necessary to rectify twofold consequences – those of the Holocaust and those of communism.

I. CULTURAL TREASURES

A significant status within property expropriated from victims of the Holocaust in World War II is held by works of art, libraries and other cultural and art treasures.

Expropriation of that form of valuable property was taking place during, as well as immediately after, the war on the basis of a range of regulations that were coercive in character, although it frequently occurred without any legal basis whatsoever.

The legal bases and regulations applied in various procedures concerning works of art on the territory of Croatia after World War II were as follows:

The Decision made in 1944 by AVNOJ, which assumed temporary control over abandoned property or of the property of owners whose abode was known, and similar.

The Decision on the protection and preservation of cultural monuments and antiquities (made by the National Committee of the Liberation of Yugoslavia) on 20 February 1945. On the basis of that Decision, the “Commission for the gathering and preservation of cultural monuments and antiquities” was operational from 1945.

The Order issued to the Minister of Education dated 28 June 1945, on the “training and education of the Commission for the gathering and preservation of cultural monuments”.

The Law on managing property which owners had to abandon during the occupation, and property taken from them by the occupying forces and their collaborators, dated 24 May 1945 and 2 August 1946, which emphasizes that the said property should be returned to the rightful owners, or to those who were using it, and that such property must be managed as property in trust until the court rules that it shall be returned.

The Law on transfer to state ownership of enemy property and on sequestration of property of absent persons.

The Law on confiscation of property and the implementation of confiscation.

The General Law on protection of cultural monuments and natural rarities, dated 4 October 1946, which was also the basis for placing under the protection of the State movable cultural heritage from numerous collection centers of such items after World War II. Stipulations of that law indicate that all the objects in such centers were nationalized as monuments and had to be under the administrative

control of Institute for Conservation of the Federal Republic of Croatia, Zagreb, or any institution to which the Institute transfers its right.

No specific data on the nationalization of confiscated works of art is available. The existing documentation, the collection of Acts issued by the “Commission for the gathering and protection of cultural monuments and antiquities” (KOMZA) within the former Institute for Conservation in Zagreb points to the conclusion that the confiscation of property had to be followed by a decision for nationalization. Such decisions were made by the City Committees of the People – departments for public property.

The mentioned collection of KOMZA Acts, retained in the archives of the Administration for the protection of cultural heritage at the Ministry of Culture of the Republic of Croatia, could prove to be the main source of data on the question of confiscated items of cultural and artistic value.

The Register of KOMZA minutes for the years 1945 and 1946 is an available source of a wealth of information on this subject.

After World War II numerous commissions worked in the Institute for Conservation in Zagreb. Their task was, among other things, to maintain records on war damage inflicted on cultural monuments and structures possessing monument properties; selection of items of artistic value among the mass of confiscated goods held in collection centers; selection of items of artistic value in deserted houses and flats; storage of such objects in KOMZA premises or elsewhere; division of items possessing monument properties (paintings, sculptures, furniture, objects of artistic craft and similar, among new owners (or users), museums, galleries, other institutions in the field of culture, administration and others.

The post-war Commissions working within the Institute for Conservation in Zagreb were:

“KOMRAT” – National Commission for establishing the extent of war damage to cultural and historical objects on the territory of Croatia – Zagreb (1945-1947)

“KOMZA” – Commission for the gathering and protection of cultural monuments and antiquities – Zagreb (1945-1954)

Commission for the inspection of objects – Ministry of Science and Culture of the government of FNR Yugoslavia – Zagreb

The above listed Commissions were engaged in the collection and preservation of surviving cultural monuments, antiquities and libraries following the period of the Holocaust.

“KOMRAT” was founded on the initiative of the Ministry of Education of the People’s Republic of Croatia, its first session being held on 7 June 1945. Its work was supported by documentation, as well as by a register of inventories.

“KOMZA” was founded on 26 June 1945 on the orders of the Minister of Education of Croatia and was based on the Decision dated 20 February 1945 on the protection and preservation of cultural monuments and antiquities, adopted by the National Committee for the Liberation of Yugoslavia. Its main task was to gather data on expropriated items possessing monument properties.

Precise records were maintained, containing lists of objects of artistic significance (records were linked to the name and family name of the former owner and to a registration number, under which the total volume of goods confiscated from the same owner was entered in an individual regional collection center). The objects of artistic value, set aside by the commission, were placed into the trust of KOMZA from where they were distributed to various locations. Records were kept of such distributions, with the origin of an object being denoted by the registration number of the confiscated goods. It is impossible to trace a certain number of items beyond that stage (there are, for instance, remarks such as “Handed over at the request of the Federal Executive Council”, and similar). The work of KOMZA is also supported by documentation, i.e., a register of inventories.

In the period from the commencement of KOMZA’s work (1945–1949) the Museum for Arts and Crafts in Zagreb, as well as other museums and galleries, were receiving works of art from collection centers into permanent ownership.

The path of each individual work of art can be traced from a collection center in Zagreb to its location in a museum (provided that key documents are not missing) on the basis of documents, but the distribution of moveable works of art among private individuals was not followed up by detailed records, that is to say, their path cannot always be traced.

In certain areas KOMZA and KOMRAT complemented each other; in other areas their activities overlapped, and the same can be said for the Commission for Restitution (KOMREST). More information will become available when the collection of documents is brought out of storage.

The selection of objects (movables) of cultural and artistic significance was undertaken exclusively by the Commission for the gathering and preservation of cultural monuments and antiquities, and its associated, separate section, the Commission for Libraries. The return of such moveable property to rightful owners was also defined, provided that the owners registered the loss of said property.

Abandoned property of unknown owners was immediately nationalized in 1945, and the implementation of confiscation procedure was followed by a decision on the transfer of the same property into the ownership of the State. Likewise, the property of absent persons was sequestered and nationalized. On the basis of the then existing legal framework it was possible to convey works of art into ownership only after the finalization of court proceedings.

The Compensation Law (*Official Gazette* No.92/96) also regards moveable heritage of works of art, including those from World War II, as nationalized property, as stipulated in Articles 3. and 48. of the said law.

According to Article 48., only movables of cultural, artistic or historical value are to be returned to their former owners. Such movables, which are regarded as cultural heritage and are, in accordance with the rules and regulations on the protection of cultural heritage, a constituent part of Croatian galleries and museums, are to be returned to the ownership of the former owner, although not into his possession. Owners are entitled to a special type of compensation to be defined by a separate decree issued by the government of the Republic of Croatia.

The fundamental standpoint of the Ministry of Culture of the Republic of Croatia, based on professional and scientific arguments presented by museum experts and relevant institutions, and one that has been integrated into all the legislation on museum activity and the preservation of museum material, is that museum collections, protected and registered as moveable monuments of culture, are under the special protection of the State, are indivisible, and as such are kept and displayed in their entirety, regardless of who owns them, or their individual items.

All the items comprising a certain collection in a museum are inventoried and entered into museum registers and other museum documents, forming what is known as museological documentation. The entire museological documentation of all the museums in the Republic of Croatia constitutes national cultural heritage, a national fund of moveable cultural goods. Any extraction of works of art which form an individual museum collection is, in principle, prohibited and is subject to a special procedure defined by the valid law (Law on museums, *Official Gazette* No. 142, dated 28 October 1998) and pertaining by-laws. This, however,

does not mean that certain exemptions, strictly professionally argued, are not possible in individual and particularly justifiable cases.

The question of the possible loan, or of presenting for temporary use, certain works of art which form a part of the holdings of Croatian museums and galleries, shall be dealt with through a separate procedure in which experts will play a decisive role, bearing in mind requests for the restitution of works of art – now forming a part of the holdings of the Museum of Slavonija-Osijek; the Museum of Arts and Crafts, Zagreb; the Croatian Museum of History, Zagreb; the Archeological Museum, Zagreb; the Gallery of Visual Arts, Osijek; Trakošćan Castle, and others – already received from the former owners by the Ministry of Culture of the Republic of Croatia.

In parallel with the Compensation Law, beginning from 1990 and particularly since the adoption of its Constitution, the Republic of Croatia has, through the notification of succession, become party to numerous international agreements and conventions, some of which are related to the preservation of cultural and natural heritage. Since 1995, representatives of the Ministry of Culture of the Republic of Croatia have enjoyed observer-member status of the UNESCO inter-governmental body charged with aiding the return of cultural treasures to their lands of origin, or their restitution in the event of illegal acquisition, as well as being members of the Committee for amendments and changes to the UNESCO Hague Convention of the same year.

Additionally, Croatia, as one of the successor countries of the former Yugoslavia, is demanding the restitution of material removed from its territory in the period from 1918 to 1991 and which now constitute joint cultural heritage involving museum and gallery holdings from the territory of the former Yugoslavia. This action is being conducted within the framework of the program of succession, coordinated by the Office for the project of succession with the government of the Republic of Croatia. To that end, necessary documentary support has been prepared, based on a survey carried out toward the end of 1992, to accompany claims made by museums and galleries in the Republic of Croatia.

In the war waged against Croatia from 1991 to 1995 our cultural heritage has suffered almost immeasurable losses through extensive material damage, which was also inflicted on museums and galleries. Based on an assessment of war damage to museums and galleries it has been established that of 204 museums, galleries and museum collections, 66 museum buildings have either been damaged or destroyed; 45 museums and galleries have suffered damage to their holdings (6551

items of museum holdings are missing; 1430 items have been destroyed and 728 damaged). Here it must be pointed out that at the time of writing the assessment has not been finalized.

According to reports of foreign experts, in just the first seven months of war in Croatia more cultural treasures were destroyed than during the entire period of World War II throughout the whole of the former Yugoslavia.

Negotiations on the return of stolen cultural heritage, scheduled to take place between groups of experts from the Ministry of Culture of the Republic of Croatia and the Ministry of Culture of SR Yugoslavia, based on the existing assessment of war damage, numerous reports of investigation missions of the Council of Europe, of ICOM, UNESCO and others, covering the period between 1992 and 1996, have not yet been realized despite the agreements reached at a meeting of foreign ministers of the Republic of Croatia and SR Yugoslavia that took place in Zagreb on 18 August 1998, and which was related to the normalization of relations between the two countries.

Bearing all the above stated in mind, the holdings of Croatian museums and galleries are therefore partially incomplete, which means that the expert services of the Ministry of Culture of the Republic of Croatia are faced with the daunting task of realizing the project of succession, as well as the return of expropriated property, establishing a definitive picture of the holdings held by our own museums, and reconstructing the ownership of the part of works of art collected during and after the period of Holocaust.

The existence of documents, on the basis of which such reconstruction can be at least partially made, will be of great assistance to the creation of a more comprehensive picture of the fate of moveable art heritage.

II. LIBRARIES

During the existence of the Independent State of Croatia, books and libraries were confiscated from individual Jewish persons and handed over to the National and University Library, but without any listing. The same practice seems to have been adopted by the communist authorities following World War II – private books and libraries were confiscated and also handed over to the National and University Library.

In 1959 the library belonging to Dr. Lavoslav Šk was returned to the Jewish Council in Zagreb, and in 1989 his private archives were

also returned. Also in 1989, 7,000 books were returned to the same institution, accompanied by an agreement made between the Jewish Council in Zagreb and the National and University Library, dated 4 October 1990.

III. ARCHIVE MATERIAL

Documentation about the Holocaust in Croatia can be divided into several different groups.

The first and the most important group consists of official documents laws, provisions and archives of the Ustasha administration of the government of the Independent State of Croatia. They are stored for the most part in the Croatian State Archive which is in charge of the documents of the central government institutions, as well as in regional archives. A part of these archives is also to be found outside Croatia - in Belgrade. This group, which is the largest, contains lists of the Jews, figures about camps and victims, treatment of the Jews in public life, lists of Jewish properties and confiscation of these properties.

The second group consists of documents on the activities of the Anti-Fascist Partisan Movement, especially the ZAVNOH Antifascist Council for the Liberation of Croatia. They provide details about the efforts of anti-Fascists in assisting the Jews.

The third group consists of documents which came out after 1944 as a result of the activities of the committees of the People's Republic of Croatia, whose task was to establish the facts about the crimes committed by the occupying forces and their supporters. These are stored in the State Committee File in the Croatian State Archive, as well as in district, community and city files in regional archives. All these contain detailed figures about victims and crimes committed in camps and various sites in Croatia.

The fourth group consists of documents produced after 1945 as a result of legal proceedings conducted by the State Security Office against those accused of crimes committed in World War II. This documentation which was received after 1990 by the Croatian State Archive, provides an account of the atrocities against the Jews.

Finally, the fifth group consists of various press-clippings, photos, memoirs, archives of the Jewish communities, and private archives.

The most significant part of the archival material is stored in the Croatian State Archive, and by its nature, summarizes the archival

materials of other lower bodies kept in regional archives. However, the future research should go beyond what has already been done. The research on the Holocaust in Croatia has not expanded further than establishing the number of victims. In our opinion it is necessary to analyze the historical context of the Holocaust in each country, using source material, in order to get to the truth, to the “genesis of the crime”, the crime itself and the consequences of the crime. Sources provide brand possibilities researching the Holocaust in all its complexity, and should be used more, in both analytical and synthetical research done by the historians.

In this respect, we should also take into consideration the other side of the coin when speaking of those horrible times. In addition to the ideology of evil-Fascism and racism we must also mention the generosity and courage of many individuals who risked their lives to help the Jews, sometimes becoming victims themselves as a result.

Yad Vashem bestowed the honorary title of “righteous among nations” to 60 Croats who risked their lives to help the Jews. After the capitulation of Italy, Croatian partisans evacuated 3,500 Jews from the island of Rab in the Adriatic to the free territory of ZAVNOH. Jewish children together with Croatian women and children, were taken to the refugees camp El-Shat in Egypt.

Finally, we would like to point out that it is necessary for every nation to research the Holocaust in its own country. There should be no attempts to justify the evil and crimes committed by one’s own nation by accusing other nations of evil and crimes. An evil committed should be condemned, but one must know to forgive and ask for forgiveness. To place the blame on somebody else is to blame oneself.

This is one of the reasons why the HDA accepted an invitation from the U.S. Memorial Holocaust Museum in Washington to sign an Accord on May 22, 1995, on cooperation on Holocaust research in Croatia. As a sign of good will, at the beginning of September 1995, we gave to the ten rolls of microfilms to the Museum with data on the mentioned 6,573 Jews executed or killed in World War II in Croatia.

The Croatian State Archive will continue to do its best to give support to research aimed at uncovering the truth about the victims of World War II.

EUROPEAN JEWISH CONGRESS AND EUROPEAN COUNCIL OF JEWISH COMMUNITIES

Joint Delegation Statement

The **European Jewish Congress (EJC)** and the **European Council of Jewish Communities (ECJC)** were privileged to be invited to attend the Washington Conference on Holocaust Era-Assets which was an international landmark event in restoring dignity to a chapter of the darkest history of mankind.

As the two European non-governmental organizations representing an entire cross section of leading Jewish organizations, including those dealing with the welfare needs of the elderly and in particular of the needy Holocaust survivors, we wish to express our thanks for the invitation to attend the Washington Conference and at the same time to take advantage of the opportunity to present a unified European Jewish position paper.

We are particularly keen to voice European Jewry's concerns and heightened sensibilities regarding the issues of restitution and Holocaust education. As members of Jewish communities living today in the very territory in which the Nazi regime perpetrated its unique onslaught on the Jewish people and where Jewish life was almost extinct by the end of World War II we have pledged all our energies to contribute to the continuity of well functioning Jewish institutions and services in Europe.

Nowhere more than Europe has the Shoah left its most destructive and indelible traces. Nowhere more than Europe will allocations from restitution funds be able to improve the personal well being of needy Holocaust survivors and enhance the infra structure of Jewish communal life.

It is from this particular European vantage point that we wish to make a united submission from our two European Jewish umbrella organizations.

I. HOLOCAUST EDUCATION:

We wish to emphasize our particular interest in the field of education and promotion of a global curriculum in the teaching of the Shoah. The European Jewish Congress is preparing for 1999 an updated background document which will give a fair overview of all existing actions in the field of formal and informal education, including textbooks in European countries. This document will be our contribution to the International Conference on Holocaust Education, which Sweden has offered to hold in early 2000 and to which EJC/ECJC wish to be closely associates.

II. ACCESSIBILITY TO ARCHIVES:

We concur with Secretary's Eizenstat's urgent call to all governments and non-governmental organizations to open all public and private archives pertaining to the Holocaust by the end of the year, notably the Tripartite Gold Commission as well as all relevant archives including German Nazi archives still in possession by some allied countries.

In this respect we feel that the Vatican should reconsider its resistance to such appeals for disclosure. What possible justification could there be for the Vatican to remain the last bastion of secrecy with regard to the Holocaust period? We have noted the statement by the Holy See, referring to documents available to 1922, but reiterate the absolute requirement to open archives so as to reach a just resolution to outstanding matters in relation to the 1933 - 1945 era.

III. ALLOCATIONS FROM THE INTERNATIONAL FUND FOR NEEDY VICTIMS OF NAZI PERSECUTION:

We take note that this fund now totals about USD 60 million and we are grateful to all donor countries who have generously contributed to this amount.

While we cannot underestimate the importance of direct payments and services to individual needy victims of Nazi persecution, we wish to emphasize the need for commensurate allocations for a variety of networking programs geared to the improvement of delivering Jewish communal services for small communities and communities in Central and Eastern Europe. Both the EJC and ECJC have specialized capabilities in providing training and support consultations in the area of public policy and advocacy, Jewish informal and formal education, youth work, social services provisions, cultural and Jewish Heritage activities and leadership training to European Jewish communities. All these programs are geared to consolidating Jewish life as a component of the pluralistic democratic societies in which these communities exist.

We strongly recommend that the most serious consideration be given to allocations to such programs as part and parcel of the commitment to right the wrong of the past in a region which has suffered doubly under oppression and neglect.

IV. INSURANCE CLAIMS:

We endorse the newly created International Commission on Holocaust-Era Insurance Claims as the best mechanism for dealing with unpaid life and property insurance dating back to the Holocaust era.

At the same time we express our wish that many more European insurance companies join the Commission and demonstrate their good will by pledging appropriate sums into an escrow fund from which future claimants will be paid.

V. COMMUNAL PROPERTY:

We deplore the lack of consensus on how to expedite the process of settling claims to religious and other communal properties (schools, hospitals, community centers, welfare organizations, club houses etc.).

We are encouraged by the idea mooted by the Polish delegation that it would consider a conference on communal property and would hope that this conference could address the situation in all former communist countries. We are aware of the attempt by the region's democratic governments to take steps to rectify the injustices of the past. However we must stress that the speedy return of such property or

appropriate compensation is absolutely essential to the re-emergence and rebirth of Jewish communal life in Central and Eastern Europe.

We are mandated by our member organizations - the national Jewish representative bodies - in this region to emphatically stress the urgency of this endeavor. Most of these communities are impoverished and in need of outside support if they are to survive and prosper into the next millennium.

VI. LOOTED ART:

We applaud the trend demonstrated by various governments to show a new willingness to locate missing artworks, publicize their existence, determine their provenance and come to a just and speedy resolution of ownership questions.

We support the introduction of the set of non-binding principles intended as an operational framework for the resolution of the above objectives.

We support the suggestion of a specific conference devoted to the questions of looted art, to be held in Austria.

London / Paris 31 December 1998

Submitted jointly by
EUROPEAN JEWISH CONGRESS
CONGRES JUIF EUROPEEN

President: Ignatz Bubis (Germany); Secretary General: Serge
Cwajgenbaum

78 avenue des Champs - Elysees - 75008 Paris

Tel. 01 43 59 94 63; Fax. 01 42 25 45 28; Email: jewcong@imagnet.fr

and

EUROPEAN COUNCIL OF JEWISH COMMUNITIES
CONSEIL EUROPEEN DES COMMUNAUTES JUIVES
President: David L Lewis; Chairperson: Ruth Zilkha; Executive
Director: Michael May
74 Gloucester Place, London W1H 3HN, United Kingdom
Tel. 0171 224 3445; Fax. 0171 224 3446; Email: ecjc@ort.org

FINLAND

Statement by Ambassador Esko Kiuru MINISTRY FOR FOREIGN AFFAIRS

Mr. Chairman,

First of all I would like to thank the Government of the United States, as well the State Department for convening the Washington Conference on Holocaust-Era Assets. The timeliness of the Conference is a demonstration of the fact that the past cannot be escaped. Building the future requires that the wrongdoings of the past must be corrected and lessons must be learned.

The participation of so many countries and organizations in this important Conference is a clear indication that Governments are recognizing that the level of the moral of a state is increasingly demonstrated by how they deal with and settle the events of their recent history, including the restitution of wrong-doings. This conference deals with the events of the Nazi era. Similar painful processes on the settlement of the issues from the past lie ahead of individual countries and international community as a consequence of the recent collapse of the communist system in Eastern Europe. Restitution of stolen and confiscated property to their legal owners is one of the tasks which has to be accomplished in the former communist countries.

The participation of the Finnish Government in this Conference is a strong demonstration of support to the international endeavors to rectify the wrongdoings during the Nazi era towards the Jews and Jewish communities. We find that the broadest possible international support is required. This Conference also gives us an opportunity to clarify the open and serious consideration given by the Finnish authorities to the linked issues and events before, during and after the Second World War.

As most of you know, Finland was in a rather unique situation during the Second World War. First the Soviet Union attacked our country in 1939. After the Winter War a peace treaty was concluded in the spring of 1940. From June 1941 Finland was again at war with the

Soviet Union until September 1944. After the armistice, Finland waged war against the Nazi-German troops remaining in Lapland.

The democratic structures of Finland were maintained during all this time. In this connection it may be mentioned that free and fair elections were held in Finland in the spring of 1945 after we had managed to step out of the war but while the fighting still took place elsewhere in Europe. Finland was also one of the few European countries which were never occupied by foreign troops during or after the war.

Mr. Chairman,

The special situation and circumstances of Finland were reflected in how the Jewish population of Finland participated in the war. The Jewish minority is and has been an equal part of society, with the same rights and obligations as other Finnish citizens. The Jewish population in Finland has never been subjected to persecution. Nor has their property been confiscated or taken in some other illegal way.

During the Second World War members of the Jewish community in Finland participated in the Winter War and the Continuation War between Finland and the Soviet Union in the same way as other citizens. In that situation no difference was made between different religions. Finland and the Finnish citizens fought for their existence, irrespective of religion or cultural differences. The Winter War did not create any ideological problems for the Finnish Jews. All the Jewish conscripts, in total 260 persons, served in the army. Of these 200 served at the front. Fifteen Jews were killed in action, which was a relatively significant loss for them. It has often been estimated that the Winter War made the Jews feel that they really belonged to the Finnish society.

During the Continuation War (1941-1944) the situation was quite exceptional and interesting. Finland fought a war of its own against the Soviet Union. There were German troops in the northern part of the country and people were aware of the cruel policy of anti-Semitism applied by the Nazis, although the extent of the atrocities was still not known. Despite all this, the Finnish Jews served at the front, and in other duties on equal standing with other citizens, even in the Continuation War. The same applied to all national minorities. Several Jewish soldiers were rewarded, they were promoted in a normal manner and they served as commanders. This was probably a unique phenomenon.

It has often been asserted that the Nazis demanded the Finnish Jews be surrendered. None, of course, were handed over. However, there is no documentary evidence of this kind of demand. The Finnish Jews

were not saved because the Nazis forgot they existed. The fact that Finnish Jews were Finns like other Finns was stated by the Prime Minister of Finland to Germans (Heinrich Himmler) in the summer of 1942 in the mention that there is no Jewish problem in Finland. It was also repeatedly announced that there is no cooperation with Nazi-Germans as regards the Finnish Jewish community.

However, during the war a sad episode took place as to some Jewish refugees. Before the war, some 500 Jewish refugees came to Finland from Central Europe. Of these refugees 350 moved on to other countries and 150 remained in Finland. The State Police in Finland extradited eight Jews, who were allegedly accused of criminal activity, to the Gestapo. Only one of these Jews stayed alive. Intervention by the President of the Republic, Mr. Ryti, Marshall Mannerheim and the Government prevented the extradition of other refugees when it became known that eight people had been handed over.

Mr. Chairman,

The question of Nazi-confiscated assets, appearing on the conference agenda, has been investigated in Finland for quite a while already. These investigations have proved the earlier information according to which no property of the Jews was confiscated or taken in some other illegal way during the holocaust era. This is due to the fact that the Jewish community in Finland was in an equal position with other members of society.

A few examples of the investigations carried out so far:

The Bank of Finland as the holder of the Finnish Governments official reserve assets has carried out a study to ascertain whether the Bank was in any way involved in gold confiscated from the Jews or in other property seized from them in Europe during the Nazi regime. This study was conducted on the Bank's gold transactions and holdings during the years 1939-45. On the basis of extensive studies of the archives no indication was established that the bank would have been involved in the receipt of German-origin gold or confiscation or safekeeping of other Jewish property.

As is well-known from a survey published in May 1997 by the Bank for International Settlement (BIS) that Bank mediated gold as payment for international bilateral postal payment transactions between the central banks, including the Bank of Finland, and the Reichsbank on behalf of national postal authorities. In terms of size, these BIS-accounts were insignificant as an investment outlet for gold. No physical transfer of gold was involved but the gold was used as an accounting unit. A

summary of the findings of the study has been handed over to the organizers of this Conference.

In the spring of 1998 the Finnish banks launched an investigation, with a view to finding out whether there were any unused bank accounts, belonging to Jews in refuge. No such bank accounts were found.

As regards insurance, in the light of current information, there are no unclear insurance policies that would have belonged to Jews in refuge in Finland. This is probably because Finland was so far away and was not considered a safe country in the political situation of the 1930's and 1940's. Thus it was not a good idea to take insurance policies or deposit money in Finland. An investigation is being carried out in respect of eventual assets of one refugee (one of the eight handed over to Gestapo and who died in a concentration camp). This study has been carried out in cooperation with the Jewish associations in Finland.

As regards art-objects, no immovable or movable property belonging to individual Jews or Jewish communities have been confiscated in Finland. However, two paintings have turned up in the market, in respect of which the owners are being traced. The traces seem to lead abroad, to Vienna and Berlin.

Education in the events of the holocaust era, as regards comprehensive school, secondary education, universities and other educational institutions, is given in connection with history courses. The universities naturally have a research interest in the events of the holocaust era. The subject is dealt with by several scientists and publishers, which is demonstrated by the great number of studies, books, publications, articles and TV programs concentrating on that era. We hope that this conference provides inspiration even for a more systematic study and education in the events of the holocaust era.

Mr. Chairman,

The uniqueness of the Finnish situation as well as, in particular, of the situation of the Finnish Jewish population as described above, should not be overemphasized, considering the seriousness of the issues before this Conference affecting so many countries. What I try to explain is that, in spite of the dark moments in the western history, there have also been gleams of hope, although not very strong compared to what happened to the Jews and to their property, on the whole.

The effects of the dark moments in the Western history also to Finland, and the measures we have taken to overwhelm them, do not in any way mean that the Finnish society would not have already gone

through the sometimes painful discussion about the events in the past. This process will be continued although the number of cases is not too extensive in my country. This Conference, its results and conclusions can contribute to that on-going discussion.

The Jews of Finland and World War II

By
Tapani Harviainen
Professor of Semitic Languages
University of Helsinki

In several respects the history of the Jews in Finland has no counterpart, either in the Scandinavian and Baltic countries or in Eastern Europe. In order to be able to tell what happened during the Second World War, I must explain how there came to be Jews in Finland in that period. As a consequence, this presentation consists of two parts: first, the rise of the Jewish community in Finland, and, second, the fate of the Jews in Finland during the Second World War.

In theory, there was no place for Jews in Finland. From the 12th-13th century until 1809 Finland was a province of Sweden. When Sweden was opened up to the Jews in 1782, residential rights were restricted to three, later four, cities on the Swedish mainland (Stockholm, Gothenburg, Norrköping; Karlskrona). Consequently, Jews were not allowed to settle in Finland. Nevertheless, visits were allowed and thus we know that the first Jews attested in Finland were the "Portuguese singers" *Josef Lazarus, Meijer Isaac and Pimo Zelig*, who together with the conjurer *Michel Marcus* were granted a license to present their skills in Helsinki in 1782.¹

During the Swedish period some Jewish converts to Christianity also settled in Finland. *Isak Zebulon* of Lübeck, who had by baptismal received the name Christoffer, chose Oulu in Northern Finland as his new hometown. The mother of *Zacharias Topelius*, the well-known Finnish writer - who lived in the 19th century was descended from this Oulu citizen of Jewish descent.²

¹ Jews expelled from Portugal in the 16th century settled in the Dutch cities and in Hamburg. Their offspring and communities were for centuries called Portuguese. The word is here used in this sense.

² Another famous convert was Meyer Levin, who in 1799 was admitted to the Medical Faculty of the University of Turku. Later on, Levin worked at the

Along with other Swedish laws, the 1782 regulations concerning Jews remained in force, as Finland became a Grand Duchy within the Russian Empire in 1809. Because of the high esteem enjoyed by the traditional laws of Sweden, the Grand Duchy of Finland remained a country out of bounds to Jews.

However, there is an exception which proves the rule. A part of southeastern Finland, so-called Old Finland, was incorporated into Russia as early as the middle of the 18th century, and Swedish laws did not apply to that area until 1811. This made it possible for some Jewish families to move from Russia proper to Old Finland at the end of the 1790s; several families (Jacobsson, Kaspi, Veikkanen etc.) in Finland are descendents of these Jewish pioneers.

The Grand Duchy of Finland was a country out of bounds to Jews. However, when the Jews were granted civil rights in the independent Republic of Finland in 1918, 1,400 Jews were living in the country. How do we explain this miracle?

The regulations prohibiting the entry of Jews into the Grand Duchy of Finland did not prevent the Russian Army from entering the country. Ever since 1827, the Jews of Russia were liable for military service. With very few exceptions, Jews came to Finland as soldiers of the Czarist army. During the reign of Emperor Nicholas I, the duration of military service could well be 25 years - and even later it was six years. The conversion of non-Christian soldiers was one of the aims of the prolonged period of service. As one can imagine, the Jews in Russia did not consider the conscription to be a great honor, and thus the majority of Jewish recruits were sons of the poorest families, orphans and other of the underprivileged, many of them handed over to the army by the notorious *chapers*, i.e. kidnappers. After the long years of service, the soldiers, often having lost all contact with their birthplaces, were inclined to stay where they were.

This type of settlement caused a problem for Finnish autonomy. As a reaction, a Russian military ukase was issued in 1858 concerning soldiers discharged from the Russian army. According to this decree, a soldier in possession of a letter of retirement, a passport or a travel document had the right to settle and support himself in Finland. The same right applied to his family and children and also to his widow. As I have mentioned before, the decree was a Russian ukase, not a regulation promulgated by an initiative of the autonomous authorities in Finland.

University teaching German, and in 1815 he was given a permit to set up a printing plant.

The ukase did not make any distinction between Christian and non-Christian soldiers, and the right of settlement of Jews was only implied from the general wording dealing with all ex-soldiers. Similarly, Moslems veterans were allowed to stay in Finland after that. Later, by a Finnish decree of 1869 and a letter from the Finnish Senate in 1876, ex-soldiers and their families were entitled to earn a living by selling home-made handicrafts, bread, berries, cigarettes, second-hand clothes and other inexpensive textile products. This type of trading was in which the Jewish *narinkka* markets in Helsinki began.³

At the beginning of the 1870s, organizational reforms in the Russian army brought about a rapid increase in the number of Jews in Finland to about five hundred - such a high figure!⁴ As a consequence, in 1872 a debate on their legal status was initiated in the Finnish Diet.

The four estates of the Diet, as well as the political parties of the subsequent Parliament, Senate, were unable to provide a solution to the problem. General conservatism, national protectionism and the fear of a mass exodus of the Eastern European Jewish proletariat were the main arguments of the opponents. The constitutional conflict between the Finnish and Russian authorities which began in 1899 further complicated the handling of the question.⁵

It was only in 1918, in connection with Finnish independence, that full citizen's rights were granted to the Jews in Finland. In Europe, only Rumania acted more slowly than Finland in giving civil rights to the Jewish population. In Russia Jews were naturalized after the Revolution

³ From Russian *na rynke* 'at the market-place'.

⁴ In the earliest list of Jews in Helsinki of which I am aware, drawn up in 1868, 21 families with 83 family members were enumerated (National Archives, KKK 36/1686).

⁵ In a letter of the Finnish Senate written in 1889, certain Jews whose names were particularly mentioned, together with their families, were given the right to remain in Finland until further notice, and to reside in localities assigned to them. From these towns Jews were allowed to move only to Helsinki or Vyborg within Finland. The residence permit applied to children only as long as they lived with their parents. As soon as they married or entered military service, they lost their residential right. New Jews were no longer admitted to Finland. At first "residence tickets" were very strictly scrutinized, and because of the problem of marriage, many Jews moved away from Finland and others were expelled. In 1890, there were about one thousand Jews in Finland, but in five years their number decreased by one quarter. At the turn of the century the practice of examining and renewing residence permits was no longer observed, but the regulation remained officially in force until 1918.

in 1917, and in Sweden this was achieved as early as 1870. - In this context it is worth noting that the great majority of Jews living in Sweden and other Scandinavian countries have a German background; immigration from Poland has also taken place.

Because of the restrictions, extremely few Jews could move to Finland on their own initiative. On the basis of the Finnish police archives it is evident that, excluding the *intelligentsia*, which was very small in number (a rabbi, a teacher and a circumciser), the background of all Jews was in one way or another in the Russian Army. They had not just come to Finland, it was the Army which had sent them – by chance – to Finland and finally they had settled in the country. The decision was not their own; it was a part of the inexplicable wisdom of the Army which chose who would be Jews of Finland in the future. No parallel case of this sort of genesis of a Jewish community is known to me.

The Russian Army thus sent Jews to Finland. However, a very important exception from this rule must not be forgotten. While the Army sent boys to Finland, it did not take care of providing wives for them. Actually, we have no precise information as to the measures to which the poor lonely soldiers resorted. Family legends tell of veterans who established a joint *'isqa* venture, i.e. they collected money and wrote a letter to a rabbi in a *shetel* in Lithuania asking him to dispatch so-and-so many marriageable Jewish women to Helsinki. Since trains were few in Russia, a consignment was transported by a cart. The ex-soldiers had plenty of time to spend waiting in the market place in Helsinki, and when the cart at last arrived, the strongest *khaveyrim* were ready to take the most beautiful *meydelakh* down from the wagon; the slimmer lads had to be happy with the rest. The story has given rise to a saying current among Jewish ladies in Finland: "I have not been taken down from a cart" - *de-haynu*: "I come from a better *mishpokhe*." ⁶

Be that as it may be, it is evident that other nationalities in Russia were attracted to Finland by its reputation in Russia as a country of order, a strong economy and greater intellectual freedom.⁷ Obviously it was this reputation which assisted the Jewish soldiers in obtaining wives from Russia with such success that in 1898 the majority of Jews

⁶ Helsingin Sanomat (A. Hurwitz), no. 316, 21.11.1929, s 4.

⁷ This conclusion is confirmed by the article *Eyn vokh in Finland* by Shemarya Gorelik, who participated in the 1906 Russian Zionist Congress in Helsinki. The article was published in *Dos yudishe folk in Vilna* the same year, and it was almost comic in its praise of the Finns and conditions in Finland.

living in Helsinki were born in Finland; this genesis was due to the great number of children in their families.

From which parts of Russia were the Jewish soldiers sent to Helsinki? The Helsinki police archives offer a clear answer to this question. All Jews resident in Helsinki in 1898 had come from Russia which at that time included the greater part of Poland.⁸ According to the archives the most important "home towns" or the localities and districts where the heads of the families had been registered before their arrival in Finland, were (1) Schlüsselburg (now Petrokrepost) east of St. Petersburg, above the River Neva, (2) the governments of Novgorod and Tver, and (3) Lithuania and the north-eastern parts of Poland. A surprising element in this information is that Schlüsselburg, Novgorod and Tver were all outside the Pale of Settlement where Jews were allowed to reside. Equally surprising is the almost total absence of Estonia and Latvia in the domicile registers.⁹

During the first decades of *independent Finland*, in the 1920s and 1930s, the Jewish population in Finland numbered nearly 2,000, more than at any other time. At the outset, Jews spoke either Yiddish or Russian. Linguistic assimilation led first in the direction of Swedish and then also in the direction of Finnish. Yiddish was discarded surprisingly quickly; a student of mine could find only three speakers of Yiddish for tape-recording for his M.A. thesis in Helsinki in 1995. In giving up the Jewish language, Yiddish, Finnish Jewry was left without a significant uniting factor, a factor which, for example, the Finnish Tatars have preserved.¹⁰ Religion and consciousness of being Jewish remained, thereafter, the only uniting factors.

⁸ Most of the soldiers had served in the regiments of the 23rd division then stationed in Finland (the regiments of Dvinsk, Petshora, Onega and Belomorsk), but quite a few also in different auxiliary units (military hospitals, local detachments, feeding depots etc.) Among them were also many bandmasters, members of military bands and drummers.

⁹ In the 1880s and 1890s nearly all Helsinki Jews made their living by selling new and second-hand clothes and fruit at the narinkka market: the name of Simo (i.e. Simeon) Square still refers to the Jewish market. More than three-quarters of the Jewish population lived in the same district of Kamppi, where both the narinkka (from 1876) and later also the Synagogue (from 1906) were located. As late as 1860s most Jews still lived in the districts of Siltasaari and Kruunuhaka, where the market was located at the time.

¹⁰ These Tatars also derive their origin from Russian, from the region on Nizhni-Novgorod, east of Moscow. Although Tatars also served in the Russian army in Finland, they did not settle in the country as ex-soldiers; their forefathers came

In the 1920s and 1930s, genuine anti-Semitism also found expression in Finland in certain ultra-right-wing circles, but it never gained wider sympathies. The fact seems to remain that in the young Republic all minorities suffered from prejudice and xenophobia to some extent but evenly distributed. In this period, the Jews did, however, carry one burden which may have made its position more difficult than that of other minorities: a significant number of the Soviet leaders and well-known Bolsheviks were Jews, and this fact easily led people to the following conclusion: because he is a Jew he must be a Bolshevik, and as such an enemy of Finland.

WORLD WAR II¹¹

In the years 1939-1944 two different wars against the Soviet Union were imposed upon Finland. During the Winter War of 1939-1940 Germany remained strictly neutral on the basis of the Molotov-Ribbentrop Pact; Great Britain and France planned intervention in favor of Finland.

When the second, so-called Continuation War broke out in the summer of 1941, Finland was a co-belligerent of Germany, and Great Britain declared war on Finland in December 1941. *De jure*, however, Finland was never an ally of Germany, and at the end of the War, in the winter 1944-45, the Finnish armed forces expelled the German troops from Lapland, which was devastated by the Germans during their retreat to Norway.

Military service was compulsory for each male citizen of Finland. In 1939 the Jewish population of Finland numbered 1,700. Of

to Finland as peddlers of clothes and furs. In 1925 they established a Moslem congregation in Helsinki. As in the case of the Jews, the members of the Tatar community have been able to adapt themselves to Finnish society without radical difficulties; both of these minorities are of the same size, viz. one thousand persons. Besides being a religious congregation, the Tatar Moslem community has stressed national aspects, retention of the Turkic Tatar language, traditional habits and close family ties. In spite of competition in a number of lines of business, relations between the Tatar and Jewish minorities have been good; a sign of the rapport between them is a friendly football match arranged by them each spring.

¹¹ For details of the wartime history, see Hannu Rautkallio, *Suomen juutalaisten aseveljeys* (The comradeship-in-arms of the Jews of Finland). Tammi, Helsinki-Jyvaskylä 1989. 250 p., ill., English summary.

these, 260 men were called up and approximately 200 were sent to serve at the front during the Winter War. Fifteen men lost their lives. In comparison with other communities in the country, the Jewish losses (8 %) were conspicuously heavy. However, it is obvious that the Winter War did not involve ideological problems - neither for the Jews nor for other citizens of Finland. In this respect a statement made by a Jewish veteran seems to be characteristic: "The Winter War gave us a deeper consciousness of being Finnish and of belonging to Finland more than any earlier period in our history."

As I mentioned earlier, the Continuation War broke out in the summer of 1941. Now Finland was a co-belligerent of Germany, and there were Wehrmacht and Waffen-SS troops in the country. However, no *Einsatzgruppe* was sent to Finland.

The comradeship-in-arms with Germany during the Continuation War did not alter the status of Jews in Finland or in its army. Jewish citizens served in the Finnish army, in women's voluntary defense services and in other duties alongside other Finns. The same was true with regard to all the ethnic minorities, Tatars, Russians, Gypsies, Lapps, without differentiation.

In a quite unique photo, in a snowy forest there is a millboard tent with an iron heating stove, the chimney on the left-hand side - and a number of soldiers are posing outside the tent. The tent is a field synagogue, "Scholka's shul", set up for the Jewish soldiers at the front beside the River Svir in Eastern Karelia. A field synagogue with a Torah Scroll was, no doubt, a very exceptional event in an Army fighting on the German side during the War.

Several Jewish soldiers were cited for bravery in action; a number of them served as company commanders and one as a captain and battalion commander; Jewish army doctors were promoted to the same officer ranks as their colleagues, inclusive of ranks of major.

During the two wars, 23 Finnish Jews were killed in action. As a tribute to their memory, their names are published annually in the Jewish Calendar of the *Bicur Cholim* Society in Helsinki.

It has been supposed that the Germans demanded the liquidation of the Jewish communities in Finland too. However, there is no evidence in favor of these claims. On the other hand, the small Jewish population of Finland was not rescued because of a "lapse of memory" among the Nazis as has sometimes been maintained. An evident confutation of this hypothesis is the case of a handful of Jewish citizens from Finland who were living in the German-occupied countries: their successful return to

Finland resulted in intense diplomatic activity between Berlin and Helsinki in the spring and summer of 1943.

It was the public conviction that "we have no Jewish Question", and the Finnish Prime Minister *J. W. Rangell* expressed such an opinion to *Heinrich Himmler* in July 1942. Consistent messages of this kind may have warned the Germans not to endanger relations with their useful brother-in-arms over an insignificant matter of little advantage to them - after final victory there would be nowhere for the Jews to escape to.

The position of Finnish Jewish soldiers was very similar to the political reality: none of the Jewish citizens of Finland refused to enter military service on the grounds of pacifism or of being Jewish. On the other hand, no instance is known of German soldiers refusing to cooperate with Finnish Jewish officers. As a rule, the attitude of Germans to Jewish soldiers in the Finnish army has been described as an "astonished" but "correct" one. The usual answer to incredulous questions put by Germans was that "there is no difference between Jews and other soldiers in the Finnish army." A number of Jewish officers were awarded German Iron Crosses, but they refused them.

Jewish soldiers were not unaware of the general anti-Semitism of Hitler's Germany, and reports of atrocities and mass murders circulated among them and their families. However, the brutality of the Holocaust did not become evident until the end of the Continuation War in the autumn of 1944. The awareness of being Finnish soldiers gave the Jews an assurance of safety even in the vicinity of German troops. At the same time, quite a number of Jewish soldiers seem to have felt the need to display that they were at least as brave soldiers as their comrades.

The complexity of comradeship with the Germans became a serious problem only after the wars, when the extent of the Holocaust was revealed. First of all, the Norwegian Jews who had suffered most during the Nazi occupation questioned the policy of the Jews in Finland. I consider that two reactions to these questions illustrate the views of the Jews in Finland quite well. A former Jewish member of the women's voluntary defense services (*lotta*) told me: "We were very surprised because of these questions. We were proud that we were also accepted to join the other Finns." Another reaction was: an association called the *Jewish War Veterans in Finland* was founded in Helsinki in 1981. During the first year of the association's activity, 84 members, more than 10 per cent of the members present in the Community, joined the association. It is self-evident that this is a most valid piece of evidence in favor of the exceptional, independent nature of the war which Finland waged on the side of Germany.

This is a short account of the Jewish citizens of Finland during the War. Another story is that of the Jewish refugees.

The persecution of Jews, launched by the National Socialists in Germany and in other countries under their influence, also brought refugees to Finland, where, however, they were received in a rather reluctant manner. In all, about 500 refugees arrived, and of these, 350 had by the summer of 1941 continued their journey to a third country, mostly to Sweden or the United States.

In contrast to the Jewish citizens of Finland, the position of the refugees turned out to be very difficult during the Continuation War. Some of the refugees were German nationals, and others had escaped to Finland from countries allied with or conquered by Germany. When the Continuation War broke out in 1941 there were about 150 Jewish refugees in Finland. They were taken to two villages in the countryside, but 43 men were sent to work camps first in southern Lapland (Salla) and then to the Isle of Suursaari (Gogland) in the Finnish Gulf.

In the autumn of 1942, Norwegian Jewry was annihilated; more than half of them (altogether 757 people) lost their lives. Most of the survivors were among those who succeeded in escaping to Sweden. As I have mentioned before, it has been supposed that the Germans demanded the liquidation of the Jewish communities in Finland. However, there is no documentary evidence in favor of these claims, either concerning the Jewish citizens or the refugees.¹²

Nevertheless, the State Police in Finland had agreed with the leaders of the Gestapo that Finland was allowed to deport the undesirable refugees to the areas occupied by the Germans. In October 1942 nine Jewish men were sent by the Finnish State Police from the Suursaari camp to Helsinki and ten Jews were arrested elsewhere in Finland. However, one of the men escorted from the Suursaari camp succeeded in sending a postcard to Mr. Abraham Stiller, a member of the Jewish community and brother of the famous stage-manager Mauritz Stiller. Stiller as well as his friends, both Jews and other Finns, made contact with various governmental and administrative organs including President

¹² The fate of the Jewish refugees in Finland has been the subject of lively discussion, see Elina Suominen, *Kuolemanlaiva S/S Hohenhorn* ('Ship of Death S/S Hohenhorn', Porvoo 1979); Taimi Torvinen, *Pakolaiset Suomessa Hitlerin valtakaudella* ('Refugees in Finland during the rule of Hitler', Keuruu 1984); Hannu Rautkallio, *Finland and the Holocaust, the Rescue of Finland's Jews* (1987).

Risto Ryti and Marshal of Finland Mannerheim. As a result the governmental and public discussions the extradition was prevented.

However, on the 6th of October 1942, the State Police had already had five Jewish men and three (or four?) members of their families deported to the Gestapo in occupied Estonia. Officially, the men were claimed to be guilty of espionage and other criminal activities; four of them had minor offences in police records. Nineteen other persons, most of them citizens of the Soviet Union, were deported on board the same boat. The Gestapo transported the Jews to Birkenau concentration camp. Only one of these people (Georg Kollman, a former citizen of Austria) survived; after the war he immigrated to Israel.

There is no need to try and wash away the shame, but it should also not be forgotten that in October 1942, Germany was at the height of its power. After Stalingrad, it was considerably easier to say no. When after the war the victor, the Soviet Union, issued the demand that the Finnish Ingrians and other refugees be handed over to the Soviet Union, it was influential enough to get what it wanted.

Of the other refugees, Finnish citizenship was granted to 110 persons in 1943-44; some of them left the country before that or later on.

On the Finnish Independence Day, the 6th of December, in 1944, President Mannerheim, Marshal of Finland, visited the synagogue in Helsinki where the memory of the Jewish soldiers killed in action was honored. When Mannerheim died in 1951, the Jewish community raised a large sum of money which was donated to the Mannerheim Fund of Child Welfare as an expression of gratitude for the defense of the equal rights of Jews in Finland.

FRANCE

Ambassador Louis Amigues
DIRECTOR, ARCHIVES AND RECORDS
MINISTRY OF FOREIGN AFFAIRS

*Statement translated from the original French by the
U.S. Department of State Office of Language Services, Translating Division*

Intervention during the Plenary Session: Overview of Nazi- Confiscated Art Issues

Response to Speaker Ronald Lauder

The French delegation was surprised to hear one of the speakers state that the French Government knew the identity of the owners of the 2,000 works of art deposited with the Museums of France at the end of the restitution campaign that permitted the return of more than 45,000 of the 61,000 works of art recovered in Germany.

I hasten to add that this statement is at odds with what we know. We will discuss that tomorrow.

However, since we are here to exchange information, I would like to ask the speaker on what information he bases his belief, and, if possible, to provide us with that information. He may rest assured that we will make the best use of it.

Press Conference by the Mattéoli Mission:

Prof. Adolphe Steg

DEPUTY CHAIRMAN

FACT-FINDING MISSION ON THE LOOTING OF JEWISH ASSETS
(MATTÉOLI MISSION)

Opening Statement on Art Works
(Washington, December 2, 1998)

Concerning this last question, I would like to explain the Mattéoli Mission's approach to the MNR.

For several years the genealogy of these assets has been scrupulously and deeply investigated, and the results of this study are already available on the Internet.

But now the time has come within the next five months, when – due to the mandate given to us by the Government – we shall have to make proposals to the Prime Minister.

May I express some principles which guide us:

- 1) The MNR assets are not integrated in the national patrimony.
- 2) When seeking a solution (and for us a general rule in all fields) we refer ourselves only to the interest of victims. Clearly we do not protect any institution, or organization or corporation, but only the victims.
- 3) Finally, our mission will now begin a reflection on the definitive statute of the MNR and we will make proposals on the destination of these works of art.

Let me be clear:

When an asset will not, incontestably, be proven as a non-spoiled object, then [there] has to be a high probability of [it] being a spoliation.

GREECE

Delegation Statement

Greece became involved in the Second World War on October 28, 1940, when fascist Italy launched an unprovoked invasion from Albania. The aggressors, however, were defeated by the Greek army and thrown back into Albania. This first setback for the Axis made inevitable the assault by Nazi Germany, who came to the rescue of its Italian ally in order to safeguard its rear, pending its invasion of the Soviet Union. The Wehrmacht invaded Greece through Bulgaria on April 6, 1941, and crushed the resistance by the exhausted defenders as well as a British (and Commonwealth) expeditionary Force. By the end of that month, German troops had overrun the mainland and in May, conquered Crete against fierce resistance offered by Commonwealth forces and the local population. The tripartite (German – Italian – Bulgarian) enemy occupation lasted for 3,1/2 years, during which the exploitation of the population and the country's resources as well as the suppression of every freedom stimulated the development of a strong resistance movement. In early November 1944, the Greek mainland was free again, while several islands remained under German Occupation up to May 1945.

Greece, having actively participated in all Conferences on Holocaust issues, demonstrates a particular and continuous concern in this matter. Along with other countries, she has offered a part of its gold share to the "International Fund for needy victims of Nazi persecution", hoping that this symbolic act will be appreciated by the survivors of the Holocaust and the families of the persons who lost their life.

In the Washington Conference on "Holocaust-Era Assets," Greece focused on the following particular issues:

- the forced loan exacted from Greece during the Occupation period,
- art, archives and education issues,
- the claims presented by the Greek – Jewish Organizations.

FORCED LOAN

While in most occupied countries the annual cost of occupation corresponded to their defense appropriations before the German invasion, the size of Greece's levy was extremely high and covered requirements in excess of the direct occupation costs, even though according to the Hague Convention, the contributions levied must be in proportion to the country's resources and occupation costs cannot be charged in order to meet general war expenses or for the enrichment of the occupier. In 1941/1942, the levy represented 113,7% of the country's national income.

In addition to direct monetary contributions, the Axis also exacted large credits from the Bank of Greece for "all expenses of the war waged within the occupied country or from this country". This included German operations in the Eastern Mediterranean, North Africa, as well as the occupation of Southern Albania, which was subordinate to the German high command in Greece. Of the costs within Greece, 50% or more of the Greek payments were used for fortifications and similar "construction projects". In contrast to public German assertions that these projects were mainly for the purpose of "Greek reconstruction", the final German report admitted that no more than 1.2% were "in common German and Greek interest". Even Hitler himself stressed the point that out of the Greek payments only "the smallest part was used for the costs of occupation" but the major part was used for construction projects which were "of decisive importance for the African War", i.e., in particular for the reinforcements and supplies for the German "Africa –

The first "Forced loan" Protocol was signed in March 1942 and was subsequently amended several times during the Occupation. It stipulated that Greece was to make a monthly part – payment of 1.5 billion drachmas for both the Italian and German armies. The Bank of Greece was also obliged to advance additional funds and to open an interest – free loan account for each occupation Power for this purpose.

In this Protocol, high-ranking officials of the German and Italian Ministries of Foreign Affairs, undertook to pay back the loan to the Greek government and began doing so in 1943, thus recognizing liability to repay a debt. Thus, there is no doubt that, the loan in question was different from normal occupation levies.

What is more, internal Germans communications constantly used terms such as 'credit' and "Reichsverschuldung" (debt of the Reich). In early April 1945, the economic experts of the Former German Embassy in Athens submitted their voluminous Final report on "Economic Administration in German-occupied Greece" to the Foreign Affairs Ministry in Berlin with the explicit indication "for future use". In this report, they made serious efforts to calculate the German "debt" to Greece which they estimated as equivalent to 476 million German marks.

Since then, Greek representatives have always stressed that the forced loan extracted from Greece was not part of "regular" occupation costs and that it had to be paid back. As a loan, it could not be part of war reparations.

In the postwar years subsequent Greek governments have defended the view that Axis commitment to pay back the remaining amounts of the wartime credits was legally binding. To date, there has been no change in this position. Foreign Affairs Minister Th. Pangalos recently stated that the forced loan is a bilateral issue which remains open and pending. The claim concerning the forced loan is not related and should not be confused with the amounts which Germany has provided to Greece either by contributing to the European Union projects in Greece or within the framework of bilateral loan agreements.

With one exception, the Bonn government responded to all war claims placed and substantiated by countries, after German unification. These responses constituted either some kind of material compensation or at least the beginning of negotiations on the claims.

The only exception is Greece.

ARCHIVES, ART, EDUCATION

The fundamental elements of a national heritage are preserved in three significant aspects of culture: archives, art and education.

The preservation and accessibility to the public archives of a state is a sign of respect to history. In recent years, tremendous efforts have been made throughout Europe to improve the condition of state depositories and equip the facilities with the proper tools. In a continuous

effort to accommodate historical research, the Ministry of Foreign Affairs of Greece participates in numerous research and publication efforts with other nations in Europe and also with educational institutions both in Greece and abroad.

An agreement between the United States Holocaust Memorial Museum in Washington DC, and the Service of the Historical Archives of the Hellenic Ministry regarding the exchange of archival records is currently being negotiated. This agreement, as well as the recent publication of the Ministry of Foreign Affairs (Documents on the History of the Greek Jews), indicates the perseverance of the Greek State to seek historical truth.

In this context special attention should be paid to the continuing efforts of the Jewish Community of Thessaloniki seeking to repatriate the archival collection of the community which was violently transported by the Germans during the war, and found only recently in Russia. The records depict the communal history of the Jews of Thessaloniki from 1870 until 1942. It is an important heirloom for one of the oldest Jewish communities in Europe and should therefore be repatriated.

Art and architecture demonstrate the spirit and the philosophy of a nation. Both are visual indicators of a time past, and the cultural reminders of an "ethnos". The artifacts looted or destroyed during the Second World War by the occupying forces are too numerous to mention here. The occupation forces vandalized classical and Byzantine monuments, transporting parts or entire structures while looting icons, library collections and heirlooms. The losses are staggering. 19 large Byzantine churches, monasteries, museums and libraries were destroyed. 26 illegal archeological excavations were carried out by Italian and German archeologists. Artifacts from 42 museums were looted and transported abroad by the Germans, while their Italian counterparts looted 33 museums and the Bulgarians 9. The damages were staggering, while the scars of the destruction are still visible on the surviving monuments of Classical and Byzantine Greece.

The most important element of cultural preservation is the continuous effort to preserve history alive through education. Greece, the cradle of civilization, a country which witnessed the birth of contemporary sciences, supports today the advancement of research and education. On a regular basis, Greece signs new agreements and renews older protocols of bilateral educational programs with nations interested in the exchange of cultural information. Most recently Greece signed such an agreement with the State of Israel. This four-year program calls for a collaborative effort in the educational, scientific and cultural fields.

This initiative aims, among others, to disseminate knowledge and information regarding unknown aspects of both the Jewish and Greek history.

CLAIMS OF THE GREEK JEWISH ORGANIZATIONS

The Greek Jewish Organizations, through the Greek Ministry of Foreign Affairs, presented at the Washington Conference memoranda stating the losses caused to their property between 1941 and 1944 by the German Occupation Authorities, their claims for restitution of property found anywhere in the world and financial restitution for property that cannot be found anymore.

1. The Jewish Community of Thessaloniki stated that the German Occupation Authorities completely destroyed the Jewish Cemetery of the city where graves were untouched since 1492, constituting a treasure of historical and archeological information. Thus the historical memory of generations of Jews, who lived and died in Thessaloniki, was forever lost. The value of the building materials (marble slabs, bricks etc.) contained in the cemetery was estimated at that time to one hundred thousand (100,000) gold English sovereigns, while the historical memory lost is beyond estimation.

2. The Jewish Community of Thessaloniki claimed that the German Authorities, under the supervision of Dr. J. Pohl, Director of the Jewish Department of the Library of Frankfurt plundered systematically Communal libraries namely:

- a. The Library of the Religious Tribunal (Beth-Din), containing approximately 2,500 volumes of rare editions.
- b. The Library of the Community Schools' Teachers, with about 600 volumes of reference books, etc.
- c. The Library of the Monastirion Synagogue, that included exclusively books of religious and hieronomic interest.
- d. The Library of the Religious Establishment Haimoutcho Kovo located on 8, Menexe st. and of its annex on 74, Queen Olga Avenue, to which the personal libraries of its founder, the Great Rabbi Haim Asher Kovo, and the precious library of Chief Rabbi Asher Kovo had been added.

- e. The 250 manuscripts of the Holy Jewish Law (Pentateuque) treasured in the city's Synagogue, many of which had been brought from Spain in 1492.

3. The Jewish Community of Thessaloniki claimed that the German Occupation Authorities had confiscated its archives and transported them to Germany. These archives, considered lost for many years, surfaced in Moscow three years ago. The Jewish Community of Thessaloniki demands its archives back.

4. The Jewish Community of Thessaloniki finally claimed that it was obliged to pay to the German Occupation Authorities the sum of 150,000 gold French Francs, in order to ensure to exception from compulsory civilian work of 1,000 of its poorest members, who were not able to meet this amount, and the sum of 1,900,000,000 Drachmas (DM 50,000,000) in order to liberate the rest of its members from compulsory civilian work. The Jews excepted from compulsory civilian work were, nevertheless, transported to the extermination camps in Poland and Germany and were exterminated in gas chambers.

5. The Central Board of Jewish Communities in Greece claimed that the sum of 1,700,000 gold English Sovereigns has been plundered from Greek Jews and that this sum must be restituted to its legal owners or their inheritors.

HUNGARY

Delegation Statement

I. HOLOCAUST-ERA ART ISSUES IN HUNGARY

Hungary took part in World War II as an ally of Germany. From March 19, 1944, however, the country was occupied by the Nazis. In October the Hungarian government attempted to achieve a cease-fire and so withdraw from the war, but these efforts were hampered by a pro-German fascist puppet government that came to power. Persecution of Jews proliferated and the confiscation of Jewish property took place only from March 1944 to April 1945. A Government Commission for the Registration and Safeguarding of Art Works taken from Jews was rapidly set up, whose activity was a cover-up for the sequestration of the art treasures of Hungarian Jews. These treasures were then - with a few exceptions - transported to Germany. There was a so-called Hungarian gold train with two trucks at the end of World War II, full with gold, jewelry, precious stones and a large amount of artifacts looted from Jews, and which were never returned to Hungary. We do not know anything about their fate.

It should be mentioned that after January 20, 1945 a Hungarian democratic government was established and Hungarian armed forces, allied with the Soviet troops, fought against the Nazis. After the war a body of specialists was established called Ministerial Commission for Art Works Taken from Private and Public Collections, which collected data on art assets with the aim of their restitution. The control over the country was later fully overtaken by communists with the support of the Soviet Union. The communist dictatorship was broken for a very short time by the 1956 revolution, a new democratic era started with the system change of 1989. The free elections of a new government paved the way to the genuine examination of World War II losses and reparations together with compensations for communist era injustices.

A significant portion of all cultural property found was returned to Holocaust survivors. However, a vast number of cultural assets are still missing: pieces of the Hatvani Collection. An important fraction of the

looted objects – consisting of 152 works of art – have been identified in Moscow, the Hungarian origin of which was also acknowledged by the Russian authorities. Among them we can find invaluable paintings from collections of Hungarian Holocaust victims. The return of these objects is blocked by the Russian attitude of indifference towards international norms on restitution and also by the uncertain situation of their restitution law.

In the early 1990s the Hungarian government initiated a scientific research program, which has already resulted in a database containing over 60,000 items of art treasures lost during World War II and in its immediate aftermath. A publication containing the data and – if available – the picture of the 1000 most important pieces under the title: Sacco di Budapest, 1938-1949 - Depredation of Hungary, 1938-1949 has been put out recently.

The situation of how restitution was handled in Hungary under the Communist Era and after the political change during the past 50 years can be illustrated by the statements of two prominent U.S. personalities:

In 1996 at a hearing before the COMMISSION ON SECURITY AND COOPERATION IN EUROPE the Honorable Christopher Smith, presiding Chairman of the Commission characterized the approach of the Communist Government as follows:

"In some places, such as Hungary, the government was required by the 1947 Paris Peace Treaty to restitute Jewish property, but the Communists ignored this obligation. Not only was justice denied for Holocaust survivors, but Communist regimes perpetrated their own brand of injustice and, in fact, were infamous for their complete disregard for private property..."

Under Secretary of State, The Honorable STUART E. EIZENSTAT, formulated at the same hearing as follows:

Hungary "is a good example of what a government can do when it puts its mind to it. The Hungarian Government has been very forward-thinking in its restitution program, and I have been impressed by their determination to resolve both communal and private property issues. It has accepted its obligations under the 1947 Paris Peace Treaty, and a 1993 Constitutional Court decision to provide fair compensation for those who lost their property in the Holocaust and afterwards is being honored."

And now, in the Sunday Times about restitution funds:

"The model here is Hungary, it established a special foundation with accountability and management" of the properties in question.

Still, certain criticism has been formulated by Hungarian and foreign observers about the Hungarian museums' approach towards some of their acquisitions during the early years of the Communist Era. Museums keep works of art – among others former property of Holocaust victims – the provenance of which is poorly documented. Some of these cultural objects are registered as unclear deposits, some others as part of the basic collection of the museum. In fact, it is one of the museum's most important missions to safeguard its holdings from being sold or alienated until unlawful ownership has not been proved incontestably.

In order to clarify what happened with some obscure acquisitions in Hungary, as a first step the Minister for Cultural Heritage has sent out a letter to museums and their authorities, in which he instructs – or if not entitled, he requests – museum directors to conduct a review of their inventory books and list out ambiguous items. As a next step a research team will examine the circumstances under which these cultural objects were placed to the museum.

The Hungarian government is fully committed to the restitution or compensation of Holocaust victims concerning cultural assets. For managing this complex task - which includes scholarly research, political decision making, bill drafting, and negotiations with representatives of foreign states, contacts with Holocaust survivors, etc. – a state commissioner will be designated.

II. EDUCATION

There is almost no family in Hungary which was not affected by the Holocaust either as victim or as witness or helper. Everyone knows what did what made Raoul Wallenberg, who saved thousands of Jews in the most dangerous times. The Jewish Institution and documentation centers have been working hard on revealing darkness about the horror of the Holocaust.

After World War II, there were made some scientific researches on Holocaust, but soon the Communists came to power, this scientific researched banned by them. István Bibó must be mentioned, who published several papers about the roots of the anti-Semitism and the democratic movements in Hungary. As the revolutionary changes came in 1989, serious historical research was started about the Holocaust. A

thorough investigation could be made in the archives. Now the Hungarian archives are open to carry out such a research, and the newly-signed agreement enables Israel to get admission into these archives under organized circumstances. There is another successful historical research in Hungary, which can be demonstrated by many new volumes of selected documents and memoirs. More films were made in the last few years, than had been made during the proceeding decades. We should mention the document film, "The Message of Elie Wiesel" made in 1996, Hungary's participation at the Baltimore Jewish Film Festival ("The Memoirs of a River") or at the Washington Jewish Film Festival, both held this year. The above-mentioned film of Judit Elek, "The Memoirs of a River" demonstrates not only the ultimate victory of Truth and Justice, but also the internal harmony and peaceful coexistence of Jews and Christians in Hungary.

Hungary has surely much to do for the better knowledge of the Holocaust Era in the field of education; Hungary is ready to do it. We have to emphasize that the Holocaust was part of the basic knowledge of the history taught in the Hungarian schools during the last 50 years, as it is now. The National Curriculum mentions the Holocaust several times, and it is implied in our schoolbooks. The high school history books consistently deal with the subject of the Hungarian anti-Semitism, including the special laws against Jews. There are several writers and poets of Jewish origin who became victims of the Holocaust and now their achievement is also part of the education. On the basis of an agreement with the Yad Vashem Institute every year 30 teachers can take part in a course in Jerusalem to study the best methods of Holocaust education.

Definite steps are to be taken in the frame of human rights, at the same time regarding the recent ethnical and historical challenges. The Department of Judaism at the Budapest University and the Department of Romology at the Pécs University are of great importance for both research and education. The Hungarian exposition in Auschwitz will be renewed in 1999.

To demonstrate its deep conviction regarding Holocaust education and remembrance, the Hungarian Government has adopted a resolution on establishing the Public Foundation of the Holocaust Research and Documentation Center. This Foundation together with one or more similar institutions will move to the oldest synagogue in Budapest to achieve their purposes more effectively. The execution of this and other resolution will testify the government's concern for Holocaust victims.

ISRAEL

Delegation Statement

Following the defeat of the Nazis, a majority of Holocaust survivors immigrated to Israel, where they and their families account for one-sixth of the Jewish population. The State of Israel, the Jewish State, sees itself as the central representative of the survivors and their offspring and is dedicated to achieving justice on their behalf and to the remembrance of the Holocaust.

Israel's delegation to this Conference welcomes efforts by other governments to obtain such justice. In particular, we would like to acknowledge the role of Great Britain and the United States, the initiators and chairs of the London and Washington Conferences on Holocaust Era Assets. The Government of Israel also wishes to express its appreciation to the Swedish Government for initiating an international effort to promote worldwide education about the Holocaust in cooperation with the United States, United Kingdom, Germany and Israel. We welcome the agreements reached so far regarding the settlement of claims from the Holocaust period, and we look forward to achieving similar agreements with other parties.

The matter of Jewish assets is not merely a material issue; it is a moral imperative. "Thou shalt not steal" appears in the same Decalogue with the injunction against murder. There is no adequate compensation for the loss of life, but justice must be sought for the Jewish communities and individuals that were despoiled.

Compensation must also be sought for the men and women turned into slave laborers, whose bodies were violated for profit. All civilized nations outlaw slavery and whomever exploits slave labor must provide reparations for this heinous crime.

People or institutions who knowingly acquired looted property should pay restitution. We appeal to financial institutions such as banks and insurance companies to accept responsibility for their Holocaust era clients. This also applies to those who acquired art works and ritual objects looted from homes and houses of worship. Though these items

may have passed through a number of hands, the original owners have an indisputable claim to what is rightfully theirs.

We welcome the openness and the cooperation of the countries researching the facts regarding property seized during the Holocaust. We note with satisfaction that many countries have established commissions to investigate their own past. We join the initiative to persuade all countries, groups and individuals to allow immediate and unrestricted access to all archival and state archive materials relevant to the period. This applies especially to church records and archives of private concerns, corporations and individuals, as well as documentation not stored in archives. Any entity that withholds information from public access compounds the indifference and crimes of the past.

We sincerely hope that the International Task Force on Holocaust Education, Research and Remembrance will succeed in promoting worldwide awareness of the horrors of the Holocaust and help combat racism, anti-Semitism, Holocaust denial and ethnic hatred.

Israel supports and recognizes the World Jewish Restitution Organization (WJRO) as the umbrella organization which works in close cooperation with the State of Israel, to represent the Jewish people in matters of restitution.

The Israeli delegation wishes to express its support for the Roma to receive material compensation for they, too, were victims of the hatred and murder which occurred during the Holocaust.

The Israeli delegation commits itself to full cooperation with all governments and non-governmental organization in an effort to uncover the truth, promote humanitarian solidarity and accord justice to the victims of the Holocaust and their heirs. Together with Yad Vashem, (the central institution of Remembrance, Education, and Research on the Holocaust) and with others, Israel will work to effect the widest dissemination of knowledge about the Holocaust, its prelude, its aftermath and its lessons for all humanity.

ITALY

Monetary Gold and Italian Participation in the International Fund for Needy Victims of Nazi Persecution

Statement by
Minister Franco Tempesta
HEAD OF DELEGATION

Following the conclusion of the Tripartite Committee's work, which enabled Italy to receive one last quota of monetary gold, the Italian authorities began the procedures to participate in the Fund established at the Federal Reserve Bank aimed at offering financial support to needy victims of Nazi persecution.

The contribution made available by the Italian Government is a value almost equivalent to the monetary gold withdrawn on the eve of the conclusion of the Tripartite Committee's mandate. The amount in Italian Lire is 12 million (approximately 7.2 million dollars).

Another goal pursued by the Italian Government was to identify a non-governmental organization able to distribute the sum according to the rules contained in the founding statute of the Fund for needy victims of Nazi persecution. The "Unione delle Comunita' ebraiche italiane" (Union of the Italian Jewish Community) was chosen because they offered to carry out the task for those entitled to benefits.

In order to allocate said sum for the aforementioned Fund the Italian Government approved an ad hoc Bill for the appropriation of the indicated amount.

The proposed Bill is now being considered by Parliament where no specific difficulties are expected for its passage.

In compliance with the rules of the Fund I would like to provide the British Government and account holder the information pertaining to

the aforementioned NGO, in order to obtain its inclusion in the list of Organizations:

Unione Comunita' ebraiche italiane
Presidente Professor Amos Luzzatto
Lungotever Sanzio, 9 – 00153 ROMA
Telephone: ++39 06 5803667
 ++39 06 5803670
Telefax: ++39 06 589969

Research Issues

Statement by
Minister Franco Tempesta
HEAD OF DELEGATION

I understand there will not be time for discussion.

I would just like to inform that the Italian Prime Minister yesterday officially formalized the creation of our national Commission for research on the economic and financial aspects of racial persecutions.

In this Commission the following will be represented:

Office of the Prime Minister
Ministry of Foreign Affairs
Ministry of the Interior, on which depends the
State Archives
Association of Italian Banks
The Union of Italian Jewish Communities
The Jewish Documentation Center
A number of historians
Other entities and/or NGO will be invited, if
necessary

The Commission will work in close cooperation with similar bodies from other countries.

Education

Statement by Minister Franco Tempesta HEAD OF DELEGATION

Break-out Session on Holocaust Education, Remembrance and Research

Since 1996 the Italian Ministry for Education has started to update the history teaching in High Schools in order to offer a deeper knowledge of the historical period between the two World Wars and the last fifty years.

In particular, teachers and students are now following together an historical itinerary named “The XX Century: The Young Generations and Memory” which includes works and research on racism, persecutions, deportations, and fascist racial laws.

To financially support this program, the budget of the Ministry of Education has been granted an amount of 3,5 billion liras (approximately 2 million dollars) by the Government to train teachers, and a further amount of 1 billion liras (approximately 600,000 dollars) to finance partially or totally visits by high school students attending the last year (generally young people 17 – 18 years of age) to the sites of the Holocaust.

Within this program – thanks to State financing – 300 students from various Rome High Schools traveled last October to Auschwitz, accompanied by their history teachers and by survivors belonging to the Italian Association of Deportees.

A number of similar trips are currently being organized. I understand there will not be time for discussion.

LATVIA

Delegation Statement

Latvia positively evaluates the Conference on Nazi Gold that took place in London in December 1997 and during which an announcement was made on the establishment of a special compensation fund for Holocaust survivors. To assist victims of Nazi persecution, Latvia fully supports the establishment of this fund and has taken a decision to contribute to the fund.

To promote awareness of the historic truth, in November of this year a commission of historians was established in Latvia. The main goal of the Commission is to carry out research in respect of the tragic events in Latvian history from 1939 through 1991. The Commission will encourage and promote research about deportations that were carried out in Latvia during the Nazi and Soviet occupations. It will address and highlight issues associated with the terrible legacy of the Holocaust in Latvia and the fate of Latvian Jews in the wake of those tragic years.

Regarding the issue of restitution of Jewish property, Latvia is convinced that return of property to its lawful owners is one of the most important aspects of a democratic society. Latvia considers that the issue of restitution of the Jewish property confiscated during World War II is of particular importance. The laws adopted in Latvia that regulate the process of property restitution are among the most liberal in the countries of Central and Eastern Europe, and ensure the restitution of property to lawful owners or their heirs regardless of their present place of residence or citizenship.

Latvia consistently carries out return of the property confiscated from Jews to its former owners and to date property rights on most pieces of property have been restituted. Latvia is aware of the unquestionable ties of Jewish organizations with religion and the Latvian government will continue the process of property restitution in accordance with the already existing state legislation. Presently arrangements are being made to establish the Council on Jewish Communities and Parishes of Latvia which could become the coordinating institution in respect of Jewish property restitution. In an

effort to collect data on pieces of property that were confiscated from Latvian Jews, the Latvian State History Archive has informed the Latvian Ministry of Foreign Affairs that the archive has more than 3000 files related to the Holocaust and properties confiscated from Jews.

Latvia is aware of the need to give particular attention to Holocaust education and the necessity of teaching about the Holocaust at schools. To this end, the curricula that have been worked out in Latvia contain the subject of the Holocaust and books and other schooling materials about the Holocaust are being composed and published in Latvia.

Latvia recognizes the importance of the issues discussed during the 1997 London conference on Nazi Gold and during the preparatory seminar that was held in June 1998 in Washington and is ready to take active participation to address and solve issues related to contributions to the Holocaust survivors' fund, property restitution, the work of the historical commission, Holocaust education as well as lend assistance to solve issues relating to art, insurance and other assets.

Maintaining good relations among the various ethnic minorities in Latvia has always been of prime importance for Latvian government. Ever since the restoration of Latvia's independence, the government of Latvia has provided assistance to the Jewish community in Latvia to help them solve issues related to the Holocaust legacy. By doing so the Latvian government has committed itself to bolster the existing friendly relations with the Latvian Jewry.

LUXEMBOURG

Delegation Statement

GERMAN MEASURES TAKEN AGAINST JEWS AND EMIGRANTS

When German troops invaded Luxembourg on the morning of May 10th, 1940, some 3700 Jews are believed to have stayed in Luxembourg. About 1000 of them were of Luxembourg nationality. Some 2000 were refugees from Germany and other countries occupied by Germany after 1937. Most of the 700 remaining Jews were immigrants from Eastern Europe and stateless.

The night before the invasion a certain number of Jews had been informed that the invasion was imminent and so they were able to leave the country ahead of the German troops. 50000 Luxembourgers were evacuated to the south of France as their towns and villages were situated just in front of the Maginot-Line which the Germans prepared to attack. Some 1500 Jews left Luxembourg with these evacuees. In the following months under military administration some 600 Jews were able to emigrate from Luxembourg. So some 1700 to 2000 Jews were still living in Luxembourg when Gauleiter Gustav Simon was appointed Head of civil administration (*Chef der Zivilverwaltung, CdZ*) and hand in hand with the Gestapo started his anti-Semitic policy.

The German decrees taken against the Jews at the beginning of September 1940¹ brought into force the « Nuremberg Laws » as well as the discriminatory economic measures of 1938. The situation of the Luxembourg Jews was then identical to that of Jews in Germany.

The decree dated September 5th, 1940² concerning Jewish fortunes required every Jew living in Luxembourg to make a detailed declaration of his fortune³. Jews of foreign nationality had to give

¹ VOBl. 1940, Nr.2, pp.10-11: Verordnung über Maßnahmen auf dem Gebiet des Judenrechts.

² VOBl. 1940, Nr.2, pp.11-13: Verordnung über das jüdische Vermögen.

³ Archives nationales, Luxembourg (ANLux): Consistoire israélite: Files 76-81: Déclarations de fortune.

indications on their fortune situated in Luxembourg only. All shares, coupons and bonds were to be deposited at a bank. All Jews had to inform their banks of their « being Jewish ». The banks were to provide lists of all Jewish accounts for the German administration. Nearly every economic activity where a Jew was involved was liable to a special authorization. Jews could be forced to sell their firms if the Germans decided so. Paragraph 7 forbade Jews of Luxembourg or German nationality to buy, to give as a security or to sell objects in gold, platinum or silver, precious stones and pearls as well as any work of art worth more than 1000 RM.

For the period pertaining from September 1940 to December 1940 the Germans in charge of recording and administrating Jewish assets apparently showed incapable of avoiding corruption and looting by Party members and other German officials active in Luxembourg. So in order to have the organized robbing of Jewish assets being implemented in an orderly way, *Gauleiter* Simon had to reorganize this section of his administration in December 1940.

On December 12th, 1940 he announced the creation of a new section in his administration (*Abteilung IVa*), « *Verwaltung des jüdischen und Emigranten- Vermögens* » (administration of Jewish and emigrants' fortune). A party member, *Gauinspekteur* Josef Ackermann, was put in charge of this section⁴. The same day an announcement obliged everyone in Luxembourg to inform section IVa of all acquisitions or donations they had received from Jews since May 10th.

By his decree dated February 7th, 1941⁵ the CdZ put under German administration all the property of Jews and other emigrants from the day of their (forced) emigration. Furthermore he reserved the right to confiscate this property. The decree was applicable retroactively to May 10th, 1940. Thus, as soon as Jews left Luxembourg, taking with them an allowed maximum of 50 kg of luggage, their property fell into the hands of the Germans. Two months later the property of Jewish people still living in Luxembourg was also confiscated by the CdZ⁶. Section Iva

⁴ Luxemburger Zeitung, 12/12/1940.

⁵ VOBl. 1941, Nr. 12, p.90: Verordnung über Maßnahmen betreffend das Emigranten- und Judenvermögen.

⁶ VOBl. 1941, Nr.31, p.208: Durchführungsverordnung zur Verordnung über Maßnahmen betreffend das Emigranten- und Judenvermögen vom 7.Februar 1941.

confiscated all Jewish property, but no report mentions expressly the gold confiscated from the Jews⁷.

The property belonging to Jewish associations and communities was confiscated and administered by the « *Stillhaltekommissar* », a party authority. The synagogues in the cities of Luxembourg and Esch/Alzette were demolished and the ground transferred to the municipalities.

On October 1st, 1940 all Jewish bank accounts were blocked and the account holder was allowed to withdraw a maximum of 250 RM. per month. As many Jews were no longer permitted to have a regular income, they were forced to sell their furniture and other belongings in order to prepare for emigration or to buy some food. This situation got worse the longer the Jews stayed in Luxembourg under these circumstances. Those who were deported in 1942 and 1943 were in fact already robbed of all their belongings.

From October 15th, 1941, when the first train of deportation to Lodz left Luxembourg, the Gestapo began to confiscate systematically certain objects from the Jews: bicycles, cameras, films, magnifying glasses, binoculars, typewriters, fur coats, skis and ski boots, gramophones, electrical devices such as heating stoves, hotplates, Hoovers, hairdryers, etc. Radios had been confiscated already in October 1940.

All these things were sold and the money transferred to the German administration in Luxembourg.

The furniture was mainly sold to Germans who had it shipped to Germany, very often giving false names on the sales contracts.

ARYANIZATION OF THE ECONOMY

The aryanization of the Luxembourg economy had come to an end by 1943. At this time not only had all the Jews been deported, but the proceedings to exclude Jewish influence from Luxembourg economy had been concluded. 350 businesses engaged in industry, crafts or trade had been traced in September 1940. 1380 houses and buildings as well as 150 ha of land had been registered as Jewish property.

In the summer of 1941 more than 75% of the businesses had been or were on the point of being liquidated, i.e. wound up by a

⁷ ANLux: Consistoire israélite: Files 7, 11:Receipts for confiscated jewellery, silver cutlery and savings bank-books.

provisional administrator, who had sold off assets, paid off liabilities and had the company removed from the company register.

31 businesses had been aryanized and 52 were left under provisional administration. The aryanization proved to be rather difficult as Luxembourgers were not ready to buy Jewish property. Some who did so, did it to preserve the best interest of the victims and returned the business to its rightful owner after the war.

Finally the German administration got some 20 millions of RM out of the liquidation and aryanization.

The same procedures were applied to Luxembourgers who were considered as enemies of the Reich. From January 1944 to August 1944 for instance some 380 procedures of dispossession were brought to conclusion.

INSURANCE COMPANIES

In the thirties some 34 insurance companies were active in Luxembourg, mainly as subsidiaries of larger Western European companies (French or Belgian, but also some Swiss and British). Their policies were sold by Luxembourg insurance agents. Three of the companies were local insurance companies, created after World War I. (*Le Foyer, La Luxembourgeoise, Terra*). After W.W.I the German economic influence in Luxembourg diminished and so there were nearly no German insurance companies active in Luxembourg.

They covered all the risks usual at that time, mainly: life insurance, fire insurance, insurance against theft, third party insurance, comprehensive insurance, car insurance, etc.

After the occupation of Luxembourg the Germans tried to gain control over the insurance business as well as other economic sectors. In a first step the main goal was to eliminate all French, Belgian or British, later also American, influence on Luxembourg economy. So when the Germans decided to reorganize the insurance business, they first decreed⁸, that all authorizations that had been granted the insurance companies by the Luxembourg government were withdrawn retroactively to May 10th, 1940. An exception was made for the three local companies. Any new company wishing to write out insurance policies in Luxembourg needed a special authorization by the *Chef der*

⁸ VOBl. 1941, p.197: Verordnung über die Regelung des Individualversicherungswesens in Luxemburg vom 5. April 1941.

Zivilverwaltung. This did not put an end to any individual insurance policy. The portfolios of those companies whose authorizations had been withdrawn were managed by companies selected by the CdZ. In fact this meant that German insurance companies managed the portfolios of the French, Belgian and British companies. Two Swiss companies *Zürich* and *Basler* were also authorized to manage policies from other companies as well as to continue their own business.

By another decree dated November 8th, 1941⁹, the CdZ created a “Public Life insurance company” (*Lebensversicherungsanstalt*) and a “Public insurance company” (*Öffentliche Sachversicherungsanstalt*) that took over all the Belgian, French and British insurance policies. From December 1st, 1941 the three Luxembourg insurance companies lost their authorization and their portfolios went over to the newly created Public insurance companies¹⁰. Some 30 German companies and three Swiss companies (*La Fédérale*, *Zürich* and *Basler*) were authorized to take up or continue their business in Luxembourg.

In fact, except for the three Swiss companies, the whole insurance business in Luxembourg was thus transferred into German hands.

With regard to life insurance policies of Jewish citizens the situation in Luxembourg was identical to the situation in Germany. The policies were confiscated by the German authorities who got the money out of them.

ART

When the German administration took over Jewish and emigrant property they found a certain number of works of art they were interested in. All these works of art had to be sent to the *Aussenstelle des Gaupropagandaamtes in Luxemburg* which took care of these objects. Unfortunately little is still known about these transactions and there are no lists of works of art taken from private homes. Our information

⁹ VOBL. 1941, p.471: Verordnung über die Errichtung einer Oeffentlichen Lebensversicherungsanstalt in Luxemburg vom 8.November 1941. Verordnung über die Errichtung einer Oeffentlichen Sachversicherungsanstalt in Luxemburg vom 8.November 1941.

¹⁰ VOBL. 1941, p.475: 3. Verordnung über die Regelung des Individualversicherungswesens in Luxemburg vom 8.November 1941.

indicates that art dealers in Luxembourg and in the Rhineland sold these works of art, but we lack clear evidence.

As for public collections the situation is somewhat different. First as Luxembourg was meant to become a part of Greater Germany there was no need to loot art and take it to German museums. Second the Luxembourg national Museum did not have in its collections works of art of the class that could be of great interest to the Germans. There was one notable exception, the « Reiffers collection » from which the Germans « bought » some paintings for the *Führer*-collection in Linz.

The collections of the Grand Ducal Family were confiscated in the same way and transferred to Germany. Joseph Bech, the Minister of Foreign affairs, saw his paintings and a very important library disappear somewhere in Germany.

A certain number of files were confiscated in the offices of the Ministry of Foreign Affairs and sent to Berlin.

RESTITUTION AFTER THE WAR

When Luxembourg was liberated on September 10th, 1944, the Government in exile had already had enough information on plundering and looting and consequently they had taken measures to grant restitution of plundered property to the rightful owners.

A decree of April 22, 1941¹¹ declared forced sales null and void. Buyers should report their purchases. All confiscations were likewise declared null and void.

After the Government returned to Luxembourg the *Office des Séquestres* put under sequestration all the property owned by Germans and Italians as well as that of collaborators. Together with the *Office des Dommages de guerre* they were responsible for all restitution questions. All claims were to be sent to these authorities.

In insurance business this meant that according to a decree of September 1944 the *Office des Séquestres* returned the insurance portfolios to the former owners, the Luxembourg and foreign (Belgian, French and British) insurance companies. If any money was claimed by insurance companies, the *Office des Séquestres* paid out the lost sums. The German companies were liquidated by the same authority, and no

¹¹ Mémorial, Journal officiel du Grand-Duché de Luxembourg (Montréal), 1941, N°2, p.5.

German company was given an authorization to resume its activity in Luxembourg until 1959.

Bank accounts that had been confiscated were reconstituted at the expense of the *Office des Dommages de guerre* if there was such a claim.

The 1950 compensation law¹² restricted any compensation to Luxembourg nationals who had been victims of nazi persecution for patriotic reasons. This excluded all those who had been victims of nazi persecution for racial, religious or political reasons: Communists, Jews, homosexuals, witnesses of Jehovah etc. When Germany paid some 12 million DM in 1959 to the Luxembourg Government to compensate nazi victims, this money was used to compensate people that had been excluded on the terms of the 1950 law.

Communal and private property that had been confiscated by Germany was returned to their rightful owners. The synagogues in Luxembourg-city and Esch/Alzette were rebuilt.

Luxembourg was not able to send specialists to Germany to identify the works of art that had been taken from the country. So the Belgian *Mission de Récupération* included the missing works of art in its own lists and managed to bring back to Luxembourg some 50% of what was missing. Neither private libraries, nor any archival material were returned to Luxembourg at that time.

Luxembourg is ready to join the international efforts for truth and justice.

Therefore we will work to open the archives in order to document plunder and looting as well as restitution and compensation.

Luxembourg is aware of the need to pay particular attention to Holocaust education.

Efforts should be made to teach about the Holocaust especially young people, but also those immigrants from countries not involved in World War II.

Luxembourg is committed to fighting anti-Semitism and racial hatred, especially against the misuse of the Internet for these purposes.

¹² Mémorial, Journal officiel du Grand-Duché de Luxembourg, 1950, p.509: Loi concernant l'indemnisation des dommages de guerre.

MACEDONIA

The Last Jews of Macedonia: Extermination and Pillage

By

Ivan Dejanov and Samuel Sadikario

MACEDONIAN ACADEMY OF SCIENCES AND ARTS
SKOPJE, REPUBLIC OF MACEDONIA

There are documents on the presence of Jews in Macedonia from the 6th century, B.C. (Rosanes), who came here from Persia. Those comprise the first Jewish settlements in Europe. The diaspora brought masses of other Jews (during Alexander the Great, and the Roman Empire), who are known as Romaniots, and many known families remained in Macedonia until the Holocaust. The most numerous population and the culture came from Spain and Portugal (1492 and 1498 respectively), bringing the highest level of civilization and culture in these territories. We always stress the fact that in Macedonia and other Slavophonic countries, the Jews brought with themselves the Bible, Judaism, Christianity, the alphabet and part of the Jewish fate.

All of the Judaism in Macedonia has gone with the Holocaust. The last 7,148 Macedonian Jews were arrested and gathered by the Bulgarian Army on March 11, 1943, and transported to Treblinka, where they were exterminated. This number comprises 98% of the Jewish population at that time, which rate is incomparable with any other, except maybe in Northern Greece and Trakia. Very few survivors have joined the Resistance movement, but also many of them have lost their lives in the battles. Documents about the history of the Macedonian Holocaust are collected by the Macedonian Academy of Sciences and Arts and the Macedonian Archives. They are published by Zamila Kolonomos and Vera Vangeli (Macedonian Academy of Sciences and Arts, including a detailed list of those deported in Treblinka, performed by the German administration), and some historical data are published by Alexander Matkovski in Macedonia, some Jewish authors from Bulgaria

(Aaron Assa, Harry Nisimov) and former Yugoslavia (Zeni Lebl) in Israel.

As the SS Nazi troops stormed through former Yugoslavia (April 6th, 1941) to invade Greece, they delivered most of the Macedonian territories to the Bulgarian occupation forces who remained in those territories until the end of the World War II in 1945. A few months just before the occupation, the Bulgarian government issued the "Law for Protection of the Nation" signed by the King Boris III on January 21, 1941, and it was immediately operative in Macedonia. Escalation of the restrictive measures and chauvinism was introduced through successive series of additional restrictive laws. According to the claim of Riebbentrop (Nazi-German minister of foreign affairs), King Boris III approved initial deportation of 20,000 Jews to the Nazi concentration camps, mainly persons from the occupied territories and communists or socialists.

On March 11, 1943 all Jews from Macedonia were gathered on the temporary concentration camp "Monopol" in Skopje. The conditions of living were horrible, including minimal food and water, with no bathroom and toilette, with no heating (the winter was exceptionally severe that year). Towards the end of March and the beginning of April 1943, three convoys with Jews were sent to Treblinka. In each carriage there were around 80 persons, in standing positions, some of them without windows. Not a single person came back from Treblinka. In Bulgaria, although many of the Jews were arrested (some 5,000 died during that act, and in the labor camps), some were spared from deportation and extermination, thanks mainly to the organized protests of the Bulgarian people and ethnic Macedonians, the Orthodox Church and some MP's. Many ethnic Macedonians took the first initiative and had the crucial part in the organization and participation of the protests (as stated by the Bulgarian writer Harry Nisimov and Aaron Assa):

"For hundreds of years the Macedonian and Jewish peoples have lived together as brothers in misfortunes, suffering and destiny. We have the same enemies. Therefore our struggle against them should be identical /The Macedonian Liberation Front, end of 1942/....There is indisputable evidence that several prominent members of the Macedonian movement in Bulgaria, in the town of Kjustendil to be precise, played a decisive role in saving Bulgarian Jews from extermination in Poland" (Aaron Assa).

Anti-Semitism and anti-Macedonism have been practiced in certain countries for centuries. The very basic principles of moral and social ecology are treated constantly, mainly in the same European countries. We do believe in the hope of U.S. Sen. Daniel Inouye (D-Hawaii), "The Chief Rabbi" in the U.S. Senate and Congress, that the concentration camps and Holocaust will not happen again; to have this security, "the vigilance is not enough, we need active participation" (U.S. Sen. Daniel Inouye). (U.S. Sen. Daniel Inouye was confined in a concentration camp himself and was in the unit of the American Army that first came in contact with a concentration camp and liberated it /Dahau/).

For more than two and a half millennia, Jews and Macedonians have lived a life of tolerance, peace, mutual help, friendship and understanding. During many centuries both Jews and Macedonians were under the vitriolic pressure of assimilation and prosecution: Babylonians, Persians, Romans, Byzantines and many rulers of European empires were seeking to obliterate the Jewish and Macedonian identity of the People and the Land (e.g., the name of the Jewish Land was changed by Romans to Palestina, after the long-vanished Philistines, an Aegean people, the name of Jerusalem was changed to Aelia Capitolina). For some of our neighbors, the name and the identity of Macedonians are questionable even now! The name of Macedonia was changed several times in the last two and a half millennia. And in spite of all possible forms of intolerance, hatred, prosecution, suppression and the Holocaust, the moral and spiritual identity of Jewish and Macedonian People survived the falls of many "eternal" empires!

The main goal was to annihilate the ethical and spiritual identity of the Jewish and Macedonian People! The annihilators were ready to assimilate these peoples, but not their ethical and spiritual nature. It was not possible to kill the ideas of their ethics and spirit; and there was and always will be an Israel and a Macedonia, a Jewish Spirit and a Macedonian Spirit! A Spirit of Justice, Tolerance and Peace Promotion! The Jews and Macedonians love all nations. They have never promoted or conducted any ethnic cleansing. The existence of Jewish and Macedonian people is a terrible but glorious history of death, sorrow, remembrance and hope. A transcendental surmountableness of the "European Justice" and "The borders of Auschwitz!" In the memory of Macedonian Jews perished in the concentration camps, in Skopje, in Macedonia, the President of the Republic of Macedonia Mr. Kiro Gligorov, in 1996 laid the foundation stone of Macedonian Holocaust Memorial Center. The center will be finished at the end of next year.

The Jews in Macedonia identified themselves as Macedonian Jews all over the Balkans, even after 1912, after the Balkan Wars, when Macedonia was divided by her neighbors; in the Almanac of Macedonian emigrants, published 1931 in Sophia, Bulgaria, it is written, "Macedonian Jews were best friends of Macedonians in their struggle for independence."

Today, a memorial forest is erected in Israel for praising the Bulgarian people, and a monument for memorializing King Boris III is being proclaimed. In the name of the few survivors of the Macedonian Holocaust, and the dead in Treblinka, we praise what the Bulgarian people have done, and we approve that appreciation. On the other hand, glorification of King Boris III (who signed the Law for Protection of the Nation, and gave approval for deportation of 20,000 Jews from Macedonia, Bulgaria, Serbia and Greece) by Jews and others who consider themselves as free men and women is considered as a disgrace for all Jews.

Our article is divided in two parts:

1. The Nazi laws, with brief descriptions of the discriminative and humiliating measures in order to demonstrate the mode of violation of the human rights in occupied Macedonia, and
2. Documents on the confiscated properties. Nazi laws, after the occupation, the Bulgarian Nazi Army imposed a series of restrictive and discriminative laws and regulations, as listed on table 1. We will stress only a few illustrative examples from those laws and regulations.

LAWS

The "LAW FOR THE PROTECTION OF THE NATION" was issued on January 21, 1941, for whole Bulgaria and the occupied territories. This law contained five parts: 1. On the origins; 2. General restrictions; 3. Places of living restricted for Jews; 4. On the Jewish properties; 6. On the professional and economical activities of the Jews.

1. Jews are those who have at least one parent Jew. Declaration of Jewish origin at the communal authorities should be performed within one month, otherwise the penalty is imprisonment with fines up to 100,000 levs. Jews should not

change their names and surnames from the birth certificate, and in case of mixed marriages (previous) and conversion to Christianity. Jews are not allowed to have surnames with endings of "ov", "ev", "ic" and similar (suggesting non-Jewish origins). Adoption of Bulgarian children is not allowed to Jews.

2. Persons of Jewish origins are forbidden the following:
 - to take Bulgarian citizenship;
 - to elect or to be elected in any institutions or non-Jewish organizations;
 - to participate in any political or state functions, or public organizations;
 - to work as commercial representatives, managers, or to be representatives of any state, regional and autonomous institutions; such functions should be abandoned within one month;
 - to participate in the army, except for special physical works; those who are disabled should pay a special military tax;
 - to participate in any organizations sponsored by the Ministry of War;
 - to have marital or non-marital relationships with Bulgarian citizens; mixed marriages, after issuing of this law are outlawed;
 - to have any kind of servants or related services from persons of Bulgarian origin;
 - to be inscribed in schools of non-Jewish origin, except if permitted by the Minister of Popular Education with special decree;

3. Jews are not allowed to change the place of living without the permission of the Police Headquarters. The Ministerial Council with the Ministry of Internal Affairs can decide the places where Jews will be allowed to live.

4. Jews are not allowed ownership or management of "uncovered" properties (land, forest etc), and also "covered" properties (houses) in villages, except for their personal living. They should offer for sale the "uncovered" properties

to the Ministry of Agriculture within 3 months. The "covered" properties should be given out to Bulgarian citizens or organizations. In the contrary, the properties will be confiscated.

5. Further restrictions specified only for Jews include the following:

- forbidden trade and work in industries (except the quota which is specified by the Government);
- forbidden or restricted investment of Jewish capital to Bulgarian industries, trade etc. (as specified by the Ministry of Labor);
- the Jews are obliged to declare all properties (real estate and personal properties) to the Popular Bank of Bulgaria; those who leave the country should deposit the money from the sold property to the local bank; in the opposite, the properties are confiscated;
- further, the Jews are forbidden: to owe stocks and bonds on educational, informative or entertaining companies (schools, journals, cinemas, theatres, gramophone-disk distributors, hotels, publishers, etc.);
- to be managers of the same institutions; to be expert-accountants; to trade with state properties or gold and silver; to participate to any managerial council; to owe pharmacies or any sanitary services; in mixed capital companies, Jews should not surpass the capital and the number of Bulgarians;
- transfer of Jewish capital to non-Jews; to owe concessions on any public company or institution.

On February 17, 1941, additional regulative act entitled "PRINCIPLES FOR THE APPLICATION OF THE LAW FOR THE PROTECTION OF THE NATION" was issued as integrative part of the Law. Examples of restrictions upon Jews include:

- Jews are considered even those from christened parents if the mother is non-Bulgarian; Christian religions are considered: east-orthodox, roman-catholic, evangelicals (Lutherans, Baptists, Methodists) and Armenian-Gregorians; if the person has been converted after 1934, the Ministry of

Interior will review the case on separate session in the presence of the priest and the godfather.

On July 13, 1941 the Ministry of Interior in Sofia issued "THE LAW FOR THE SPECIAL SINGLE TAX PAYABLE ON ALL JEWISH REAL AND PERSONAL ESTATE". Among else, the regulations include:

- tax should be paid on any kind of property of Jews; the tax is single and independent of other taxes, and should be paid to the state treasury; Jews are defined by the Law for Protection of the Nation, and both Bulgarian and non-Bulgarian citizens are included;
- the tax is 20% of the total property, if it is bellow 3,000,000 levs, and 25% if it is over 3,000,000 levs;
- taxable real estate include: houses, flats, shops, buildings, factories, houses for rest, land (any kind), forests, pastures, vineyards, any kind of mines and mining stores;
- taxable personal properties include: money (cash, check, golden liras) - Bulgarian or foreign, bank accounts (Bulgarian and non-Bulgarian), gold in any form (money, pieces, sticks, jewelry, statues, watches, forks and knives etc); valuable stones (diamonds, rubies, pearls, etc); loans (Bulgarian or foreign); stocks and bonds; furniture (chairs, tables, bedroom furniture, kitchen, piano, radio-operator, bed etc); fur and valuable tissues; rags (all kinds - Persian, foreign etc); all vehicles (car, truck, bicycle, motorcycle, horse-carriage, boats, canoes, trains etc); machines (in factories, homes etc); all kind of goods (in factories, magazines, stores etc); operators and installations; non-anticipated (i.e. insurances, etc.);
- taxable inheritances: all properties, jewelry, stocks and bonds;
- applications, obligations and demands: in Bulgaria (landings, any property documents etc); in foreign countries; in other companies (confidential accounts etc);
- insurances (of Jewish insurance Co), credit accounts are declared; investments of Jews using non-Jewish capital (transfer of mixed stocks and bonds by Jews is forbidden);
- all Jews are obliged to fill a the special tax form on the period of one month, and issued to the National Bank;

non-declared properties up to the determined date are confiscated; Jewish properties of mixed companies (with Aryans) are also taxable;

- valorization of the properties is based on "market value" (not the price of purchase, or sale) on Dec.31.1940;
- the penalty for undeclared properties is: confiscation of the undeclared property, taxation of the other properties, up to 5 year jail and fine of 3,000,000 levs;
- since the lowest level of tax is 40,000 levs, the taxation is conducted by official commission, and instead of Jewish members, Aryans of orthodox confession should take their place (in a control commission); in case of higher estimated than declared taxes, 25% of the estimated difference (property value) is paid separate from the 25% of the tax itself-, half of the tax should be paid within one month, and the rest within three months, and the Jews can not leave the Kingdom of Bulgaria until the payment of the whole tax; undeclared properties are confiscated and the unpaid tax is tripled.

The Department of Jewish Affairs, at the Ministry of Internal Affairs and Public Health, issued the "DECREE NO. 32" on December 29, 1942, with detailed instructions for wearing special badges, with specifications: six pointed, bright yellow, on the left sleeve in all clothes, for all Jews above 10 years of age. "DECREE NO. 5" of the Department of Jewish Affairs (September 8, 1942) forbids all Jews to keep cash and valuable items (gold, jewels, Chinese vases, silverware, archeological items, historical items, paintings, collections, stamps, paintings etc), and they should be deposited in the bank. "DECREE NO. 8" stated that non-Jewish tenants should not pay rent to Jews. "ORDER OF THE CABINET" (Oct. 17. 1942) stated that larger Jewish houses should be occupied by several families, or abandoned by the Jews (all Jews in Biota came to live in the left bank of river Dragger in a ghetto). All businesses should be closed up to the date of February 23, 1943, and all employees of Jewish origin should be dismissed. Confiscations of all Jewish properties continued on the beginning of 1943, and continued until the deportation and final solution on March 11, 1943 (AS KEP, box 9, arch. No. 7, March 1943, quoted from Kolonomos et al.).

Before deportation, the Jews were taken in labor groups ("trudovi druzini"), along with other minorities, distributed in labor camps in Bulgaria (Naroden glas No. 6 1942).

During and after the deportation of the Jews in Treblinka, massive requests for the left Jewish properties (houses, books, furniture) were sent to the Department of Jewish Affairs, by individuals, libraries, humanitarian organizations and officials, as evidenced by large corpus of left documents.

DOCUMENTS ON THE CONFISCATED ASSETS

This article uses documents from the Archives in Macedonia (Skopje, Bitola and Stip). Although abundant documentation is kept in the Archives of Sofia, Belgrade and Salonika, we still do not have access to those documents, except few which have been previously published and kept by the Macedonian Academy of Sciences and Arts, and the Jewish Community in Skopje. The Archive in Skopje only has 1,001 archive units with 10,358 pages. All archived documents are copied and sent to The United States Holocaust Memorial Museum. The values of confiscated Jewish assets and the details from the laws and regulations are given in separate listings.

The deportation of the Jews from Eastern Aegean Macedonia, Western Trakia and Vardar Macedonia (Republic of Macedonia) was ordered by a Decision of Bulgarian Council of Ministers on March 2, 1943 and an Agreement between Bulgarian and German officials based on the ministerial decision from March 2, 1943.

The appropriation of Jewish assets (real and personal estate, money, deposits, insurance, gold, and other valuable belongings) was done by Bulgarian authorities. The experts of National Bank of Republic of Macedonia estimate (only for Jews of Vardar Macedonia) on the basis of available, but not complete, documents (some of them are in Archives in Bulgaria, some in Republic of Yugoslavia) the total amount of Jewish assets to be 16,498,383.95 USA dollars and 6,310,909.43 USA dollars is the value of the assets without the value of real estate.

TABLE 1: A list of restrictive and discriminative Nazi laws issued by the Bulgarian government (1941-1943), as provided by the Macedonian Archives and the Macedonian Academy of Sciences and Arts (from Z. Kolonomos et al, and the Archives in Skopje).

DOCUMENT, ORIGINS	PLACE/DATE OF ISSUING
1. Law for Protection of the Nation	Sofia, Jan. 21, 1941
2. Principles for application of the Law for protection of the Nation	Sofia, Feb. 17, 1941
3. Decree with instructions for application of the Law for Protection of the Nation	Sofia, Jun. 21, 1941
4. The Law for the Special Single Tax on all real and personal estate	Sofia, Jul. 1941
5. Order issued by S. Simeonov (District Chief of Police) - on labor groups	Skopje, Aug. 7, 1941
6. Decree No.113 (Bulgarian Cabinet) concerning services of the army of the Jews	Sofia, Aug. 12, 1941
7. Directions for mortgages and applications of the Law for the Special Single Tax	Sofia, Aug. 15, 1941
8. Order of the War Minister of Bulgaria (order in the prohibited zone)	Sofia Mar. 17, 1942
9. Instructions for the Jewish Councils for complete loyalty	Sofia, Mar 17, 1942
10. Order, concerning the Law for Urgent solution of Pressing Problems in the Newly Liberated Territories (by the Ministry of Justice)	Sofia Jun. 5, 1942
11. Decree No. 5, on item 6 of the Law for the Special Single Tax (by King Boris 111)	Sofia Jul. 3, 1942
12. Decree No 52, demanding a Law to authorize the Cabinet of the Ministry of Home Affairs, to define in details the Jewish question (by King Boris 111)	Sofia Jul. 4, 1942
13. A Law authorizing the Cabinet to settle ⁴² the Jewish question	Sofia Jul. 9, 19
14. Decree No. 68 (King Boris 111), with approval of the Order for changing amendments in the Law for Special Tax	Sofia Jul. 28, 1942
15. Decree 69 (King Boris 111), with approval of Order to an amendment to the Law Against Speculations in the Jewish Real Estate	Sofia Jul. 28, 1942
16. Order No. 2 (A. Belev, Secretary of Department of Jewish Affairs) on Item 22, authorizing the cabinet for settlement of the Jewish Question	Sofia Sep. 4, 1942
17. Definition of the Jewish privileged strata on, Order 3, item 33 in Law for Protection of the	

- Nation (A. Belev) Sofia Sep. 4, 1942
18. Order No. 5 (A. Belev) for economic sanctions, on item 45, of the Order for settlement of the Jewish question Sofia Sep. 8, 1942
19. Order (by A. Belev) for the levels of rents for Jewish people Sofia Sep. 11, 1942
20. Order No. 8 (A. Belev), precise rents on rents for Jewish people Sofia Sep. 12, 1942
21. Order (part) for curfew and limitations of movement of Jews (Chief of Police in Veles) Veles Sep. 14, 1942
22. Order No. 32 (A. Belev) obliging all Jews to wear the Star of David Sofia Sep. 23, 1942
23. Directives (A. Belev) to consistories, of Jewish Councils on their management Sofia Oct. 21, 1942
24. Instructions (A. Belev) to consistories, of Jewish Councils, regarding the Law, for wearing badges Sofia Oct. 21, 1942
25. Orders (A. Belev) to consistories of Jewish councils to submit precise lists of Jewish businesses Sofia Oct. 31, 1942
26. Regulations (A. Belev) for management councils of Jewish Sofia Oct. 31, 1942
27. Order No. 255 (A. Belev) for limitation of income and expenditures of Jewish councils Sofia Nov. 2, 1942
28. Order 362 (A. Belev), on item 4 of the Regulations for expenditures of the Jewish Council Fund Sofia Nov. 10, 1942
29. Regulations (Department of Jewish Affairs) for distribution and expenditure of finances of the Jewish Council Fund Sofia Nov. 18, 1942
30. Order No. 462 (A. Belev) regulating expenditures of finances of Jews, deposited in the Bulgarian National Bank Sofia Nov. 23, 1942
31. Names of Jews (I. Zahariev) whose accounts have been frozen Skopje Nov. 27, 1942
32. Instructions (Department for Jewish Affairs) to Jewish councils on determination the wages and salaries Sofia Nov. 27, 1942
33. Instructions (Department of the Jewish Affairs) on the budget for 1943 Sofia Dec. 11, 1942
34. Order (A. Belev) putting in charge the

Jewish Council in Skopje for Gjevgelija	Sofia Dec.31, 1942
35. Additional instructions (A. Belev) on permanent residence of Jewish people	Sofia 1942
36. Order (Department of Jewish Affairs) to prohibit Jews visiting public places, restaurants etc. in Skopje	Sofia Jan. 4, 1943
37. Order (Department of Jewish Affairs) prohibiting Jews to stay in hotels	Sofia Jan. 5, 1943
38. Order (A. Belev) regulating control of Jewish properties	Sofia Jan. 12, 1943
39. Instructions (A. Belev) on rents	Sofia Jan. 14, 1943
40. Order (Department of Jewish Affairs) regulating Jewish movement	Sofia Jan. 15, 1943
41. Note (Department of Jewish Affairs) forbidding Jews to visit public places	Sofia Jan. 21, 1943
42. Adolf Bekerle (German ambassador) on the persecutions of Jews	Sofia Jan. 22, 1943
43. Report (A. Belev) on the deportation of the Jews from Macedonia	Sofia Feb. 2, 1943
44. Demands (A. Belev) all Jewish rents to be deposited in the National Bank of Bulgaria	Sofia Feb. 5, 1943
45. Demand (Department of Jewish Affairs) of list of all Jews	Sofia Feb. 9, 1943
46. Decision report from T. Daneker (National Security of Third Reich) of the Bulgarian cabinet for the deportations of Jews in Macedonia and Aegean belt	Sofia Feb. 16, 1943
47. Order (A. Belev) for strict araha payment of all Jews	Sofia Feb.20, 1943
48. Agreement for deportation of 20.000 Jews from Macedonia and Trace (A. Belev and T. Daneker)	Sofia Feb.22, 1943
49. Decisions (Department of Bulgaria) on deportation of the Jews from Macedonia, and the Aegean belt, with confiscations	Sofia Mar. 2, 1943
50. Decision (Cabinet of Bulgaria) to confiscate all Jewish properties	Sofia Mar. 2, 1943
51. A plan (Department of Jewish Affairs) for collection of the Jews from Aegean coastal belt	Sofia Mar. 4, 1943
52. Minister of Home Affairs (P. Gabrovski) report on the agreement (A. Belev and T. Daneker) for deportation of 20,000 Jews, from	

- Macedonia and Thrace, and establishment of temporary concentration camp in Skopje Sofia Mar. 1943
53. Order (Department of Jewish Affairs) of a temporary concentration camp Sofia Mar. 1943
54. Orders No. 1 and 2 (P. Draganov, Commander of the temporary camp in Skopje) Skopje Mar. 8, 1943
55. Order No. 865 (A-Belev) for liquidation of the properties of the deported Jews Sofia Mar. 13, 1943
56. Instructions (G-Djambazov, delegate of Dept. of Bitola Jewish Affairs) for the properties sale of the deported Jews Mar. 24, 1943
- 57-Order No.339 (D. Baev, Director of Skopje District Office), on estimating the "damage" caused by the Jews in the concentration camp "Monopol" Skopje Mar. 30, 1943\
57. Ribbentrop-King Boris III talks on the Jewish question Berlin Apr. 4, 1943\,
- 58.Report of the German police in Niska Banja, , about the transport of Jews from Skopje to Treblinka Niska Banja Apr.3 Apr. 7, Apr. 12, 1943
59. Order 1283 (A. Belev) on procedures for the sale of Jewish valuables Sofia Apr. 19, 1943
60. Order (A. Belev) for collection of araha Sofia Apr. 19, 1943
61. Order (Dept. Jewish Affairs) for the sale of Jewish properties to be obeyed Sofia Apr. 19, 1943\
62. Order (A. Belev) - all properties of deported Jews (Bitola, Skopje, Aegean District) to be sold to Bulgarian Agriculture and Cooperative Bank, and the confiscated properties to be sold in favor of the state. Sofia Apr. 21, 1943\

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Skopje, 11.27.98

POLAND

Delegation Statement

The Polish delegation that took part in Washington Conference on Holocaust Assets in December 1998 has submitted to all delegations the detailed materials concerning all the problems discussed at the conference. The document is a shortened copy of texts on most important issues from the above-mentioned volume. Due to the shortage of space not all issues have been raised so please refer to the original materials for a comprehensive view of Polish side on these matters.

The Polish delegation has made a promise to prepare and be a host to the similar conference on restitution of communal property in post-communist countries of the Eastern Europe. The Polish Government shares the opinion of U.S. Under Secretary of State, Mr. Stuart E. Eizenstat, that the issue of restitution of communal property must be seen in respect to all religious communities like the Protestant, Catholic and Jewish communities that lost their property because of WW II and later the communist rule. The conference will be prepared jointly by the Chancellery of the President of Poland and the Chancellery of the Prime Minister of Poland. In order to ensure the proper preparation the government of Poland suggests November 1999 as the best suitable date to hold the conference.

It is also very important to recall that Polish delegation wants to play an active part in the new body called the Task Force for International Cooperation on Holocaust Education, Remembrance and Research. Polish Government is extremely interested in this idea and gives it unquestionable support.

INSURANCE MARKET IN THE REPUBLIC OF POLAND BEFORE AND AFTER WORLD WAR II

Before the Second World War there was a well developed insurance market in Poland. In the territory of the Republic of Poland there were 79 insurance companies operating in 1939.

After the end of the Second World War the assets of the insurance companies existing before the Second World War in Poland were not nationalized, but the process of liquidation was carried out. With respect to insurance companies the Act of Parliament dated January 3, 1946 on the taking over by the State of the basic sectors of the national economy was not in force. On January 3, 1947 a Decree on the regulation of property and personal insurance was published. From the day of the entry in force of this decree, that is from January 3, 1947 the domestic and foreign private insurance companies irrespective of their legal form have lost the right to further conduct insurance business.

The permit for the continuation of the conduct of business within the scope defined in this decree was granted only to two insurance companies existing before the Second World War, namely: The Reinsurance Company „Warta” S.A. in Warsaw and Powszechny Zakad Ubezpiecze Wzajemnych (General Mutual Insurance Company - PZUW). These two companies became State owned.

With respect to the remaining companies the liquidator of Polish private insurance companies had to be the Powszechny Zakad Ubezpiecze Wzajemnych (the General Mutual Insurance Company - PZUW) which was later on transformed into the State Insurance Company of Poland - PZU, and the liquidator of the foreign insurance companies operating in the territory of Poland had to be the main representative of the foreign insurance company or the liquidator appointed ex officio by the court.

On the other hand, with respect to insurance companies underwriting exclusively personal insurance, the liquidation of their operations had to be carried out by insurance companies for personal insurance which had to be set up especially for this purpose. However, these insurance companies were never created. With respect to insurance companies whose liquidation was not finished, for any reasons, Pastwowy Zakad Ubezpiecze (the State Insurance Company of Poland – PZU) became their liquidator. PZUW had taken over the management and the assets of insurance companies being in liquidation from their companies' bodies. In the liquidation process the legal provisions generally in force were applied in order to ensure the correctness of the carrying out of the procedure/ proceedings.

Altogether PZUW carried out the liquidation of 26 insurance companies. With respect to the two larger mutual insurance companies operating in Poland before the Second World War, that is: „Dniestr” Mutual Insurance Company in Lwów and, „Karpatia” Mutual Life Insurance Company in Lwów, the liquidation proceedings were not

carried out as their assets remained in the territories which after the Second World War have not belonged to the territory of the Polish State.

Before the Second World War there were six foreign insurance companies operating in Poland through their own representations. On the basis of the Act of Parliament dated January 3, 1946 on the taking over by the State of the basic sectors of the national economy, the nationalization of two German insurance companies had to take place. Also with respect to these companies liquidation proceedings were carried out. At the moment of the liquidation it was stated that neither of the two did own immovable property. The only movable property of Aachen-München fire insurance company located in Katowice was intended to cover the dismissal money for the employees. All the securities of the two companies were lost during the period of the German occupation or were transported to Germany.

The owners of the policies of the British insurance companies: „Alliance” and „Prudential”, living abroad were told to request for the payment of indemnities resulting from these policies at the Head Office of the company in London. This was done on the basis of the Polish-British Financial Agreement dated November 11, 1954 which declared that they did not benefit from the satisfaction of their claims with the funds located in Poland. Similarly the owners of the policies of Italian insurance companies, „Assicurazioni Generali” and „Riunione Adriatica di Sicurtà”, living abroad were told to go to the Head Office in Trieste, but although negotiations took place several times in 1959, 1972 and 1977, Poland did not sign a bilateral financial agreement with Italy in this respect. For the owners of the policies of the above mentioned British and Italian insurance companies in Poland, the payments on the basis of these policies were covered/ paid by the Polish State with the amounts obtained from the assets of these companies located in Poland. No claims concerning the two German companies were registered.

In the majority of the cases the only real element of the assets of the insurance companies being liquidated were the real estate which survived the war. These were mostly urban real Estate whose value was defined according to approximate technical standards taking into account the technical condition of these pieces of real estate including the war destruction.

The value of the securities which consisted mainly of bonds issued by the State before the war, by the association of communes and by other institutions dealing with long-term credit, such as Bank Gospodarstwa Krajowego (The Bank for Domestic Economy), Towarzystwo Kredytowe Ziemskie (Land Credit Company), etc. was

assumed as being equal to zero, because these loans were not reimbursed, and the bonds had no real value. The valuation of other securities was made taking into account the provisions of the agreements on indemnification concluded by Poland with other countries and taking into account the principle of reciprocity.

The valuation both of assets and of liabilities was homogeneous for domestic companies domestic companies with foreign shareholding as well as for foreign insurance companies operating in Poland. Also claims resulting from policies were treated identically both in case of Polish citizens living in Poland and abroad and in case of citizens of other countries (with exception of claims of persons living abroad which were addressed to foreign insurance companies, British and Italian insurance companies - the explanation has been given above).

According to the data that survived the Second World War there were approximately 275 insurance contracts in 1939 concluded for a total amount of 640 million zloties. The indemnities resulting from the policies of the insurance companies existing before the war and being liquidated were paid after the submission of the original policy or of the evidence/vouchers of the payment of premium until August 1939, and each case was examined separately (separate liquidation report). The liabilities resulting from insurance contracts with respect to the persons entitled were paid according to the principles defined in the general conditions of insurance. However, if the total amount of these liabilities was not covered by the balance-sheet value of the assets of the estate, the payments were made proportionally to the existing funds.

Of course in case of life insurance, the death-taking place in the conditions of Holocaust was considered as a death connected with acts of war. However, it results from the files of the liquidation that although the particular general conditions of insurance excluded the payment of indemnity in case of death occurring in connection with acts of war, the indemnities were paid to all persons submitting claims resulting from concluded insurance contracts - the amount of payments depending on persons-survivors or the recipient heirs of the policies.

Poland, as a country occupied by Germany during the Second World War and whose citizens suffered deeply under the Hitler's occupation has not obtained the full payment of indemnities for the victims of nazi crimes from Germany. On the other hand, there was no indemnification program for the victims of the Holocaust.

One has however to stress that on October 16, 1991 as a result of an agreement between the Government of the Republic of Poland and the Government of the Republic of Germany a foundation called „Polish-

German Reconciliation” was set up. This foundation operates according to the legal principles being in force in the Republic of Poland. The Foundation Reconciliation grants financial assistance having the nature of a single benefit. The assistance granted by the foundation, however, is not an indemnity and may not be considered as damages for all the injuries suffered. Polish citizens are entitled to request for financial assistance out of the funds of the foundation. **These citizens include Polish citizens of Jewish origin, who were alive on January 8, 1992, who have submitted an application personally, who have their permanent residence in the territory of the Republic of Poland and who are the victims of special nazi persecutions.**

It is important to stress once again that in Poland there was a liquidation of the assets of the insurance companies existing before the Second World War that was carried out in accordance with law, and there was no nationalization.

THE PROBLEM OF RESTITUTION OF MONETARY GOLD TO POLAND

The Tripartite Commission for the Restitution of the Monetary Gold which adjourned on July 25, 1998 in its final task sent, to the countries that in 1947 submitted their claims to the Nazi gold restitution, statements informing them about the remaining gold pool for particular countries and the necessity of their final distribution. According to the Commission’s calculations, Poland was to receive 1.206,228 ounces of pure gold and 4.782,90 sterling pounds – the sum remaining after the undistributed parts of monetary gold. The calculations were accompanied with the proposal from the three governments of the United States, Great Britain and France which made up the Commission to contribute the remaining gold, including Poland’s share, to the Nazi Victims Relief Fund – founded in order to bring relief to those victims who presently live in difficult conditions. This Fund, to be managed by non-governmental organizations, was established in New York on the basis of the agreement between the government of Great Britain and the Management Board of the Federal Reserve Bank in N.Y.

The Ambassador of the Republic of Poland in Brussels, which was the city where the Commission held its headquarters, signed the according voucher for received gold and the given amount of money, while Minister of the State Treasury during the London Conference on the Nazi gold of December 2 – 4, 1997 made an offering of a

contribution to this Fund. The transfer of the money took place on July 2, 1998.

THE DORMANT SWISS ACCOUNTS IN THE CASE OF POLAND

The Governments of Poland and Switzerland in the Polish-Swiss Compensation Agreement of 1949, which among others included two treaties: 1) *On the Exchange of Goods and Forms of Payment*; and 2) *On the Matter of Recompensatory Damages for Swiss Transactions in Poland* decided upon the restitution of bank accounts and the deposits from insurance policies in Swiss banks by Polish citizens who had died or disappeared during the Second World War. On the basis of the said agreement the Poland was given money in the total amount of 480.391,65 Swiss francs with nearly 96,6% having been transferred only in 1970, fifteen years after the first payment of 16.347,10 Swiss francs in 1960. Along with the money the Swiss government delivered the documentation which included the **available** data concerning the owners of bank accounts or insurance policies whose accounts or claims were liquidated by the transfer of agreed-upon sums to Poland in 1960 and 1975. However, the information supplied by Swiss side was incomplete often only with the surname and the place of residence of the account holder as any meaningful information.

Despite that Polish government on January 7, 1997 made the decision to return money to the rightful holders or their heirs. Several complementing actions to correct the gaps in the documentation were taken including the setting up of the Interdepartmental Disbursement from the Dormant Accounts Task Team which included representatives from the Ministry of State Treasury, Ministry of Foreign Affairs and Ministry of Justice. The Ministry of Finance published on December 8 and 9, 1997 the advertisements in Poland's two largest nationwide newspapers as well as in Its Internet site (www.prezydent.pl) calling upon all persons interested in making a claim to contact the Ministry of Finance, Office of Property Claims with the aim of establishing a procedure to satisfy the outstanding claims. (It should be noted that in order to facilitate the identification of „interested persons” - who are often heirs of the original owners - the Ministry of Finance prepared a special publication of all the documentation received from the Swiss government which is available upon request in all Polish embassies, and will be sent to all interested persons upon request). Thanks to all the

actions new information was recovered however, in some cases not all adequate data was retrieved.

In December 97 a Report by Ministry of Finance was introduced on the subject of procedure of claims inquiries from the National Treasury regarding the liquidation of dormant Swiss accounts. Those requesting the disbursements have to present their claim through administrative procedure to the Minister of Finance with an attached petition documenting the justification of their claim. In case of heirs of the holders of accounts and insurance policies it is necessary to attach to the petition a legal copy of the Polish court's judgement on the status of the inheritance. It is verified as to its validity and then decision for the disbursement payment is made. Such decision is the basis for the conclusion of the contract with the claimants. In those cases where the claimants' claims are satisfactorily determined to be valid, the Ministry of Finance will authorize the Director of the Office of Property Claims, together with the Office's Chief Accountant, to enter into a settlement agreement with said claimants setting forth the amount of the claim to be liquidated according the documentation delivered by the Swiss government and the exchange rate of Swiss francs into Polish zloties on the date of the agreement. In the event of a dispute concerning either the basis of the claim, the amount, or especially the method of indexing the original sum, the claimants are authorized to commence an appropriate judicial action in the General Court against the Treasury Department of the Ministry of Finance. As of December 1, 1998, out of 16 petitions for disbursements, 13 settlement agreements have been signed with heirs of the holders of lost accounts that were identified on the basis of the documentation delivered by the Swiss government in November 1997. Additional claims are currently being processed.

Persons who have financial claims stemming from Swiss accounts held by themselves or their ancestors, the names of whom do not appear in the documentation delivered by the Swiss government to Poland, are encouraged to contact the firm Ernst and Young, having its headquarters in Budapest, which is involved in the search for satisfying such claims.

REPRIVATIZATION IN POLAND

One of the ongoing problems of Poland as democratic country is how to repair the damage done to people deprived of their imposition of Communist rule in Poland. It seemed at first to be easy to solve, but very

soon it proved that due scope of the problem it will be very difficult to grasp the essence of reprivatization and complete it successfully. The initial ideas were influenced by the notion that the continuity of Polish statehood must be preserved and further by the constitutional provision of Article 2 of the new Polish Constitution of April 2, 1997 stating that “the Republic of Poland is a democratic state ruled by law and implementing the principle of social justice. Consequently all statutes of 1944-1989 period remained in force with principle of constitutional state of “rule by law being understood that any compensation for the wrong done to citizens should be restricted to the cases in which property had been appropriated by the state with infringements of the Communist laws.

Since 1989 there have been several projects of reprivatization bills starting with earliest initiatives of the higher house of Parliament – Senate of so-called “small reprivatization” to the latest ones of Freedom Union and the other by President Lech Wa sa, both rejected by Sejm – the lower chamber of Parliament, so none has successfully gone through the legislative path yet. This is at least partly due to the different ideas towards the reprivatization. The most important questions concerning here were included in the papers delivered by Polish Delegation to all national delegations at the Conference. **All the new projects under preparation have a provision, which ensures that restitution will include among others all former citizens of Poland who no longer live in Poland.**

The Polish Government that took office after the general elections of fall 1997 instructed the Ministry of the Treasury to resume work on the draft of the reprivatization statute. The latest proposals of the issues included in the draft were also included in the above mentioned papers.

COMMUNAL PROPERTY RESTITUTION IN POLAND

After World War II the established system of government in Poland was based on and followed the Soviet model. A new type of property was introduced: this was called the socialist property, which meant common property of state and of the cooperative. This new type was given preferential treatment especially in regards to the protection of property laws. The role of private property was degraded. Ownership of many private properties due to so-called nationalization bills and expropriations was shifted to various persons.

In response to the transitions that took place in Poland in 1989, the entire system of governance including the legal system went under principal changes. The return of protection of property rights in its rightful place created a place for the new legal system. This took place under new Constitution of the Republic of Poland, passed on April 2, 1997 (Articles 21 & 64). These articles regard property rights and their protection as the founding stone for the new political and economic system. Therefore the new legal system of the Republic of Poland marks the return of property rights into the status they held before World War II.

The process of property restitution to the rightful owners already began in 1989. There are many reasons why the process of restitution is much more complicated in Poland than in other Central European State. Most important of them being: size of the achieved property nationalization and expropriations, shift of the Polish borders to the West and the migrations of million of people that accompanied such a change. The problem gets much more attention in papers delivered by Polish Delegation at the Washington Conference. The size of the performed property changes means today that the total recovery to the WW II status seems to be unrealistic. This remark does not pertain only to Jewish property but equally to any other, disregarding the owner's ethnicity. Scanning through laws passed in the after war period suggests that there were no special circumstances attached to Jewish property rights status. Therefore, based on legal means, there is no special distinction made as to Jewish property status.

In 1989 the new Polish State began the process of restoring friendly relations with Jewish State. This need of normalization of relations with the Jewish State but also with the Jewish Diaspora based on democratic principles gave the problem of Jewish property restitution a political dimension.

The first law that regulates the restitution of property to Jewish Owners was passed on January 20, 1997. It set the relation of the State towards religious Jewish communities in the Republic of Poland. This Law was a part of a package of bills describing the relation of the State towards different religious organizations. The thorough description can be found in the above mentioned papers. The compensation of Jewish property, based on this bill, is considered in Poland as an important step for normalizing Polish-Jewish relations. It can even be considered as a turning point in the relations of the State towards the entire problem of Jewish restitution. The 1997 law created legal limitations of property restitution for Jewish communities. These limitations permit, following

the logic of restitution, the restitution of property to the past owners, i.e. Jewish Communities. A new proposal allowing other subjects than Jewish communities to receive property, which belonged to these Jewish communities, would mean creating the rights to the property restitution principles that are used in the relation of the state in these matters to other religious communities.

The sketched issues of property restitution for Jewish communities and other Jewish religious organizations are only a small part of even a bigger. If the problem of property restitution for Jewish communities is very complex; then the problem of property restitution to persons and legal persons creates even a larger challenge for the Polish legislators.

A more thorough view of the problem is included in the papers prepared by Polish Delegation, mentioned in the above text several times.

ACCESS TO POLISH ARCHIVES

Once upon a time Poland could be proud of its archives but the history of our country in the last two centuries – the partition of our territory for 123 years and two World Wars had an irreversible and of course negative impact on the integrity of the assets of the Polish archives. However it is important to mention here that countless wars that had through centuries rolled over Polish lands had not caused such horrid losses like the ones that occurred during WW II only. These losses affected all existing kinds of archives – state, local-government, church, private as well as archival collections in the National Library and in the private libraries of the great aristocratic Polish families. Several key factors contributed to that destruction. Direct military operations affected archive assets in September 1939; during the Warsaw uprising of 1944; and during the liberating operations of the Soviet Army and the Polish Armed Forces in 1944 and 1945. Beside that the total number of losses must be increased to include materials that were removed and plundered by the occupiers. Despite the 50 years that passed since the end of WW II many of these records are still stored in foreign countries and the majority of them were not even accessible for Polish Scholars until 1991. Thus the number of assets is limited.

Documents and other archive materials are primarily stored in state archives. The network of state archives is composed of archives

directly subordinated to the Chief Director of State Archives, as a central organ of state administration, and of others.

The „Law on the national archive assets and archives” of July 14, 1983 regulates the general principles of access to archive materials stored in state archives. It determines that archive materials are made accessible to institutions and individuals for scientific, cultural, technical and economic purposes after 30 years from their creation, on condition that this does not infringe legally protected interests of the State and citizens. Permission to use archive materials is granted by the director of the relevant state archive and in the case of foreigners - the Chief Director of State Archives. Further information can be found in the papers of Polish Delegation prepared for the Washington Conference. The restrictions that may arise – applying to both Polish citizens and foreigners – stem from the legal principle of protection of the State and citizens. When granting permission for the use of materials, directors of state archives and, in some cases, the Chief Director of State Archives must also take into account other legal regulations, in particular protection of so-called personal goods, law on protection of state and professional secrets of 1982 and the 1997 law on protection of personal data.

Research institutions make their archive materials free of charge. Charges are levied – according to a price list determined by the Chief Director of State Archives – for copying of records and for the time lost in finding materials inaccurately described by interested persons.

EDUCATIONAL ACTIVITIES OF THE AUSCHWITZ-BIRKENAU MUSEUM

From the very beginning of the Museum there have been educational activities addressed to the future, to guiding youth so that the tragic past of Auschwitz would not be repeated. The overriding task of those who created the Museum fifty years ago was, however to commemorate the boundless sufferings and the deaths of all who died, in the gas chambers immediately after being brought to the camp or later as a result of the atrocious conditions that prevailed.

Auschwitz symbolizes all the evil bred by hatred and contempt in interpersonal relations, and in social life by violence and coercion, racism and lack of respect for the other peoples. For this reason the place should be an international center for the education, where new educational methods will be developed through the joint efforts of the

best specialists, where Polish and foreign teachers can obtain help and practical guidelines, together with a broad assortment of suggested methodological materials.

Interest in the subject of Auschwitz is growing around the world, and special centers for teacher and student training are being established in many countries. Because this process is coupled with the history of the Auschwitz camp and other Nazi camps where Jews were killed en masse during WW II in German-occupied Poland, Poland is compelled to be the center for this research. Since Auschwitz functions in the world as a symbol, it is essential for the Auschwitz-Birkenau Memorial and Museum to become, as quickly as possible, an important center for education about the history of Auschwitz, the Holocaust, and also the history of the Jews in Poland. In this regard the Museum is working with other institutions involved with this subject matter, but a lack of resources has prevented many initiatives and plans from being implemented so far.

For deeper study of these all the programs prepared and conducted by the Auschwitz-Birkenau Museum in Owicim please refer to the papers mentioned in previous sections of this paper.

RUSSIA

The General Goals of the Conference and the Looted Art Problem

Statement by
Ambassador Valentin Kopteltsev
HEAD OF DELEGATION

Plenary Session on Nazi Confiscated Art Issues

Chairman, Ladies and Gentlemen,

1. Russia favors the humane idea of seeking possibilities to provide aid to victims of the Nazis, regardless of their nationality, who have not previously received such aid in sufficient volumes and require it due to their health conditions and low income.

2. The establishment and operation of the New York International Fund for Needy Victims of Nazi Persecution is valued positively. Due to its current economic conditions Russia is now unable to become a donor of this Fund, however it anticipates that the Fund's resources will be used to provide aid to the citizens of Russia and other Republics of the former USSR. Russian authorities and non-government organizations are prepared to cooperate with the Fund in the distribution of such aid. It is important in this respect to take into account the disproportionate allocation of aid that has so far been provided to the Nazi victims in the West, Russia and other Republics of the former USSR.

3. In accordance with the Russian law Russia will continue the search for cultural values confiscated by the Nazis from their victims, and continue publishing their list. The law provides that claims for these values could be submitted only within the 18- month period beginning from April 21, 1998. Since the work in the archives as well as attribution of the retrieved works of art is difficult and time-consuming the Russian Government will be ready to discuss these issues even after the expiration of the above period.

4. Compilation by the interested parties of the catalogue of values missing from the private collections of the victims of the Nazis and transferring it to the Russian side to organize offset search activities would accelerate the work of the Russian experts to identify the unknown values.

5. We are ready to accept a large-scale research program focusing on preconditions, practices and consequences of the Nazi <<Holocaust>> policy and to conduct on this basis a research in the Russian archives and cultural institutions on the Nazi gold issue and displaced cultural values. We hope that other countries of the former Soviet Union, whose national property was plundered by the Nazis, could adhere to this program.

6. In case of failure to locate the former owners of the cultural values among the victims of the Nazis or their direct inheritors, Russia proposes to consider these values property of the states where they are currently located, and use them for providing aid to the victims of Nazism and war in this countries. In this context we would be able to support the Eleven General Principles with Regard to Nazi-confiscated Art circulated here if the word <<direct>> would be set before the word <<heirs>> in articles VII., VIII. and X. of these Principles.

7. Due to the immense damage caused by the Nazism to the cultural property of the former Soviet Union, Russia urges the participants of the Washington conference and the entire world community to do everything possible to locate these cultural values and return them to countries from which they were stolen. For this purpose, Mr. Chairman, I convey to you the first volume of a series of catalogues of cultural values looted from the territory of Russia during World War II.

Thank you.

SLOVAK REPUBLIC

Delegation Statement

One of the critical duties resulting from political changes in 1989 for the Czech and Slovak Federal Republic and since 1993 for Slovak Republic as one of successors of Czecho-Slovakia was the mitigation of injustices of the past. It was necessary to compensate the victims of Nazi persecution during the World War II and at the same time to compensate injustices of the communist regime 1948-89. Quite naturally, these laws could not eliminate all cases of treatment. However, this was a successful practical start to mitigate the cases of violations of fundamental rights and freedoms which, as far as its extent and impact on public funds concern, can hardly be matched to any other country of the former communist block. The rehabilitation and restitution proceedings, so vitally important for the emerging democracy, have been nearly completed. The federal and the national authorities which initiated these proceedings in the early 1990's should be credited with a considerable recognition for their commitment. Democratic forces coming forward after the period of violations of political and property rights should always lead those proceedings.

Looking at the problem from the aspect of time, it was necessary to compensate victims of communist persecution from 1948-89, including compensation of victims of deportations to soviet concentration and work camps (GULAGs) in post war period. That is why appropriate acts were adopted in former Czech and Slovak Federal Republic. The basic framework consisted of: Act n.119/90 on Judicial Rehabilitation, Act n.403/90 on Mitigation of Consequences of Results of Some Property Injustices (restitution act), Act n.87/1990 on Extra Judicial Rehabilitation, Act n.229/91 on Conversion of Some Ownership Relations to Land and other Agricultural Property, Slovak National Council Act n.319/1991 on Mitigation of some Propriety and other Injustices and on Competence of Authorities of the Slovak Republic in the field of extra judicial rehabilitation.

All these acts were subsumed into the legal order of the Slovak Republic after 1993. The adoption of National Council of the Slovak

Republic's Act n.125/1996 on Immorality and Illegality of Communist System represented a moral satisfaction to all victims of communist persecution.

The adoption of the National Council of the Slovak Republic's Act n.282/1993 of 27 October 1993 on Mitigation of Some Property Injustices Inflicted to Churches and Religious Communities was the base for compensation of victims of Nazi persecution. The range of entitled persons is determined in §1 of the aforesaid act. In this paragraph the peremptory period concerning deprivation of movable and immovable property of religious communities in breach to the principles of democratic society and relevant covenants on civil, political, economic, social, and cultural rights is determined. The law maker took into account that the religious communities became victims of persecution mostly after The World War II and that is why the peremptory period was determined for these communities from 8 May 1945 to 1 January 1990. At the same time it was necessary to take into account that an extensive Jewish community had existed before the World War II on the Slovak territory. This community was systematically destroyed between 1939 - 45. That was the reason for explicit determination of peremptory period by lawmakers for Jewish religious communities in §1 of aforesaid act. The peremptory period for Jewish religious community has been determined since 2 November 1939 to 1 January 1990. Movable and immovable propriety is the object of return of propriety to the entitled persons who are the churches and religious communities or their parts, with legal personality registered by state, resident on the territory of the Slovak Republic. The entitled church organization or religious community had one year for claiming their property from the entity which possessed or disposed with the property in question. If such entity failed to make an agreement with a church organization of a religious community to return the property within ninety days of the submission of the claim, the entitled person could turn to court within fifteen months. In civil or administrative proceedings church or religious organizations were exempted from payment of administrative and judicial costs. Any expenses arising from restitution, e.g. in surveying the estate, were reimbursed by the State as fixed by law. According to the reports of the Ministry of Culture under the auspices of which the restitution of property of religious communities occurred, no major problems were encountered. In the restitution of the property of Jewish congregation, the Ministry of Culture provided consultation services which resulted mostly in fruitful restitutions.

The act presumes that the state takes the primary responsibility for the compensation of injustices: „*The responsible persons are state, municipality, legal persons established by the state or municipality and legal persons established by the law who are managing the state or municipal propriety or are administering and possessing such propriety to the day of effect of this law...*” (§3 part 1).

The responsible persons are also natural persons who have acquired the propriety in accordance with §4 of the aforesaid act, and also if these persons have acquired the property contrary to regulations which were in effect at that time.

At the same time it has been determined in this paragraph which categories of propriety do not fall within the scope of the law: „...*except a) legal persons with foreign interest and commercial corporations where the associates are exclusively natural persons. This exception is obsolete if the propriety is acquired from legal persons after 1 January 1990; b) foreign states.*”

Preparing this act, the lawmaker paid the diligence to the fact that there is some property which should be returned in accordance with the act, but in reality it is not possible to return such property and that's why it is necessary to exclude such property from the act (§7), or in reasonable event to limit the free dispensability with the property by entitled person (§11).

The mitigation of injustices caused by the Nazi persecution cannot be limited only to property injustices, it has to be above all a direct compensation of victims of persecution and reprisals. In these days the act on compensation of some injustices caused by Nazi persecution during the World War II is under preparation. The draft law anticipates financial compensation and bonuses to the retirement benefits to persons deported to and detained in concentration camps, and also to their family survivors.

The draft act determines the entitled persons in its §2 part 3 and 4, and §3 part 2 and 3. These are persons directly sanctioned by deportations into concentration camps, or sanctioned by other Nazi repressive actions in period 1939-45. If there are no such persons, their bereaved spouses and children are entitled and if there are neither those persons, their parents are entitled. The preliminary assessment of expenditures needed for compensations is 500.000.000 SK (it is approximately 16.000.000 USD).

Quite obviously, the debates on the act focused mainly on financial resources necessary for payment to the entitled persons. Extensive considerations have been given to the assistance in

anticipation from the German Government, that launched the plan of compensation of victims of Nazi persecution in several European Countries including the Czech Republic. The new Government, according to a statement by Vice-Prime Minister in charge of the Legislative Board, will reconsider the draft law prepared during the preceding parliamentary period. Such proposal may become a key topic for the ongoing discussion, and in particular for its immediate presentation for a parliamentary debate.

In the preparation of and the debate on the new bill regulating the compensation of victims of Nazi persecution, the appropriate governmental authorities in Slovakia will have to consider the following:

1. the time factor – the passage of the law cannot be delayed in view of the age of entitled persons, and also in view of the fact that this will be the last law on the compensation adopted after 1989, even though the period of violation of human rights and freedoms preceded the period of 1948-89, in which alleviation of the injuries and injustice have been granted;
2. The cooperation with the interested non-governmental institutions, i.e. communication with the Slovak Union of Fascist Resistance, the Central Union of Jewish Religious Communities should become a basis for drafting the bill corresponding to the nature of injuries and suffering;
3. financial factor – the financial resources, as one of the fundamental conditions for this compensation of victims must be a priority in the process of the completion of rehabilitation and restitution processes in Slovakia.

In addition to these measures the Government of the Slovak Republic at its session on 26 May 1998 took into consideration that the Tripartite Commission for Restitution of Monetary Gold had returned 5.312,108 ounces of fine gold in value of approximately 1,6 mil. USD to the Slovak Republic. The Government of the Slovak Republic agreed that this amount of gold will be used for compensation of Slovak victims of Nazi persecution and at the same time the Slovak Republic will take part in Nazi Persecutee Relief Fund. From the amount of fine gold the 3/4 part (1,2 mil. USD) will be used for direct compensation for victims of Nazi persecution in accordance with the prepared compensation act and 1/4 (approximately 400.000 USD) will be used as contribution of the Slovak Republic to the Nazi Persecutee Relief Fund established at the London Conference on Nazi Gold in December 1997.

The Slovak National Archives concluded an agreement on cooperation with the Holocaust Memorial Museum enabling to provide a large number of copies of documents concerning various aspects of the Holocaust period, as well as facts related to that period.

These facts evidence the effort of the Government of the Slovak Republic to ensure by internal measures the compensation of victims of Nazi persecution to the greatest possible degree. At the same time it is necessary to mention that Slovak victims of Nazi persecution, as compared with other victims, have not yet received any compensation for their sufferings from German authorities, although the Federal Republic of Germany made a symbolic gesture in the form of so called „Hirsch initiative" for some countries of Central and Eastern Europe, granting simple humanitarian aid for some categories of victims of Nazi persecution.

Slovak victims of Nazi persecution are still hoping that the Federal Republic of Germany will act in the same manner as it did with respect to all other victims of Nazi persecution duly compensated by German authorities.

REPUBLIC OF SLOVENIA

Delegation Statement

The Delegation of the Republic of Slovenia to the Washington Conference on Holocaust-Era Assets has the honor to announce that the Government of the Republic of Slovenia adopted the decision that it renounces its share of the gold pool of the Tripartite Commission for the Restitution of the Monetary Gold to the benefit of the Nazi Persecutee Relief Fund.

The text of the decision is as follows:

The Government of the Republic of Slovenia herewith adopts the following decision:

The Republic of Slovenia, as one of equal successor states to the former SFR of Yugoslavia, renounces its share of the gold pool of the Tripartite Commission for the Restitution of Monetary Gold – which was due to the former SFR of Yugoslavia – to the benefit of the International Fund for Needy Victims of Nazi Persecution (Nazi Persecutee Relief Fund), established at the London Conference on Nazi Gold held from 2 to 4 December 1997, and, within the said Fund, to the benefit of non-governmental organizations in the Republic of Slovenia to aid individual victims of Nazi Persecution.

The share renounced by the Republic of Slovenia (for which it has already been established or will be established that it belongs to the Republic of Slovenia as an equal successor to the former SFR of Yugoslavia) is equivalent to 16.39% of the share of the gold pool – which was due to the former SFR of Yugoslavia – being formerly held by Tripartite Commission for the restitution of Monetary Gold, and now held jointly in the names of the Governments of France, the United Kingdom and the United States of America in the Bank of England.

The two non-governmental organizations in the Republic of Slovenia to the benefit of which the Republic of Slovenia renounces its share of the gold pool are the Slovenian Red Cross and the Slovenian Karitas which are obliged to allocate the funds acquired from the International Fund for Needy Victims Of Nazi Persecution (Nazi

Persecutee Relief Fund) either for the programs of aid to individual victims of Nazi persecution or for relevant educational programs.

SPAIN

Activities of the Spanish Commission on Holocaust-Era Assets

The Spanish commission was established by Royal Decree of July 11, 1997, with the aim of investigating the role of Spain in its economic relations with the Third Reich during the Second World War.

The Commission carried out research focused on the transactions of gold during the war and by December 97 it had already drafted a provisional report. The report was introduced, along with its conclusions, in the London Conference.

The final report was presented to the Government of Spain in April 1998, along with a series of recommendations. It concluded that Spain had bought gold during the Second World War, mainly from the Swiss National Bank, the Bank of Portugal and the Bank of England. It also concluded that only a small part of the gold acquired in those years came directly from Germany.

The report also studied the negotiations that took place between the Spanish Authorities and the Allies after the war, that led to an Agreement in execution of which Spain returned the amount of gold that, according to the investigations conducted at the time, had been looted by the Nazis.

At a later stage, the Spanish Commission presented two additional reports: the first one on the German insurance companies in Spain during the Second World War, and the second on the works of art bought or sold in Spain during the war.

The research on the German insurance companies was carried out in the archives of the Spanish Foreign Ministry and the Bank of Spain. The conclusions are as follows: during the war, German insurance firms in Spain increased both their capital and their customer base. Most of these customers as well as the signatories of the insurance policies were citizens of Spain or Spanish companies. Nothing came out in the research that points to any problem of non-payment of the policies during or after the war. There is no documentary trace of any claim

whatsoever that affected either Spanish citizens, Jewish or non Jewish, or foreign nationals.

After the war, and following the recommendations and resolutions of the Allies, German goods and property in Spain, including the assets and liabilities of all German firms, were embargoed by the Spanish Authorities. Of the eighteen companies so embargoed, four were completely expropriated and liquidated.

Both the Report on Insurance and the Report on Works of Art, as did the Report on Gold Transactions from Central Europe, coincided in their conclusions: the role of Spain was very limited.

Indeed, in what pertains to works of art – and apart from smuggled items, difficult to trace – the cases registered are few in number and of minor importance. It was estimated that only one per cent of all the art dealers operating in Europe did business in Spain at the time. Therefore, this issue was barely examined in the course of the negotiations between the Spanish Government and the Allies at the end of the war.

The only case worth noticing is that of Alois Miedl, Göring's art dealer, who brought to Spain a total of twenty-two paintings, that were deposited in the Tax Exempt Warehouse in Bilbao (Northern Spain). What happened to these paintings after 1949 is not known. Eight of the twenty-two paintings belonged to the Goudstikker Collection. The origin of the other fourteen is not known to this day.

Having reached the aforementioned conclusions, the Spanish Commission, well aware and sharing in the global feeling on the horrors of the Jewish Holocaust, shared also by many Sefardim, and keeping in mind the links and common culture and origin of the latter with Spain and the Spanish people, proposed to the Government of Spain – and the latter approved the proposal – to provide two hundred and fifty million Pesetas to the Nazi Persecutee Relief Fund, with the specific proviso that the money would be applied to the needs of the Sefardim.

Washington, D.C. December 1st, 1998

SWEDEN

Statement by
Mr. Salomo Berlinger

SPECIAL ADVISER TO THE COMMISSION ON JEWISH ASSETS IN SWEDEN
AT THE TIME OF THE SECOND WORLD WAR
MEMBER OF THE SWEDISH DELEGATION

Sweden does definitely not belong to the countries that were on the headlines with Nazi-confiscated art. Nevertheless, we considered it our duty to make a thorough investigation also of this subject in our Commission.

The Swedish Commission therefore appointed a special project group to work with art and insurance. Because of the limited time at disposal, let me just mention that among the actions taken we have interviewed a number of trade organizations dealing with art, Art associations, auction houses, transport- and storage companies, active during that period. We have advertised in daily newspapers in order to obtain information from the public and we have sent a questionnaire to every member of the Jewish Communities in Sweden.

The Project Group has through a number of experts conducted research in various public archives in Sweden and abroad and made a thorough study of the leading art museums in Sweden including the National Museum of Fine Arts in Stockholm. Purchases during and shortly after the war of international art were checked. Relatively few pieces of international art were purchased. There were however some purchases and donations of art works which the Nazis regarded as "Entartete Kunst".

The fact that there was no obligation to supply information about previous owners and that our researchers for that reason noted several examples of missing links in the documentation did not make our work easier. Even more complicated was the research done in private archives and galleries. However the lack of evidence or proof so far of dealings with looted art does not stop us from continuing our investigations.

Let me also state that we have a close look - as much as one can look into private collections - into possible looted art works, emanating

from Göring and brought to Sweden by or to his relatives and friends, a very tough task for our Commission.

We have naturally also closely followed the international activities, particularly in the United States, to trace and find looted Jewish art. As a conclusion at this stage can be said that the investigations so far have not yielded any concrete and convincing examples of acquisitions of looted or confiscated works of art belonging to Jews in Sweden. However some traces have been found and we hope that with the co-operation we can get from abroad and from this conference – including the establishment of the Art Loss Register – we can finish our work with a good conscience. The final report of our commission and its conclusion will be submitted at the end of February 1999.

SWITZERLAND

Introductory Declaration

By Ambassador Thomas G. Borer
HEAD OF DELEGATION

Mr. Chairman, Mrs. Secretary of State, Mr. Foreign Secretary, Mr. Under Secretary of State, Honorable Delegates:

I would like to begin by expressing my great appreciation that this Conference is being held and that my country has been invited as an active participant. It is an honor for me and my delegation to be here, and I would like to thank the U.S. Government and the Holocaust Museum for making this important event possible. My country sees this Conference as a unique opportunity for all those concerned to pool their knowledge and to work together to achieve a deeper understanding of the historical questions related to the Holocaust era still awaiting answers. As the previous conference on Nazi gold held in London last year has shown, the task of establishing historical facts on these extremely delicate and complex issues is colossal and requires close international cooperation. We sincerely hope that the Conference will make a major contribution to clarifying the historical context of looted art, insurance policies, communal property, libraries, and archives.

We also especially welcome the fact that the Conference will pay special attention to Holocaust education, remembrance, and research. This dimension of the Conference is of particular importance: The memory of the victims and the sufferings of the survivors place a duty on all of us to keep remembering, for our conscious awareness of the mechanisms of history and of the roots of human evil is all we have to protect us against a resurgence of such monstrous insanity. Tragically, the passage of time is irreversible, and, as time goes by, this duty to remember takes on a new dimension: As the Holocaust survivors are approaching the end of their lives, the day will come when we won't have direct testimony at our disposal anymore. It is therefore important to develop ways and means of remembrance and sensitization. Even though Switzerland was largely spared the unspeakable horrors of World War II,

it shares with other nations the commitment to remember and remain alert. To this end, it has undertaken a large number of initiatives at the cultural, educational, and political level. Switzerland – which has a long-standing tradition of peaceful coexistence of different languages, cultures, and faiths – is ready and willing to share with others its experiences in this field in order for us all to ensure that future generations will never be able to say "We didn't know..."

Therefore, I would like to express the sincere hope that this Conference will offer us the opportunity to pursue a constructive dialogue on how to advance towards a greater understanding of our common past in order to build a better future.

Mr. Chairman, Honorable Delegates,

Since 1996, Switzerland has been implementing an unprecedented series of measures to come to terms with the painful and recurring questions which have remained unanswered since 1945. Our objective is to shed light on the role Switzerland played in the context of World War II and on open questions related to any dormant accounts, looted art works and insurance policies that may still be held in Switzerland. My country has also demonstrated its profound sense of compassion towards the survivors of this unspeakable tragedy in the history of mankind by setting up a humanitarian fund endowed with Sfr. 275 million. These efforts have gained international recognition, and Under-Secretary of State Eizenstat will allow me to quote him when he stated some weeks ago: *"Switzerland continues to take the lead among the wartime neutral nations in the commitment it has made to provide justice in concrete ways."*

Although the role played by Switzerland with regard to unclaimed insurance policies or looted art is quite modest in comparison, our genuine will to cooperate has also been demonstrated by the leading role played by Swiss insurance companies in setting up an International Experts Commission. Its mandate is to address the difficult problem of World War II insurance policies. By the same token, Switzerland is undertaking detailed investigations with regard to looted art, a topic which is currently being investigated by the Bergier Commission. Furthermore, the delicate issue of combating any manifestation of anti-Semitism and of promoting tolerance among civilian society is being addressed by the Swiss government in the same resolute manner, as the recently released report by the Federal Commission against Racism illustrates. This serious and objective report has been unanimously praised for its candor and quality. Abraham Foxman, Anti-Defamation

League National Director, referred to the report in the following terms: *"The Swiss report should serve as a model for countries confronting their problems with anti-Semitism. We hope other nations and institutions will follow the Swiss example as they examine their wartime role and anti-Semitism in their society"*.

By focusing all its efforts on carrying out these and other measures efficiently and rapidly, Switzerland has demonstrated an unambiguous and profound commitment to dealing with this issue. My Government would like to take the opportunity of expressing its hope that our discussions over the next three days will be held in a spirit of openness and objectivity, and that we will always bear in mind the common goal of our endeavor: Justice for the victims and awareness for the future, for the tragedy of the Holocaust shall never repeat itself.

Mr. Chairman, honorable delegates, thank you for your attention.

Delegation Statement

The following paper sums up the position of the Swiss government with regard to topics on the agenda of the Washington Conference on Holocaust-Era Assets.

I. REVIEW OF GOLD ISSUES

More than 53 years ago, in September 1945, the Swiss National Bank (SNB) provided the U.S. Legation in Berne with a statistical overview of gold transactions it had carried out during World War II with the central banks of 16 countries. These data have been confirmed since by each subsequent historical investigation. The gold purchased from the German Reichsbank amounted to \$280 million, clearly less than the gold purchased from the Allies (\$523 million). By the end of the war, the SNB had resold two thirds of the gold it had acquired from the Reichsbank.

While negotiating in spring 1946 with Switzerland in Washington, the Allies were informed extensively of the gold transactions. The result of these negotiations was a political agreement in the interest of both sides, representing governments only. On the gold issue, Switzerland agreed to pay \$58 million to the Allies, whereas the latter waived all claims against Switzerland which could result from taking delivery of gold from the Reichsbank during the war.

It cannot be disputed that Switzerland completely fulfilled its obligations under the agreement. It paid the sums agreed to with the Allies both for gold acquired from Germany during World War II and for liquidation of German assets.

Moreover, neither the two Eizenstat reports (two studies on the conduct of wartime neutrals headed by U.S. Undersecretary of State Stuart Eizenstat and published in May 1997 and June 1998) nor the interim report on gold transactions published in May 1998 by the Bergier Commission (an independent body of Swiss and foreign experts established to examine Switzerland's history before, during, and after the war) raised historical arguments justifying the reopening of the Washington Agreement. On the contrary, they confirmed that the Allies were fully informed of all wartime gold transactions between the SNB

and the German Reichsbank. The Bergier interim report even confirmed that the amount of looted gold acquired by the SNB was in fact *lower* than estimates the Allies made at that time.

One should not forget that, while legally binding, the Washington Agreement includes a political dimension. As in the case of the negotiations the Allied conducted with other neutral countries, this agreement resulted from concessions accepted by both sides. It involved four related issues: restitution of gold, liquidation of German private assets in Switzerland, abolition of blacklists affecting Swiss firms in the USA, and unfreezing of Swiss assets in the USA. It is thus clear that any renegotiation would imply a renewed discussion of all these issues and not simply of the gold question. For example, this would be the case with Swiss assets frozen by the US government during the war. Their unfreezing was also part of the Washington Agreement. At the time, the US claimed that about \$100 million of those assets could not be certified and consequently confiscated those assets.

In any case, the 18 signatory countries of the Washington Agreement declared that "they waive (...) all claims against the Government of Switzerland and the SNB in connection with gold acquired during the war from Germany by Switzerland. All questions relative to such gold will thus be regulated." This unmistakably clear language made the accord a final global settlement.

In May 1997, the first Eizenstat report was released. It includes some assertions that go beyond a serious historical analysis and hence give rise to inaccurate interpretations. To begin with, neutrality is referred to as having fundamentally collided with morality. Such criticism is based on a premise that neutrality between those states defending what is good and those incarnating evil is immoral. It applies a latter day moral judgment to positions taken in the midst of war that is alien to and inconsistent with the tenets of international law that applied at the time. Significantly, all criticism of Swiss neutrality during the ensuing Cold War is avoided in the report. It must be emphasized that Swiss neutrality during World War II was aimed at protecting the country from conflict in order to safeguard the independence and survival of the population. These goals are the responsibility and priority of any sovereign nation. This policy also allowed Switzerland to become a haven for tens of thousands of refugees. It is true that the report indicates that Swiss neutrality benefited the Allies on many occasions, for instance, with regard to protection of tens of thousands of British and US prisoners of war.

When considered as a whole, neutrality implied a delicate balance between the pressure to adjust to the new order of the time and to resist its abhorrent ideology. If Switzerland had not remained neutral and, as a result, suffered the fate of France or Belgium, would anyone – including the Allies and Holocaust victims – have been better off? Clearly, the answer is "no".

A second historically unfounded reproach formulated against Switzerland touches on the alleged Swiss contribution to prolonging the war, which is said to have caused the death of tens of thousands of civilians and soldiers. Yet the report contains no corroborating evidence of this allegation. One might also ask what made the war possible in the first place. Even without coming back to such decisive stages as the Munich Conference of 1938 and the Hitler-Stalin Pact on the eve of the war, some simple facts put into true proportions the role of Switzerland, a country of only 4 million inhabitants during the war years.

It is today estimated that the total cost of the German war effort approached \$850 billion. The Swiss share – including all financial and commercial transactions – amounted to 0.5% of this amount. Although bled white after Stalingrad, Germany was still able to launch murderous offensives such as the occupation of Italy in September of 1943, of Hungary in March 1944, and the Battle of the Bulge in December 1944. What made these last-ditch efforts possible has nothing to do with Swiss supplies, but everything to do with the last throes of a fanatical and brutal regime. In contrast, in a daring effort of mediation, Swiss intermediaries negotiated the surrender of all German troops in Italy, numbering one million men, a week before the end of the war in Europe. A modest shortening perhaps, but how many lives were spared?

At the London Gold Conference, which took place in December 1997, participants agreed that the results of the research on gold transactions with Nazi Germany must be shared at the international level and that this research process should continue.

At this international meeting, the *Bergier Commission* presented a substantial contribution, the *Statistical Review with Commentary*. In May 1998, it released an interim Report on *Switzerland and Gold Transactions in the Second World War*. According to U.S. Undersecretary Eizenstat, both reports «*demonstrate the integrity and the probity of the work of the Commission.*»

The interim report fully confirms the amounts of SNB gold transactions, as they have been known since the end of World War II as well as historical facts already published in the literature. But it also reveals new and tragic facts: a few gold ingots delivered by the

Reichsbank to its deposit in Berne, which were not distinguishable from the others, contained some 120 kgs of fine gold seized by the Nazis from extermination-camp victims. Although the Commission did not find any evidence that the responsible SNB parties had or could have had knowledge of this, the Swiss government declared itself shocked at this finding, since this victim gold stands for the immeasurable suffering the Nazis inflicted on victims of their persecution.

The question of victim gold requires further historical investigations on an international scale. The Swiss Independent Commission of Experts ("Bergier Commission") has always worked in that perspective. The Swiss Government welcomes all efforts from other countries and interested organizations. Therefore, it decided recently to publish a summary of the Commission's interim report. It is convinced that the Swiss people are entitled to know the truth about Switzerland's past, be it positive or negative.

Finally, mention should be made of the "Swiss Fund for Needy Victims of the Holocaust". The Fund was endowed with roughly \$200 million through the contributions of Swiss banks, other private-sector companies, and the SNB. The Fund was set up in 1997 to support needy survivors of the Holocaust and their families. Switzerland welcomes the fact that other countries have decided to follow this path by creating an "International Nazi Persecutee Relief Fund".

II. OVERVIEW OF HOLOCAUST-ERA INSURANCE CLAIMS

The question of Holocaust-era insurance claims was revived not long ago and has not yet become the subject of extensive research. Thus Switzerland welcomes the opportunity to debate this important matter.

In order to gauge the relative relevance of this topic for Switzerland, the following facts need to be recalled:

Four Swiss insurance companies (*Basler, Swiss Life, Vita, and Winterthur*) had a branch in Germany long before Hitler came to power. About 80 German companies dominated the German market, whereas the four Swiss companies had a market share which did not exceed 2 to 3 percent. No Swiss life-insurance company was established in Central or Eastern Europe at the time.

Notwithstanding these facts, both the Swiss Government and the Swiss insurance companies concerned are fully committed to clarifying all open questions and providing active support for this process.

Since 1996, Swiss insurance companies have been searching intensively for policies which may have been held by Holocaust victims. Committed to find the owners of any World War II policy that may exist, they launched intensive searches in their archives and set up information mechanisms, such as cost-free "help lines" interested individuals can call to give or receive information on such policies.

The Swiss insurance companies have also been at the forefront of international efforts to establish an international commission of investigation which will examine all policies drawn up between 1920 and 1945 which have remained unclaimed since World War II. It should be mentioned that the Swiss companies were the first to sign the related Memorandum of Understanding, thus giving a clear sign of their genuine commitment to and support for this international effort.

The Swiss authorities welcome these initiatives, which clearly reflect a strong will to find a satisfactory solution to all remaining questions concerning World War II. The Swiss government further called on the Conference to actively support the work of the newly constituted International Commission of Investigation (IC), for it is only through international cooperation that satisfying answers can be found to this complex issue. On the other hand, this cooperative approach is incompatible with confrontational methods such as the pending class-action law suits and threats of sanctions. The Swiss government rejects such methods and urges that they be discarded in the process.

III. SWITZERLAND'S ROLE IN THE TRADE OF ART WORKS STOLEN BY THE NAZIS

1. Situation at the outset

Given its location in the heart of Europe, its highly developed infrastructure, and good international connections, Switzerland has been an important art market since the end of World War I. The Swiss art market participated in the boom of the 1920s with annual import values between SFr. 4 and 7 million. Like the economy as a whole, the Swiss art market was then heavily affected by the Depression of the 1930s. During World War II, borders remained closed, and imports as well as exports of art works declined sharply, with import values of between SFr. 1.9 million in 1939 and SFr. 219,000 in 1945 and export values between SFr. 1,142,000 and SFr. 16,000. Even in the 1950s, import values of art objects did not attain the level of the 1920s.

2. "Degenerate" art in Germany sold abroad

With Hitler's accession to power, many art works and artists were considered "degenerate"¹ by the Nazi regime. Following a decree issued by Goebbels on 30 June 1937, the "degenerate" art works could be removed from German public museums, and the most valuable of them could be sold abroad on the international market in exchange for foreign currencies.²

Such a sale took place in Switzerland on 30 June 1939 in Lucerne where the internationally known Galerie Fischer put up for auction 126 paintings and sculptures by great modern masters removed from the German public museums: Braque, van Gogh, Picasso, Klee, Matisse, Kokoschka, and 31 other artists. Out of the 350 persons attending the auction, 40 bought two thirds of the art works. The works were mainly sold to buyers from Switzerland, Belgium, and the United States.

3. Switzerland, a safe haven for endangered art works and artists

Before and during World War II, Switzerland became a secure deposit location, either temporarily or permanently, for endangered art works and artists. Stephanie Barron (Los Angeles County Museum of Art) wrote with reference to Helmut F. Pfanner³: *"After Hitler's rise to power, neutral Switzerland became a haven, albeit temporarily, for German artists (and collectors who emigrated to keep their collections intact), writers, musicians, actors, theatrical directors, and other refugees. Many settled in Swiss cities, hoping to pursue their careers with relatively little disruption. Some stayed only long enough to make arrangements to emigrate elsewhere in Europe or to Palestine or the United States. Some remained permanently; others returned to Germany after the war"*.

Robert von Hirsch transferred his first-class collection from Frankfurt/Main to Basel in 1933; he obtained the right to export it with a

¹ Impressionists, expressionists, fauvists, cubists, and surrealists.

² The rest was kept for "terror exhibitions" or destroyed.

³ "The Role of Switzerland for Refugees" in *The Muses Flee Hitler*, edited by Jarrel C. Jackman and Carla M. Borden, Washington, DC, 1983, p. 243

present to Hermann Goering⁴. In 1941, he donated Gauguin's major work *Te matete* (1892) to the city of Basel in gratitude for accepting him as a refugee. The Austrian painter, writer, and humanist Oskar Kokoschka transited through Switzerland for his emigration from Czechoslovakia to England in 1938. Another example is the Dutch art dealer Nathan Katz who was able to flee to Switzerland, thanks to Swiss mediation in 1941.⁵

4. LOOTED ART WORKS IN SWITZERLAND

In neutral and democratic Switzerland, the rule of law prevailed during the whole period of World War II. As a result of closed borders, trading or dealing with art works in Switzerland was difficult. As indicated above, imports and exports of art works declined sharply during the war. Nevertheless, objects were shipped to and through Switzerland, for instance, by smuggling or through diplomatic pouches of the German legation and consulates.

Indeed, some art dealers, among them Theodor Fischer, took advantage of the situation and dealt with art of dubious origin. Fischer sold looted objects to collector Emil G. Bührle, an industrialist living in Zurich. Another well-known collector, Oskar Reinhart, in Winterthur wanted to avoid entanglements through dubious dealings and devoted great attention to the origin of the art works he was interested in acquiring. In 1958, he bequeathed his collection to the Swiss Confederation. In a study published in May 1998, the *Federal Office of Culture* concluded that no object found in Reinhart's collection had been acquired through illegal dealings.

5. Restitution efforts after World War II

The British Wing Commander and art historian Douglas Cooper, who belonged to the Monuments, Fine Arts, and Archives (MFAA) branch of the Allied armed forces, was sent to Switzerland in February 1945 to investigate the matter of stolen art works. He traveled freely

⁴ Cranach's *Judgment of Paris*. Cf. J.W.Wille in "Masterpieces" from the Robert von Hirsch sale at Sotheby's". London, 1978, p. 5.

⁵ Cf. A. Venema, *Kunsthandel in Nederland, 1940-1945*, ("Art Dealing in the Netherlands, 1940-1945"), pp. 254 ff.

through the country and spoke with all who had rank and names in art dealing. His investigation led him to compile a list of 77 art works stolen by the Nazis. Cooper's list formed the basis for the looted-art suits before the Swiss Supreme Court.

The Swiss federal government, aware of looted art works in Europe, instituted special measures in order to return looted art works to their rightful owners or their heirs: on 10 December 1945 and 22 February 1946, two Federal Council decrees initiated and facilitated the process of restitution. The first decree remained in effect until 31 December 1947. A special looted-objects chamber of the Federal Supreme Court was designated as the sole and exclusive authority responsible for looted goods. The 77 stolen art works on Cooper's list were recovered and subsequently returned to their owners. More than half of the works belonged to the well-known Parisian art dealer Paul Rosenberg and the rest to art dealers and collectors like the Parisian Bernheim-Jeune and Levy de Benzion and a British citizen established in Paris, Alphonse Kann. These paintings were bought by Theodor Fischer, of which he resold 12 to Emil G. Bührle.

It must be assumed that the art works mentioned represent less than the total number of stolen art objects sold in or having passed through Switzerland during World War II. Since a number of such works were sent to Switzerland by German diplomatic pouch, it remains very difficult to estimate the number of unreported cases of looted art works having ended up in or transited through Switzerland. However, in relation to restitution problems other countries face today, it is safe to assume that despite Switzerland's relatively important role as an art market during the war, the number of stolen art works that might still be located in Switzerland should be limited. Indeed, Marc Masurovsky, an expert on the American safe-haven policy, asserts that after the war thousands of paintings found their way from Europe to South and North America.⁶ This seems confirmed by the number of art works of dubious

⁶ *"American and British intelligence reports have detailed the presence of substantial collections transiting through Cuba, Venezuela, and Argentina, en route to the United States. According to American officials based in France in 1945 and 1946, export controls were so lax between Western Europe and the Western Hemisphere that they held special meetings to figure out ways of tightening them in order to prevent looted art from finding a safe haven in the U.S. or Latin America. The closing down in late 1946 of Allied commissions searching for looted art, the shift in priorities in the European theater from reparations to reconstruction, the lack of highly skilled individuals to screen art works bound for the Western Hemisphere in search of looted items, all these*

origin that emerged in the USA and may be hanging in American museums or possessed by private collectors. Research on this topic has just begun and should continue.

6. CURRENT RESEARCH EFFORTS

In the context of the present international debate on assets and other questions dating from the World War II period, Switzerland has taken concrete steps to clarify any open questions concerning looted art. In August 1998, the *Federal Office of Culture* published a study concluding that no object in collections belonging to the Swiss Confederation was found which had been acquired through illegal dealings. Another study on development of the Swiss art market between 1930 and 1955 will be published on 11 December 1998. In addition, the Independent Commission of Experts "Switzerland – Second World War" is mandated by the government to investigate this subject systematically and comprehensively and will put it in a historical and international context.

Furthermore, the Swiss authorities have taken concrete measures to address the issue of stolen art. At the federal level and based on the report drafted by the independent historian Thomas Buomberger, the Federal Office of Culture (FOC) will accept, from mid-January 1999, inquiries in connection with looted art dating from the period of World War II. This "Contact Bureau for Looted Art" will serve mainly as a contact office to register and pass on inquiries.

The FOC will examine possible inquiries that might affect the federal collections. If cases of unlawful acquisition were identified in the process, the possibility of restitution or compensation would have to be clarified immediately.

Moreover, the FOC has invited the cantons and Swiss museums to address the issue of looted art works and to check the provenance of their collections as the federal authorities have already done.

Finally, the FOC is prepared to call upon other institutions or organizations in Switzerland to comply with possible internationally

factors allow us to postulate that from August 1944 to July 1946, an untold number of paintings and drawings – perhaps numbering in the thousand – found their way out of Europe and into North and South American collections." Testimony of Marc Masurovsky, before the Committee on Banking and Financial Services. U.S. House of Representatives, 25 June 1997

agreed recommendations similar to guidelines of the American Association of Art Museum Directors and to support those responsible for implementing such recommendations, in particular with regard to publishing lists.

All international research, inventory, and publication efforts deserve our basic support. The same applies to opening all relevant archives. In this respect, one has to note that access to files from the federal inventory is granted liberally in Switzerland. These files are in principle accessible up to 1963. As to access to other archives, we strongly support all networking efforts at the national and international level.

Switzerland welcomes the current efforts towards closer cooperation in the context of looted art. It is in this spirit that the Swiss delegation has played an active role in order to facilitate a consensus on the 11 principles on restitution of Nazi looted art proposed at the Washington Conference.

IV. HOLOCAUST EDUCATION, REMEMBRANCE, AND RESEARCH

This century has produced more victims, more fallen soldiers, more murdered citizens and slain civilians, more dislodged minorities, more tortured people, more flayed and starved human beings, more political prisoners, and more refugees than we even could have imagined. Within this sad enumeration of atrocities, the Nazi crimes against humanity are unparalleled. They remain the symbol of the most complete denial of what we call humanity. As such, they stand before us as a constant warning never to let history repeat itself.

As time goes by, this duty to remember takes on a new dimension: As the Holocaust survivors are approaching the end of their lives, the day will come when we will have no direct testimony at our disposal anymore. It is therefore important to develop ways and means of remembrance and sensitivity. The place where we are gathered today is a perfect example of what is possible to pursue for this important purpose.

Remembering the Holocaust should not be seen as a way of constantly looking back at the past but as an important basis for discussion on issues relating to humanity, democracy, and equality, the Holocaust being a reference or starting point. An intelligent and sensitive way to do Holocaust teaching has much to tell us about tolerance, about freedom, about peace, about ourselves.

Switzerland is committed to this effort towards the future. This is also the reason why the Swiss delegation has proposed an important initiative to the States gathered at the Conference: The Swiss Delegation has invited the participants in the Washington Conference on Holocaust-Era Assets to welcome, during the concluding plenary session, the Swiss government's proposal to host a governmental conference on the fight against use of the Internet for racist, anti-Semitic, or hate purposes.

In recent years, the Internet has considerably developed. The web acts as a media, discussion forum, educational tool, and market place. However, the Internet is also used – or rather abused – as a most favored means of propaganda, in particular by racist and anti-Semitic activists, many of whom disseminate the "Auschwitz lie" theory. This is all the more worrying as the web appeals to and is used by younger generations.

As a concrete example, we can mention the plagiarism of the Swedish "Living History" project web site. Those who deny the Holocaust have recently set up an almost identical home page in order to spread their revisionist message by creating confusion.

More generally, the Swiss Federal Police recorded 700 racist, anti-Semitic, or revisionist websites in 1997. None was based in Switzerland, as dissemination of racist and anti-Semitic propaganda is strictly forbidden in our country. However, as the Internet has no borders, prohibition in specific countries is not a viable solution, for hate propaganda can be disseminated via foreign providers and anonymous parties. The need for international cooperation in this field is thus obvious.

While we are discussing Holocaust remembrance and education, the Swiss delegation wishes to stress the importance of preventing distribution of racist and anti-Semitic propaganda through the Internet: more and more youngsters use the Internet every day as a primary source of information and as an educational tool. As such, it is a critical task for every nation to contain the spread of hate propaganda on the web.

This Conference carries a huge moral burden. While work in the fields of remembrance and education is essential, the Conference should go further. In our opinion: this Conference shall send an important signal: A signal showing that the participants will not allow use of new technologies to deny a past that should never be repeated.

Switzerland and World War II: A General Presentation

1. A wide-spread image depicted Switzerland during World War II as an **island** in continental Europe preserved from Nazi terror and war devastation by **divine providence**. It is hardly necessary to say that such an image does not correspond to reality.

Lying at the crossroads of big powers of continental Europe, Switzerland had a centuries-long experience of avoiding implication in wars. As a matter of fact, military, political and economic factors - and not divine providence - preserved the territorial integrity of the country, its democratic institutions, its democratic values, its cultural variety and the life of the about 300,000 refugees admitted, including 28,000 of Jewish confession. Up to 450,000 men served simultaneously in the Swiss Army, which corresponded to more than 10 percent of the population. They were ready to resist to any foreign military attack. The German General Staff had prepared detailed operations plans for attacking Switzerland, as those known under the code name of *Tannenbaum*.

If Switzerland was not preserved by divine providence but by a series of man-made factors, we should add it was, indeed, not an island. There was no ocean between this little democratic country of 4 million inhabitants and Europe dominated by the Axis powers, their Allies and the countries they occupied (see **map** of Europe in early 1943). Or, using Undersecretary Eizenstat's words: "*Alone among the neutrals, Switzerland was totally encircled by the Axis powers and the countries they occupied.*"

2. Switzerland's **economy** was very useful for Germany. First of all, we should not forget that Germany was Switzerland's main trade partner since long before World War II. These economic relations subsisting during the war were not in contradiction with the longstanding neutrality status of Switzerland recognized by international law. Switzerland had no choice but to deal economically with its potential aggressor in order to maintain its independence. This policy was simply a non-heroic way to survive.

The commercial links with Germany did not make Switzerland richer: real national income diminished considerably between 1939 and

1945. But they raise an important question: did they contribute to prolong World War II? Apart from the impossibility to answer this question on a scientific-historical basis, we have to consider the quantitative data and keep the sense of proportion. Gold sold by the German Reichsbank to the Swiss banks amounted to 0.1 percent of the Reich's total war costs. Swiss war material sold to Germany amounted to a percent still less important. Gold and war material operations were conducted with both belligerent camps.

3. The rise of German power in Europe had a dampening effect on export trade relations for Switzerland, a land short of raw materials and energy. It meant an increasing economic dependence on its trade partner, thereby increasing Switzerland's exposure to German blackmail according to the prevailing military and political situation. Despite these extremely difficult conditions, the scope of trade transacted with the Allies amounted to one third of that carried out with the Axis. By the way, Berlin repeatedly demanded that Bern completely sever these economic ties. Without success.

In consequence, Switzerland was in a **highly difficult position** until the end of 1944, when France was completely freed. But even in April 1945, a powerful German army was still occupying Northern Italy, at the Southern border of Switzerland. The Swiss were sensitive to the catastrophe under way out of their borders. They demonstrated from 1944 concrete and material solidarity with European countries hit by the war: the *Swiss donation to war victims* consecrated about 200 million Swiss francs to relief projects and to the hospitalization in Switzerland of more than 10,000 victims of the war. This important effort was acknowledged by the US Government, which, in a document from 1950¹, stated: *"Switzerland's economic contribution to European recovery, begun before the Marshall Plan was inaugurated, has been substantial. Since the end of the war the Swiss Government has extended over \$187,000,000 in credits to other ERP countries. Additional private credits from Swiss banks come to approximately an equal amount. Coupled with purely charitable gifts for international relief and welfare, Switzerland's aggregate contribution to European relief and rehabilitation amounts to half a billion dollars, a significant sum for a small country whose total yearly national income is less than \$4 billion."*

¹ *Foreign Relations of the United States*, 1950, Volume III, p. 1586.

4. In the last two years, distorted views of Switzerland and its people were disseminated by some media. According to one critic accusation, the Swiss were said to have had great sympathy towards the Nazis. If this had been true, the country would have been easily annexed to the Third Reich. In the Foreword of his Second historical report, Undersecretary Stuart Eizenstat underlines the historical truth: "*The Swiss people were overwhelmingly sympathetic to the Allies, even against the backdrop of Switzerland's strict neutrality*".

* * *

5. After the end of the war, Switzerland assumed its **responsibilities** on several issues. The gold claims were definitely settled with the Allies here in Washington. German assets were liquidated in conformity with agreements concluded with the Allies in 1946 and 1952. Legal dispositions concerning the return of looted assets to their rightful owners and concerning heirless assets were taken. However, as elsewhere, the United States of America included, these measures were taken in the spirit of the postwar period, and their implementation was not perfect.

6. During the past two years, Switzerland took a series of measures in the spirit of **truth, justice and solidarity**.

- First, as an expression of solidarity and thanks to contributions from Swiss banks, private-sector companies, and the Swiss National Bank, the Swiss Fund for Needy Victims of the Holocaust was set up to support needy survivors of the Holocaust and their families. The Fund was endowed with approximately \$200 million. Thus far, over \$26.7 million has been paid to more than 30,000 Holocaust victims. Of the remaining funds, about \$37.1 million are already granted for payment, mainly to survivors in the USA. Additional applications totaling SFr. 7 million (\$5.10 million) are pending. A further installment of about \$60 million will be paid to the WJRO in Jerusalem for needy Holocaust survivors in Israel as soon as a distribution channel is made available.
- Second, an International Independent Commission of Experts is examining historical and legal aspects of Switzerland's role as a financial center before,

during, and after the war years. The Commission has released an intermediate report on the Swiss National Bank's gold transactions. A second intermediate report on refugee policy is to be published in 1999.

- Third, the Swiss Bankers' Association published in July and October 1997 several lists of names of foreign and Swiss holders of unclaimed accounts. More than 16,500 people have registered and lodged claims to date on lists of foreign holders of dormant accounts. Moreover, the Swiss banks set up an **independent Claims Resolution Foundation** to provide an international and objective forum to adjudicate claims on dormant accounts of foreigners from the period prior to 1945. Up to 15 Swiss and foreign arbitrators with experience in international adjudication preside over a fast-track procedure to hear claims cost-free to the claimants under relaxed standards of proof that recognize the difficulty of presenting evidence under the tragic circumstances of the Holocaust and World War II. As a concrete result, the first 58 payments of dormant accounts were made by the end of September 1998. Settlement of all claims could occur within a year.
- Fourth, a **Committee of Eminent Persons headed by Paul Volcker** was set up in May 1996. Its mandate is to investigate all unclaimed assets in Swiss banks by Nazi victims which have not yet been identified. The Committee's objective is to complete the major elements of its investigation by the end of this year. The final report is to be released in 1999.
- Fifth, another project bears witness to Switzerland's commitment to strengthen our humanitarian tradition and solidarity: the Swiss Foundation for Solidarity, with a planned annual budget of several hundred million Swiss francs. The main purpose of the Swiss Foundation for Solidarity is to contribute to a future in human dignity, including for those suffering from or threatened by poverty or violence, in Switzerland and abroad.

Finally, in connection with the discussion on Switzerland's role during and immediately after World War II, Swiss citizens have expressed their solidarity and, in keeping with the humanitarian tradition of our country, offered proof of it through various campaigns.

The Solidarity Association/Foundation for Holocaust Victims: an initiative of a high school in Berne. Since the beginning of 1997, more than SFr. 140,000 have been donated and presented to relief agencies that care for Holocaust victims. An example: a gift of SFr. 50,000 to the **AMCHA** (National Israeli Center for Psychosocial Support of Survivors of the Holocaust and the Second Generation)

Foundation for Humanity and Justice: Collected SFr. 2 million for needy victims of the Nazi regime and their descendents. Individuals and projects were previously supported by SFr. 800,000.

Fund in Favor of Holocaust Survivors and Jewish People in Distress: Mobilized resources for Holocaust survivors and their descendents (SFr. 270,000).

With these measures, Switzerland has shown that it is not suppressing its past but rather learning from it, as we work toward a future of peace and solidarity. We are fully committed to righting the wrongs that may have been done with these appropriate moral and financial answers.

* * *

7. In May 1998, **Under Secretary Stuart Eizenstat acclaimed the Swiss efforts:** *"No country is undertaking more comprehensive research than Switzerland through its historical commission headed by Professor Jean-François Bergier. (...) Switzerland continues to take the lead among the wartime neutral nations in the commitment it has made to provide justice in concrete ways. It is important to recognize, amidst all the criticism and controversy, the breadth and depth of the Swiss effort"*.

Three months later, a settlement was agreed upon in New York between plaintiffs and the two Swiss banks concerned by Class actions. It is our sincere hope that following this settlement, a just distribution plan can be established shortly and that the Holocaust victims will soon benefit from those payments. We appreciate that this settlement has in general led to a fairer and less polemic debate about Switzerland's past.

We hope that such a fairness, which we have always asked for, will be respected in the future.

The Bank's settlement does in no way affect **the strong determination of the Swiss Government and the Swiss people to pursue the implementation of the measures of truth, justice and solidarity.**

Switzerland's Role in the Trade of Art Works Stolen by the Nazis

1. SITUATION AT THE OUTSET

Given its location in the heart of Europe, its highly developed infrastructure and good international connections, Switzerland has been an important art market since the end of World War I. It experienced a peak in 1920 when art works valued at about SFr. 11 million were imported. Although imports of art works declined in the following years, the Swiss art market participated in the boom of the 1920s with annual import values between SFr. 4 and 7 million. Like the entire economy, art dealing was greatly affected by the Depression of the 1930s. During World War II, borders were closed, and imports as well as exports of art works declined sharply, with import values of between SFr. 1.9 million in 1939 and SFr. 219,000 in 1945 and export values between SFr. 1,142,000 and SFr. 16,000. Even in the 1950s, import values of art objects did not attain the level of the 1920s.

2. "DEGENERATE" ART IN GERMANY SOLD ABROAD

With Hitler's accession to power, many art works and artists were considered "degenerate"¹ by the Nazi regime. Following a decree issued by Goebbels on 30 June 1937, the "degenerate" art works could be removed from German public museums, and the most valuable of them could be sold abroad on the international market in exchange for foreign currencies.²

Such a sale took place in Switzerland on 30 June 1939 at the Grand Hôtel National in Lucerne when the internationally known Galerie Fischer put up for auction 126 paintings and sculptures by great modern masters removed from the German public museums: Braque, van Gogh, Picasso, Klee, Matisse, Kokoschka, and 31 other artists. Out of the 350 people who were invited, 40 bought two thirds of the art works. The

¹ Impressionists, expressionists, fauvists, cubists, and surrealists.

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works were mainly sold to buyers from Switzerland, Belgium, and the United States.

3. SWITZERLAND, A SAFE-HAVEN FOR ENDANGERED ART WORKS AND ARTISTS

Before and during World War II, Switzerland became a secure deposit location, either temporarily or permanently, for endangered art works and artists. Stephanie Barron (Los Angeles County Museum of Art) wrote with reference to Helmut F. Pfanner³:

"After Hitler's rise to power, neutral Switzerland became a haven, albeit temporarily, for German artists (and collectors who emigrated to keep their collections intact), writers, musicians, actors, theatrical directors, and other refugees. Many settled in Swiss cities, hoping to pursue their careers with relatively little disruption. Some stayed only long enough to make arrangements to emigrate elsewhere in Europe or to Palestine or the United States. Some remained permanently; others returned to Germany after the war".

Robert von Hirsch transferred his first-class collection from Frankfurt/Main to Basel in 1933; he obtained the right to export it with a present to Hermann Goering⁴. In 1941, he donated Gauguin's major work *Te matete* (1892) to the city of Basel in gratitude for accepting him as a refugee. The Austrian painter, writer, and humanist Oskar Kokoschka transited through Switzerland for his emigration from Czechoslovakia to England in 1938. Another example is the Dutch art dealer Nathan Katz who was able to flee to Switzerland, thanks to Swiss mediation in 1941.⁵

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⁴ Cranach's *Judgment of Paris*. Cf. J.W. Wille in "Masterpieces" from the Robert von Hirsch sale at Sotheby's". London, 1978, p. 5.

⁵ Cf. A. Venema, *Kunsthandel in Nederland, 1940-1945*, ("Art Dealing in the Netherlands, 1940-1945"), pp. 254 ff.

4. LOOTED ART WORKS IN SWITZERLAND

In neutral and democratic Switzerland, the rule of law prevailed during the whole period of World War II. As a result of closed borders, trading or dealing with art works in Switzerland was difficult. As indicated before, imports and exports of art works declined sharply during the war. Nevertheless, objects were shipped to and through Switzerland, for instance, by smuggling or through diplomatic pouches of the German legation and consulates.

Indeed, some art dealers, among them Theodor Fischer, took advantage of the situation and dealt with art of dubious origin. Fischer sold some looted objects to collector Emil G. Bührle, a rich industrialist living in Zurich. Another well-known collector, Oskar Reinhart, in Winterthur wanted to avoid entanglements through dubious dealings and devoted great attention to the origin of the art works he was interested in acquiring. In 1958 he bequeathed his collection to the Swiss Confederation. In its study published in May 1998, the *Federal Office of Culture* concluded that no object found in the Reinhart's collection had been acquired through illegal dealings.

5. RESTITUTION EFFORTS AFTER WORLD WAR II

At the end of the war, the British Wing Commander and art historian Douglas Cooper, who belonged to the Monuments, Fine Arts, and Archives (MFAA) branch of the Allied armed forces, was sent to Switzerland in February 1945 in order to investigate the matter of stolen art works. He traveled freely through the country and spoke with all who had rank and names in art dealing. His investigation led him to compile a list of 77 art works stolen by the Nazis. Cooper's list formed the basis for the looted-art suits before the Swiss Supreme Court.

The Swiss federal government, aware of plundering of art works in Europe, instituted the following measures in order to restitute looted art works to their rightful owners or their heirs: on 10 December 1945 and 22 February 1946, two Federal Council decrees initiated a process to restitute stolen art works. The first one remained in effect until 31 December 1947. The looted-objects chamber of the Federal Supreme Court was designated as the sole and exclusive authority responsible for looted objects. The 77 stolen art works on Cooper's list were recovered and subsequently restored to their owners. More than half of the works belonged to the well-known Parisian art dealer Paul Rosenberg and the

others to art dealers and collectors like the Parisian Bernheim-Jeune and Levy de Benzion and a British citizen established in Paris, Alphonse Kann. These paintings were bought by Theodor Fischer from whom Emil G. Bührle acquired 12 of them.

These art works do not represent the whole amount of stolen art objects sold in Switzerland during World War II. Since a number of them were sent to Switzerland by German diplomatic pouch, it remains very difficult to estimate how many other looted art works ended up in or transited through Switzerland. However, in relation to problems related to restitution that other countries face today, it is safe to assume that despite Switzerland's relatively important role in the art market during the war, the number of stolen art works that might still be located in Switzerland should be limited. Indeed, Marc Masurovsky, one of the best-known experts on the American safe-haven policy, asserts that after the war thousands of paintings found their way from Europe to South and North America.⁶ This seems confirmed by the number of art works of dubious origin that emerged in the USA and may be hanging in American museums or possessed by private collectors. Research on this topic has just begun and should be investigated further.

⁶ *"American and British intelligence reports have detailed the presence of substantial collections transiting through Cuba, Venezuela, and Argentina, en route to the United States. According to American officials based in France in 1945 and 1946, export controls were so lax between Western Europe and the Western Hemisphere, that they held special meetings to figure out ways of tightening them in order to prevent looted art from finding a safehaven in the U.S. or Latin America. The closing down in late 1946 of Allied commissions searching for looted art, the shift in priorities in the European theater from reparations to reconstruction, the lack of highly skilled individuals to screen art works bound for the Western Hemisphere in search of looted items, all these factors allow us to postulate that from August 1944 to July 1946, an untold number of paintings and drawings – perhaps numbering in the thousand – found their way out of Europe and into North and South American collections."* Testimony of Marc Masurovsky, before the Committee on Banking and Financial Services. U.S. House of Representatives, 25 June 1997

6. CURRENT RESEARCH EFFORTS

In the context of the present international debate on assets and other questions dating from the World War II period, Switzerland has taken concrete steps to clarify any open questions on looted art: the *Federal Office of Culture* already published in August 1998 a study concluding that no object in collections belonging to the Swiss Confederation was found which had been acquired through illegal dealings. Another study on the development of the Swiss art market between 1930 and 1955 will be published on 11 December 1998. In addition, the Independent Commission of Experts "Switzerland – Second World War" is mandated by the government to investigate this subject systematically and comprehensively and will put it in a historical and international context.

Concrete steps have also been taken: At the Federal level and based on the Buomberger report, the Federal Office of Culture (BAK) will accept, from mid-January 1999, inquiries in connection with looted art dating from the period of World War II. This "Contact Bureau for Looted Art" will serve mainly as a contact office to register and pass on inquiries.

Possible inquiries that might affect the Federal collections will be examined by the Office. If cases of unlawful acquisition were identified in the process, the possibility of restitution or compensation would have to be clarified immediately.

Moreover, the Federal Office of Culture has invited the Cantons and the Swiss Museums to address the issue of looted art works and to check the provenance of their collections as the Federal authorities have already done.

Furthermore, the Federal Office of Culture is prepared to call upon other institutions or organizations in Switzerland to comply with possible internationally agreed recommendations similar to the guidelines of the American Association of Art Museum Directors and to support those responsible for implementing such recommendations, in particular with regard to publishing lists.

All international research, inventory and publication efforts deserve our basic support. The same applies to opening all relevant archives. Here I wish to note that access to files from the Federal inventory is granted liberally in Switzerland. These files are in principle accessible up to 1963. As to the access to other archives, we strongly support all networking efforts at the national and international level.

Teaching Tolerance



Initiatives to Promote Educational, Cultural and Political Tolerance in Switzerland November 1998

INTRODUCTION

The heat and acrimony that permeated the controversy about Switzerland's role before, during and after World War II have largely died down. We hope that the nation can now get down to examining this period of its history in the necessary calm and with the commitment that this task requires. The most important issue is to find out the truth, while bearing in mind that truth within the framework of history is always more complex than simple scientific truth. Both the Swiss government and parliament have expressed the firm wish that questions should be asked openly, investigated thoroughly and with the maximum transparency, and answered without reservations. This task is essential; it is in the interests of our country, especially of future generations.

The results of the Commission of Independent Experts (Bergier Commission) will make an important contribution to this process. It is essential that its findings are discussed as widely as possible among the Swiss public, and especially among the younger generation. It is important that the discussions cover both the negative as well as the numerous positive aspects of the Swiss response.

However, this wide-ranging dialogue should not deal only with the past. Even though Switzerland was largely spared the unspeakable horrors of the Second World War, it shares with other nations an obligation to remember and to remain alert, so that such a tragedy can never happen again. To this end, a large number of initiatives in the areas of culture and education have already been taken in Switzerland - a country which has long been the home of communities with different languages and faiths. This document lists and briefly describes these

initiatives, some of which are of long-standing. They have been selected on the basis of their particular relevance to current efforts to reappraise our history and to generate more awareness of the importance of promoting tolerance and the fight against racism and anti-Semitism.

POLITICAL AND CULTURAL EVENTS

- In 1997, a number of federal parliamentarians including the President and the Vice-President of the Swiss Confederation set up a group against anti-Semitism.

This multi-party group is committed to and supports activities against anti-Semitism both in politics and society.

- On 14 May 1998, the President of the Swiss Confederation, Flavio Cotti, gave a major policy speech entitled **Tolerance in a Democracy** at the National Congress of Teachers and Educationalists in Zurich.

This speech, which condemned all forms of racism, anti-Semitism and intolerance as counter to Swiss secular values, had a strong impact in the media and on the public.

- During 1998, as part of the 150th anniversary celebrations of the Swiss constitution, a traveling exhibition entitled **Tolerance 98, a game with limits** is touring all the different linguistic regions of Switzerland.

*This multi-lingual exhibition invites viewers to analyze the topic of tolerance for themselves. Stands, stories, pictures, listening stations, interactive experiments, workshops, framework events and an illustrated multi-lingual magazine as well as live and Internet discussions supplement and accompany the exhibition. *More information is available on: <http://www.tolerance.ch>*

- On 18 November 1998, the Vice-President of the Swiss Confederation, Ruth Dreifuss, inaugurated the exhibition **Visas for Life** in Bern.

*This exhibition shows for the first time in Switzerland how the Swiss consul Carl Lutz, the police captain, Paul Grüninger, and a dozen other courageous diplomats from Germany, China, Holland, Italy, Japan, Portugal, Sweden, Hungary and the USA saved persecuted people from the Nazi gas chambers. Together these courageous people saved between 150,000 and 200,000 people, many of them Jews. *The exhibition will last until 2 December 1998.*

- In June 1998, an exhibition **Les chemins de passage (Escape routes)** was opened in Geneva.

This meticulously presented exhibition, illustrates the clandestine routes through which "guides" led refugees towards Switzerland – the last remaining haven of liberty on the continent. The exhibition has also been mounted in other cities throughout Switzerland.

- The **Lutz-Born-Wallenberg monument** is due to be unveiled soon in front of the House of Human Rights in Geneva.

It will honor three exceptional people who distinguished themselves helping refugees during the Second World War. A monument commemorating the gratitude of refugees who were admitted into Switzerland during the Second World War may also be erected in Geneva at the initiative of a group of these refugees.

- A number of cinemas, including the Kellerkino in Bern, have shown **a series of films on the theme Jewish Stories.**

*We mention, in particular, the showing of the film by Walo Deuber **Spuren verschwinden, Nachträge ins Europäische Gedächtnis**, which, as its title indicates, traces the important history of Jewish culture in Eastern Europe.*

- A traveling exhibition, entitled **Swiss Jews**, is currently shown across the country.

This exhibition presents the origin and diversity of the history of the Jews in Switzerland.

- Last but not least, a project for a **Center for Tolerance**, initiated by a Jewish-Gentile committee is well under way.

The idea is to present the issues of tolerance, combating racism and anti-Semitism, and to promote coexistence with a focus on the Holocaust. The Center would house a permanent exhibition and would also organize temporary exhibitions, seminars and conferences. It would target on schools, teachers, youth associations, as well as be open to the general public. The project is planned to be completed in two to three years. The Center will probably be located in Bern.

INITIATIVES AND PROJECTS IN EDUCATION

Sociological, historical and educational background material

- **"Le rôle de la Suisse durant la Seconde Guerre mondiale, Bibliographie choisie"**, ("Switzerland's role during the Second World War, selected bibliography"), published by the Federal Office of Culture, 1997.

This exhaustive 227-page bibliography on Switzerland during WWII presents various works on topics such as refugee policy, dormant accounts, Switzerland's relations with Germany and with the Allies, Switzerland's defense army, and domestic policy. This volume stresses the educational aspects of the works it lists as well as on their particular relevance. It contains brief summaries of their contents and critical reviews. It is useful to anyone interested in these subjects and especially to teachers and researchers.

- **Medienpaket Rassismus (Media package on racism)**

This new set of teaching materials on racism, anti-Semitism and tolerance was launched in April 1998 by the Foundation for Education and Tolerance, the foundation against racism and anti-Semitism, and the Pestalozzianum Center in Zurich. It consists of modern educational material, and includes a basic manual and a file

of teaching materials and aids, as well as a video on the topic of racism and tolerance entitled Colors of Schweiz. It is intended for secondary school teachers, who have been familiarized with it at special seminars, and is being progressively distributed throughout schools in German-speaking Switzerland. It has been so successful that projects are now under way to adapt it to Switzerland's other national languages, French and Italian.

- **"Geschichte des Judaismus in der Schweiz" ("History of Judaism in Switzerland")**

This work will be published by the specialist publisher of educational and school publications, Lehrmittelverlag.

- **"Anti-Semitism in Switzerland"**

This is a report on past and current manifestations of anti-Semitism, with recommendations for counter-measures.

It was published in November 1998, in French, German, Italian and English by the Swiss Federal Commission against Racism. The Anti-Defamation League in New York called the report "Honest, Hard-hitting and realistic". ADL national Director Abraham H. Foxman, further said: "The Swiss report should serve as a model for countries confronting their problems with anti-Semitism. We hope other nations and institutions will follow the Swiss example as they examine their wartime role and anti-Semitism in their society"

- **"Le Livre Noir et Blanc" ("The Black and White Book")**

This book, aimed at primary school pupils, is accompanied by a teaching manual "Tous différends, tous égaux" ("All different, all equal").

It was produced and published in 1993 by three associations: la Déclaration de Berne (The Bern Declaration), le Comité suisse pour l'UNICEF (The Swiss Committee for UNICEF), and le Service écoliers monde (The Service for Schools and the Third- World).

- **"Odyssea: Accueils et approches interculturelles" ("Odyssea: Intercultural Welcomes and Approches")**

This reference manual on intercultural teaching methods, including preventing racism was written by the educationalist, Christiane Perregaux, and published in 1994 in French, German and Italian by la Commission romande des moyens d'enseignement et d'apprentissage (the French-speaking Swiss Commission on methods of teaching and learning). It is used in Schools throughout Switzerland.

- **"Rassistische Vorfälle in der Schweiz, eine Chronologie und eine Einschätzung" ("Incidents of racism in Switzerland, a chronology and evaluation")**, published annually by the Gesellschaft Minderheiten in der Schweiz (The Society of Minorities in Switzerland) and the Foundation against Racism.

This work contains detailed accounts of incidents and other information concerning racism, xenophobia and anti-Semitism that have occurred during the past year. It gives statistics on legal proceedings, based on Art. 261 bis of the Swiss Penal Code (the anti-racist law), brought against such acts, and on the resulting judgments. It also contains research-based findings on how to prevent such incidents.

- **Summarized version of the Interim Report by the Independent Commission of Experts Switzerland - Second World War on Gold transactions in Switzerland during WWII**

The Swiss Government has decided to publish the main points of the Bergier Interim Report on gold transactions in the form of a free booklet. This booklet will be published in German, French, Italian and English. It will provide an account of this important investigation, and will be easily accessible to a wide public.

- **"Die Schweiz im Zweitem Weltkrieg" ("Switzerland during the Second World War")**

The editors of the Journal of Swiss Teachers are planning to devote an edition of their Journal to the subject of Switzerland and the Second World War.

This special edition, intended for teachers, will contain research-based contributions on various subjects related to Switzerland and the Second World War, and will include a chapter on teaching about the Holocaust. Each chapter will be accompanied by notes giving advice and teaching ideas.

- **"Aussenpolitik, Die Schweiz in der Welt von heute und morgen, 1997" ("Foreign policy, Switzerland in today's and tomorrow's world, 1997")**

This school text book on Swiss foreign policy, edited by the Swiss Foreign Policy Society in conjunction with the Conférence des Directeurs cantonaux de l'instruction publique (CDIP) (Swiss Conference of Cantonal Ministers of Education), is aimed at students at secondary schools. It contains a chapter devoted to the discussions of Switzerland's role before, during and after the Second World War.

At the end of 1998, the Swiss Conference of Cantonal Ministers of Education studied the question of teaching the issues of the Holocaust and tolerance at its annual general meeting. In particular, it recalled its 1991 Déclaration sur l'enseignement à la tolérance (Declaration on the Teaching of Tolerance), as well as the report "Racisme et école" (Racism and Schools) of its educational commission."

- **List of refugees admitted into Switzerland during World War II (to be published)**

The Swiss government is planning to publish an exhaustive list of the 51,000 or more civilian refugees who were admitted into Switzerland between 1939 and 1945.

Awards and Prizes

- **Fischhof Prize**

This prize (named after a WWII refugee in Switzerland) rewards institutions or individuals who have distinguished themselves in fighting racism, xenophobia or anti-Semitism. It is awarded by the

"Gesellschaft Minderheiten in der Schweiz" (Society of Minorities in Switzerland) and the Foundation against Racism and Anti-Semitism.

- **Max und Erika Gideon School Prize**

This prize rewards school pupils and teachers who have distinguished themselves in fighting racism, xenophobia or anti-Semitism. It is awarded by the "Gesellschaft Minderheiten in der Schweiz" and the Foundation against Racism and Anti-Semitism.

Other recent initiatives and studies

- Working Group on the fight against racism and anti-Semitism on the Web

The Swiss federal authorities together with Internet providers in Switzerland have just set up a working group to study the problem of racism on the Internet. This aims to contribute to the fight against the dissemination (mostly from abroad) of racist or pornographic pages on the Web. The Working Group will present a list of joint proposals at the beginning of 1999.

- **Exchange programs and seminars**

Numerous exchange programs for teachers and pupils have taken place. The last one involved 27 intermediate-school teachers from the French-speaking part of Switzerland, who attended a continuing-education seminar at the Yad Vashem Holocaust Center in Jerusalem.

Besides field trips and visits to memorials, the program included seminars and presentations on the history of Judaism, anti-Semitism and the Holocaust, as well as on current forms of anti-Semitism. Teachers learned to teach the subject of the Holocaust to children, and to adapt their methodology to various age groups. Contacts with Holocaust survivors who talked about their experiences, made a deep impression on the Swiss teachers. This program showed that teaching history is not simply a matter of presenting facts but must also touch on the issue of human suffering. The participants received specific teaching material on this subject.

- **Various events** at schools and universities have been set up to generate awareness about the problems of racism, xenophobia and anti-Semitism.

*These include lectures given by Holocaust survivors and visits to extermination camps in Germany and Poland. In September 1997, the Central Office of Continuing Education for Teachers in Bern organized a seminar called: "Switzerland and the Second World War", at which more than 100 teachers participated. On 2 March 1998, a meeting of Swiss and Israeli students entitled **On the threshold of a new century** enabled the participants to discuss the subject of the Holocaust, its significance and its dimensions.*

- **A seminar on anti-Semitism** organized for history and philosophy teachers by the *Coopération Intercommunautaire contre l'antisémitisme et la Diffamation (CICAD)* (Committee against Anti-Semitism and Defamation) was held in the summer of 1998.
- **An international colloquium on the subject of racism and anti-Semitism** was held at the Institute of Comparative Law in Lausanne in October 1998.

More than 100 people attended, several of whom were specialists from Eastern European countries which are confronted with acute problems of intolerance and even inter-ethnic violence. In her opening address, the Vice-President of the Swiss Federal Council, Ruth Dreifuss declared the fight against racism a permanent task of the state, and emphasized that society must maintain a constant guard against it.

- **Evaluation studies on teaching methods for the prevention of racism and anti-Semitism**

Two studies on preventing xenophobia, racism and violence were conducted in 1995 and 1997 among selected groups of 17 to 19 year-old students from Swiss vocational schools in Switzerland.

The projects focused on tolerance and understanding of asylum seekers and their situation, on the role of foreign workers in Switzerland, and on increasing awareness of both the Jewish religion and the Holocaust. One of the main conclusions of these

projects was that direct contact with people who have first-hand experience of suffering is the most effective way of changing attitudes because it appeals more to pupils' hearts than to their minds.

- In 1996, the Federal Commission against Racism launched a media campaign called **Der Schöne Schein (Fine Appearances)**, to fight racism and anti-Semitism.

This campaign, which aimed to teach tolerance and prevent racism, received the Gold Medal of the United Nations Department of Public Information, as well as the Swiss Art Directors Club prize for the best campaign of the year.

- Between July and August 1997, a six-part documentary series entitled **Die Schweiz im Schatten des Dritten Reichs (Switzerland in the shadow of the Third Reich)**, produced by the German television channel DRS was broadcasted on Swiss national television.

BODIES, FOUNDATIONS AND OTHERS NGOS ACTIVE IN THIS FIELD (NON-EXHAUSTIVE):

- *Federal Commission against Racism*
- *Stiftung gegen Rassismus und Antisemitismus*
- *Gesellschaft Minderheiten in der Schweiz*
- *Stiftung Erziehung zur Toleranz*
- *Coopération Intercommunautaire contre l'antisémitisme et la Diffamation (CICAD).*
- *Ligue internationale contre le racisme et l'antisémitisme (LICRA)*
- *Stiftung Bildung und Entwicklung*
- *Akademie der Menschenrechte*
- *Christlich-Jüdische Arbeitsgemeinschaft*
- *Centre contact Suisse-Immigrés*
- *Forum contre le racisme*
- *Institut für Unterrichtsfragen und Lehrerinnenfortbildung*
- *Komitee "Stop dem Rassismus"*

- *Service d'information antiraciste*
- *Zentrum für Antisemitismus-Forschung*
- *SOS Racisme*
- *Association romande contre le racisme (ACOR)*
- *Asylkoordination Schweiz*
- *Bewegung für eine offene demokratische Schweiz*
- *Konfliktophon*
- *Schweizerischer Evangelischer Kirchenbund – Kontaktstelle Menschenrechte*
- *TiKK – SOS – Team für interkulturelle Konflikte und Gewalt*
- *Déclaration de Berne*
- *Comité suisse pour l'UNICEF*
- *Service école Suisse Tiers-monde*

Proposal on the Fight Against the Use of the Internet for Racist, Anti-Semitic or Hate Purposes

The Swiss Delegation would like to invite the participants in the Washington Conference on Holocaust-Era Assets to welcome, during the concluding plenary session, the Swiss government's proposal to host a governmental conference on the fight against the use of the Internet for racist, anti-Semitic or hate purposes.

- The Washington Conference represents an important milestone in the discussion about Holocaust remembrance and education. However, this duty to remember the Holocaust should not only be seen as a way of looking back to the past, but as an important basis for promoting tolerance for the future.
- The Internet has become an invaluable tool for students, educators, the media and the market-place. However, it has also provided a platform for racist, anti-Semitic, and revisionist activists, many of which disseminate the "Auschwitz lie" theory. This is all the more worrying as the web appeals to and is used by younger generations.
- More generally, the Swiss Federal police recorded 700 racist, anti-Semitic or revisionist websites in 1997. None was based in Switzerland, as the dissemination of racist and anti-Semitic propaganda is strictly forbidden in our country. However, as the Internet has no borders, prohibition in specific countries is not a viable solution, for hate propaganda can be disseminated via foreign providers and anonymizers. The need for international cooperation in this field is thus obvious.
- While we are discussing here Holocaust remembrance and education, the Swiss delegation wishes to stress the

importance of preventing the distribution of racist and anti-Semitic propaganda through the Internet: more and more youngsters use the Internet every day as a primary source of information and as an educational tool. As such, it is a critical task for every nation to contain the spread of hate propaganda on the web.

- This Conference carries a huge moral weight. While work in the fields of remembrance and education is essential, the Conference should go further. In our opinion, this Conference could send an important signal: A signal showing that the participants will not allow the use of new technologies in order to deny a past that should never repeat.

**SWISS PROPOSAL FOR THE CHAIRMAN'S CONCLUDING
REMARKS**

"THE PARTICIPANTS WELCOMED THE SWISS GOVERNMENT'S PROPOSAL TO HOST A GOVERNMENTAL CONFERENCE ON THE FIGHT AGAINST THE USE OF THE INTERNET FOR RACIST, ANTI-SEMITIC OR HATE PURPOSES".

INDEPENDENT COMMISSION OF EXPERTS “SWITZERLAND – SECOND WORLD WAR”

The Swiss Insurance Industry during the Second World War: Research Issues – Initial Results – Perspectives

1. GENERAL QUESTIONS

Contrary to the tendency of the general public to regard insurance as an extension of banking, questions relevant for the banking sector cannot simply be transferred to the insurance industry. A good example is dormant life insurance policies which are frequently compared with dormant bank accounts, although in contrast to bank accounts, every insurance contract is limited in duration and has a clear expiration date. After ten years the statute of limitations has expired and claims are therefore considered lapsed.

It is clear that detailed legal settlements still have to be resolved. Although insurance companies have violated existing laws in only a few cases, they were readily able to conform to changing legal norms during the Nazi era, and at war's end, they were often able to obstruct Jewish claimants and other policy holders using questionable arguments.

Furthermore, public interest has focused on the settlement of claims after the Crystal Night pogrom. Even this issue is usually viewed narrowly. Although the companies' behavior towards policy holders was formally correct, the arguments used by insurance companies to reject claims by the insured as well as those made by the Nazi German state were problematic. (The Nazi state had tried to submit and collect claims on behalf of the insured with limited success.)

The questions of corporate insurance policy and commercial practice before, during, and especially after the Second World War are broader. They include issues of accommodation and resistance, of taking advantage of maneuvering room, of behavior towards victims and perpetrators – even within their own ranks – as well as to Allied demands.

The question of the development of the insurance business is closely linked to these issues: How did specific Nazi measures affect the course of insurance industry business? What were the pressures and what were the additional business opportunities that the war created for insurers? One specific aspect of insurance companies' business that must be examined is financial transactions between Germany and foreign countries. These transfers not only reflect the general course of business, but also often give information about the routine behavior of corporations toward the Third Reich and its leaders.

The problem of so-called "Aryanization" constitute another major focus of research. What role did insurance companies play in restructuring ownership as well as in dealing with its own staff, management, or officers in the context of German "racial policies"? These issues are often closely linked to the acquisition of Jewish real estate under forced liquidation procedures.

The last problem involves reinsurance. Our knowledge about this subject is especially meager. Two complex issues predominate: (1) the guarantee bonds issued by reinsurers on life insurance policies of later victims of the Nazis, and, (2) the risks which were knowingly or unknowingly reinsured by companies within the Nazi Reich.

2. ARCHIVAL SOURCES: THE CASE OF SWITZERLAND

The scope of the ICE's mandate enables it to conduct research in Swiss corporate insurance archives. Despite substantial gaps, more records are available than originally anticipated. However, this has not eliminated the difficulties of access, since the companies have sometimes misunderstood the quantity and nature of the records available. Moreover, not all corporate historical records have indices or inventories. In instances where no archives are available, it is possible to go to public archival holdings in Switzerland as well as abroad. However, gaps are also encountered here.

Access to files in the archives of Swiss insurance companies is also frequently difficult. The Commission is not able to obtain an overview of the existing collections without basic archival order or finding aids.

3. INTERIM FINDINGS IN SWITZERLAND

The economic significance of the Swiss insurance industry and especially its foreign business has not been adequately understood until now. Although Swiss insurance companies usually only held small market shares abroad, combined they contributed essentially to the premium income -- depending on the line of insurance business between 25 and 90 percent -- and also to the profit of individual companies. Moreover, a somewhat differentiated examination shows that Swiss businesses possessed comparatively high market shares of specific products and segments. Finally, it must be emphasized that after the war began, Swiss insurers were practically the only foreign suppliers (and in the life insurance business the only one) to the German economy.

Although we do not yet have the complete range of proven data, we know that the Swiss insurance market increased in significance for the German economy during the war. On the one hand, this is because of its strong, internationally-oriented reinsurance, where for all intents practically only Swiss companies were able to underwrite these policies. On the other hand, during the war Swiss insurance companies administered German insurance contracts in a fiduciary capacity and thus made it possible for those companies to continue their insurance relations despite embargo. Furthermore, early precautions taken by German authorities for the postwar period emphasize the importance given to the Swiss insurance industry for the reconstruction of Germany.

There were also close, personal relations between the leading representatives of German and Swiss companies that existed parallel to their business relationships. Moreover, Swiss insurance companies interested in business with Nazi Germany had, at their disposal, good contacts with important individuals in the Third Reich. They were always able to negotiate favorable solutions. The question here is whether or not room for maneuverability was completely exhausted or whether the valid interests of their clients were sacrificed to corporate self-interest. In any case, insurance business with Germany developed favorably under existing conditions. At least part of the profits could be transferred to Switzerland.

Because the insurance companies that were active in Germany were implicated in Nazi looting policies (forced surrender or repurchase), it is safe to assume that within the insurance industry there was a high level of knowledge about developments inside Germany. It is not known how broad this knowledge was within the insurance industry, and why

barely any concrete evidence of this can be found in surviving business records.

It is also known that as a rule, claims made by the insured were handled strictly according to formal criteria, irrespective of their personal fate. Within various corporations, there was the tendency to insinuate that claimants who were harmed by Nazi measures were being intentionally dishonest when they made claims to their insurance company.

4. OPEN QUESTIONS

The history of insurance and its corporate history have not been adequately researched. This gap means that new methodological studies are required. How can we achieve concrete answers about the insured, whom we do not know and whose existence is not even certain? How do we compare economic data developed under changing criteria? What are the relevant parameters for assessing this or any other development?

Moreover, there are open questions particularly about the economic, political, and legal framework. For example, the preferential treatment of the insurance traffic within clearing cannot be sufficiently substantiated. Many technical insurance questions also await answers and it is often difficult to locate specialists familiar with the procedures used at that time. The most important questions are about confiscated and possibly dormant insurance assets. These are not only questions of an historical or legal nature. All of these questions lead finally to the same basic question: Can apparent injustice be the norm and can it be made the norm just because it carries the cloak of legality?

5. INTERNATIONAL COOPERATION

Intensive cooperation is particularly important for this subject, since it is not widely studied. Contact with similar corporate history research projects initiated by German firms, in the framework of the recent discussions about the Second World War era, has been more productive for the ICE than cooperation with purely academic researchers. These projects are more advanced than academic research, and they have also benefited from very favorable financial sponsorship and access to records. However, the Swiss insurance industry is not the focal point of these foreign projects. It is therefore hoped that these

already existing contacts can be intensified and extended to most insurance companies which operated in Nazi Germany and occupied Europe. It would be desirable if universities would include these projects, integrating them as new areas of research in their curriculum. Nevertheless, this will only be possible when the insurance companies' private archives are opened for research in general.

INDEPENDENT COMMISSION OF EXPERTS “SWITZERLAND – SECOND WORLD WAR”

Gold Transactions of Nazi Germany Research Issues – Initial Results – Perspectives

1. GENERAL ISSUES

For a long time, the public and historical research have been only peripherally concerned with German looted gold during the Second World War. This situation has changed decisively during the past few years. Gold has become the symbol of Nazi crimes because of extensive and increasing public interest in the Holocaust.

Public debate focused initially on Switzerland. Since then other countries, commercial banks, and corporations have been in the critics' line of fire. The investigation of German "gold policies" has become an international affair.

2. THE ICE INTERIM GOLD REPORT

The Independent Commission of Experts: Switzerland—Second World War (hereafter ICE), created in late 1996, decided its goal was to document as precisely as possible gold transactions between Germany and Switzerland during the Second World War. For this purpose, the Commission compiled the most significant statistics for its first interim report.

The report is entitled "Switzerland and Gold Transactions in the Second World War." It was published in May 1998 in four languages and reached the following conclusions:

1. Our approach was not to examine gold looted by the Nazi regime by looking at its results, but to start with the robbery and thus follow the process of exploitation. This approach seemed more appropriate for the ethical as well as the historical requirements of the subject.
2. The interim report is based on extensive material from diverse archival sources. Until now, Switzerland's role in the German gold

trade has usually been traced from the Swiss point of view. The ICE has analyzed this role from both domestic and outside perspectives. It is for this reason that the Commission employs research teams in foreign countries. Private corporate archives in Switzerland as well as public archives in the United States, Germany, Great Britain, Poland, and Russia were consulted.

3. We concluded that Swiss commercial banks clearly received more gold from Germany than was previously assumed. Moreover, the behavior of Swiss banks and insurance companies showed that as financial creditors they had substantial interest in preserving the solvency of the German state. This probably increased pressure on the directorate of the Swiss National Bank (SNB) to accept gold from Germany, even if its origins were dubious, despite Allied warnings against its acceptance. We know today, beyond a doubt, that the SNB clearly knew from the beginning of 1941 that the Reichsbank had amassed disturbing quantities of looted gold.
4. Switzerland functioned as the most important "gold hub" for the Nazi regime. About four-fifths of German gold deliveries abroad were processed through Switzerland. As a result, gold from the murdered and surviving victims of Nazi genocide reached Switzerland. Based on current knowledge, the SNB received only a fraction of this gold. Furthermore, it could not be proven that the leadership of the SNB was informed about the origin of this gold. Nevertheless, in retrospect, it must be stated explicitly that the directorate of the SNB regarded its relations with the Reichsbank for the most part as "business as usual," and that until the end of the war, the SNB failed to distance itself from the German Central Bank.

3. THE CURRENT DEBATE

The ICE interim report has stimulated a lively response in Switzerland and abroad.

The Commission held an academic conference about the financial history of Nazi Germany at the University of Bielefeld. Based on the results of our interim report, questions were formulated that will enable specific research to proceed, thus increasing our level of knowledge. Important new information is also found in the published second Eizenstat report, as well as in studies published by Sweden, Argentina, and Luxembourg.

4. OPEN RESEARCH QUESTIONS

The principal questions, still remaining open, that require research are:

1. Various aspects of gold transactions between the SS Central Office for Economy and Administration and the Reichsbank still require clarification. It is not clear why some gold ingots, deposited in the Reichsbank by SS Captain Bruno Melmer, had high levels of purity. The rationale for smelting gold in some concentration camps is also not known. It is also unclear what routes were used to transport gold from the East across customs' borders into Germany. It is unlikely that the remaining existing documentation will enable us fully to trace the routes of victim gold.
2. A scientific history of the Reichsbank has yet to be written. The close linkages between the Reichsbank and Nazi financial and economic policy also necessitates that gold not be separated from the wider context of the currency situation and political framework of that time.

5. INTERNATIONAL COOPERATION

Interpretations based on specific national positions fail to understand the complexity of gold transactions during the Second World War. This is connected with the fact that gold is fungible and, that therefore, it is possible to obscure its origins. The leaders of Nazi Germany systematically took advantage of this fact when they robbed their victims and systematically exploited such stolen goods.

The international dimensions of gold transactions during the Second World War does not mean the relativization of individual countries' profits and responsibilities. Only within the framework of empirically sound comparisons can national idiosyncrasies be revealed and hasty moralizing be replaced by differentiated interpretations.

INDEPENDENT COMMISSION OF EXPERTS “SWITZERLAND – SECOND WORLD WAR”

Report on Switzerland’s Refugee Policy Research Issues – Initial Results – Perspectives

BACKGROUND

The Independent Commission of Experts: Switzerland - World War II (hereafter ICE) will issue an interim report in 1999 about Switzerland's refugee policy. Although Switzerland was only one of many possible havens for those fleeing Nazi German persecution before 1939, it became the major potential sanctuary for Jews fleeing Nazi German despoliation and deportation operations after 1940. Because of its geographical proximity to Germany and Austria and to occupied territories in France, and later Italy, Swiss restrictionism has been a central concern in historiography about refugee policy. As early as 1957, the official Swiss report by Carl Ludwig provided details about the "J" stamp in 1938 and the closure of Swiss borders in mid-August 1942.¹ Swiss anxieties about *Überfremdung* --"being overrun with foreigners" -- frequently prevailed over moral or humanitarian concerns. The massive number of political, economic, and racial refugees in flight from German, Italian, and Spanish fascisms during the 1930s resulted in growing emigration restrictions in most western countries, including Switzerland. Moreover, the interaction of Nazi policies with the responses of other governments reveals global patterns fluctuating between hostility, benign neglect, and occasional sympathy. These policy variants, in turn, depended on local prejudices, economic apprehensions, political constraints, and bureaucratic procedures.

¹ See Carl Ludwig, *Die Flüchtlingspolitik der Schweiz seit 1933 bis zur Gegenwart: Bericht an den Bundesrat zuhanden der eidgenössischen Räte* (Bern, 1957).

STRUCTURE OF THE ICE FUTURE REFUGEE REPORT

The major segments of the 1999 ICE refugee report will include discussion of:

1. Historiography, sources, and refugee categories;
2. the political and institutional framework of Swiss refugee policy;
3. economic and legal aspects;
4. 1938 as a turning point closing the door to refugees, including the Evian conference, the "J" stamp, and the closure of borders in August 1942;
5. Swiss governmental knowledge of Nazi German policies, 1941-1944;
6. refoulement, expulsion, or acceptance of refugees, 1939-1945;
7. refugee life in Switzerland;
8. international and national charitable organizations in Switzerland, including American licensing procedures for refugee relief work by these agencies during the war;
9. financial aspects of refugee policy in Switzerland, including mandatory deposits of a "bond" [*Kaution*] for temporary residence and the issuance of "tolerance permits" [*Toleranzbewilligungen*];
10. the problems of quantification and refugee statistics; and
11. postwar refugee policy in Switzerland.

THE "J" STAMP

Until 1938, Switzerland nominally maintained its traditional policy of asylum for refugees admitting 10,000-12,000 refugees between 1933 and 1938. Refugee policies were initially decentralized and vested with the cantons rather than with federal authorities, although refugee policy was increasingly centralized after 1938. Refugees were usually not allowed to work and were generally under police surveillance. Moreover, they had no access to their finances during their stay in Switzerland, although mandatory security deposits were required before certificates of residence could be issued.

Escalating German measures against Jews, political dissidents, Jehovah's Witnesses, and Roma and Sinti limited employment possibilities and accelerated their impoverishment inside Nazi Germany.

Cumulative Nazi exclusionary legislation, employment discrimination, and economic restrictions also resulted in denaturalization and impoverishment. This made many refugees unwelcome as residents or transients in potential European countries of exile, including Switzerland.

German territorial changes in 1938, with the incorporation of Austria and the Sudetenland, resulted in the eviction and attempted flight of thousands of native and refugee Jews from these regions. Switzerland had a common border with both Nazi Germany and incorporated Austria, and fearing a deluge of Austrian Jewish and stateless refugees, the Swiss Federal Council ordered visa requirements reinstated initially for Austrian passport holders and later for all refugees. Lengthy negotiations from April to October 1938 between the Swiss Police, the Swiss Legation in Berlin, and the German Foreign Office, resulted on October 5, 1938, in a German decree ordering every German and Austrian Jew to hand in their passport inside the German Reich and at German consulates or missions abroad to receive a special 3 cm. high red "J" stamp on the left-hand side of the first passport page. ("J" stood for *Jude* - "Jew"). On October 4, 1938, the Swiss police announced that Germans bearing passports indicating they were not Aryans would require special authorization to enter Switzerland.

The spontaneous emigration of Jews from Germany after 1933 accelerated by 1938 under concerted official pressure. Although historians have usually held only Switzerland responsible for the invention of the "J" stamp, it is clear that Germany had already introduced a black "J" stamp on domestic identity cards during the late summer of 1938. Regulations for resident registration inside Germany were amended on July 23, 1938, requiring all German and Austrian Jews to carry special identification papers inside the Reich.² This identity card was subsequently stamped with a black "J." Moreover, the German Security Service had already considered in January 1937 "marking Jewish passports, for use only inside Germany," but delayed implementation "so that foreign consulates would not deny visas to

² See David Martin Luebke and Sybil Milton, "Locating the Victim: An Overview of Census-taking, Tabulation Technology, and Persecution in Nazi Germany," *IEEE Annals of the History of Computing* 16, no.3 (Fall 1994): 30-31. See also "Bekanntmachung über den Kennkartenzwang vom 23. Juli 1938," *Reichsgesetzblatt* 1938, I:922.

holders of such passports.³ Such blatant measures would have nullified official German policy to expedite Jewish emigration.

By August 1938, Germany had also introduced new "name" legislation, requiring the addition of the middle names "Israel" or "Sara" on all official Jewish documents, including identity cards and passports. Nevertheless, Swiss diplomatic pressure resulted in the acceleration of German measures explicitly identifying Jews on their passports, thereby inhibiting possibilities of flight and asylum. Similarly, the Swedish-German passport agreement of October 15, 1938, restricted the entry of specified "persons" without passport validation into Sweden.⁴ Concurrent Italian racial legislation also led Italian border police to ask all German and Austrian passport holders crossing an Italian border in late 1938 if they had Jewish names.

The question of Swiss responsibility for the "J" stamp must also include precedents before 1933. After 1910, a pencil "J" had been affixed on some naturalization requests by East European Jews in Switzerland. By the end of World War I, a red-ink stamp of the Star of David in a circle as well as the letter 'J' was sometimes placed on such files. Although it is impossible to prove direct continuities of Swiss knowledge and police personnel between the end of World War I and 1938, the earlier use of the "J" may have been a precedent for 1938.⁵

After the war started, the Swiss Federal Council ordered on October 17, 1939, that foreigners who entered Switzerland illegally would be immediately expelled to the countries from which they came, with the exception of deserters and recognized political refugees. During the war years, Jewish refugees also faced political expediency, indifference, and open hostility in other allied and neutral nations. Restrictive American immigration policies, British hostility to Jewish resettlement in Palestine, and international apathy doomed most Jews and many Roma and Sinti („Gypsies“) to death in the ghettos and concentration camps of occupied Europe. In October 1943, the Swiss

³ See Michael Wildt, ed., *Die Judenpolitik des SD, 1935 bis 1938: Eine Dokumentation* (Munich, 1995), p. 100. See also Bundesarchiv Berlin, R58/956.

⁴ See Paul A. Levine, *From Indifference to Activism: Swedish Diplomacy and the Holocaust, 1938-1944* (Uppsala, 1996), chap. 5. See also Schweizerisches Bundesarchiv Bern, E 2001 (D) 2/114.

⁵ See Marc Perrenoud, "Problèmes d'intégration et de naturalisation des Juifs dans le canton de Neuchâtel, 1871-1955," in Pierre Centlivres, *Devenir Suisse: Adhésion et diversité culturelle des étrangers en Suisse* (Geneva, 1990), pp. 82-83.

opened the Italian border to increasing numbers of civilian and military refugees, including Jews. In the final stages of the war by early 1945, the inevitability of German military defeat resulted in German offers for releasing Jews to safety in Switzerland for ransom in money, goods, or postwar alibis against war crimes prosecution. In 1944, 1,686 Hungarian Jews arrived in Switzerland from Bergen-Belsen and in early February 1945, 1,200 Jews from Theresienstadt entered Switzerland. The costs of their support were absorbed by the Swiss Jewish community, the American Jewish Joint Distribution Committee, and the Swiss Society to Assist Jewish Refugees. It must also be remembered that the Swiss consul in Budapest, Carl Lutz, worked together with Raoul Wallenberg to save the lives of many thousands of Jews. The legacy of Swiss refugee policy is mixed with relatively tolerant behavior in 1933 and after 1944, but with severe restrictionism during the critical period from 1939 to 1943.

OPEN QUESTIONS

The 1999 ICE refugee report will try to clarify the financial aspects of refugee life in Switzerland, including whether mandatory security deposits reverted to the depositors or their heirs. The magnitude and handling of refugee "surety" accounts and related assets are being researched by the Independent Experts Commission as part of the refugee report in 1999.

Other issues include the quantification of refugees in Switzerland between 1939 and 1946. Partial statistics of refugees rejected at the border reveal that at least 24,000 refugees were denied entry to Switzerland. Additionally, 14,500 visa applications at Swiss embassies and consulates were denied.⁶ There is a high probability that these statistics include duplications, since those who did not receive visas may

⁶ See Guido Koller, "Die schweizerische Flüchtlingspolitik im Zweiten Weltkrieg," in Schweizerisches Bundesarchiv, ed., *Fluchtgeld, Raubgut und nachrichtenlose Vermögen: Wissenstand und Forschungsperspektiven* (Bern, 1997), pp. 44-49.

also have been turned away from borders. The clarification of these questions and the personal fates behind these statistics are part of the ICE's current research agenda.

TURKEY

Delegation Statement on Holocaust-Era Assets

Turkey is one of the few countries in the world where the Jews have never been persecuted. Indeed, it was the Ottoman Empire which sent its powerful Mediterranean fleet to save thousands of Jews from Spanish Inquisition in 1492. These Jews were then settled in various parts of the Ottoman Empire, almost all in urban areas in Istanbul, Salonica, the coastline as well as the Balkan provinces at that time. Following the collapse of the Ottoman Empire, many of these Jewish communities left behind were not always as lucky, since many of them were to be exterminated either during the Second World War or even before. It is not, therefore, surprising that so many Jewish communities retreated together with their Turkish and Moslem neighbors from the territories the Ottoman Empire evacuated especially in the Balkans. And this joyful co-existence between the Jews in Turkey and the rest of the Turkish population continued during the Second World War.

Moreover, during the difficult years of the war, Turkey acted as a guardian of the Jewish communities who were chucked out of Europe by the Nazis. All evidence confirms that Turkey played a significant role in a variety of ways in rescuing Jews from the Nazis during the Holocaust. Turkish diplomats throughout Nazi occupied territories in Western Europe did all they could, sometimes even acting beyond what their diplomatic status allowed them, to protect and save Turkish citizen Jews, as well as their properties. The Jewish Agency which established itself in Istanbul due to Turkey's proximity to the Nazi occupied South Eastern and Eastern Europe worked freely during the war, and saved and directed thousands of Jews through to Palestine through a number of ways. As Professor Stanford Shaw pointed out in his book *Turkey and the Holocaust*, **"Turkey...came to constitute a true bridge to Palestine, a transit center that enabled Jews being persecuted in their own countries to go on to the Holy Land."**

Further evidence in Turkish and the International Committee of the Red Cross (ICRC) archives in Geneva points to the fact that Turkish authorities allowed the passage of Jewish refugees even without an

official permission by British authorities to enter Palestine. The Jewish Agency conducted these rescue operations, some of which were certainly carried out in a clandestine manner, with the tacit approval of the Turkish authorities. According to many scholars who have written on the subject, the number of Jews saved by Turkey during the Second World War goes up to a hundred thousand, if not more.

One other important point to be borne in mind about Turkey's policy during the war regarding the plight of the Jews is that hundreds of Jewish intellectuals, in particular the Jewish academics of German origin, found refuge in Turkey for a long time. In fact, many German Jewish professors made their way down to Turkey well before the outbreak of the war in order to escape persecution in Germany at the hands of the Nazis, and stayed over for several more years after the end of the war. Some of them even decided to remain in Turkey altogether. And several of them later published their memoirs, which talk of a friendly country to Jews not only during the war but in general.

Therefore, Turkey would never have expected to have been included in the list of the countries which were in one way or the other involved in the transaction of Nazi gold and related issues. In a sense, Turkey was quite surprised at the allegations in the reports published by the US Department of State. Nevertheless, Turkey took the matter seriously and a Cabinet Minister was assigned by the Prime Minister to deal with the matter, who in turn immediately set up a Commission of Experts, composed of high ranking officials from the Ministry of Foreign Affairs (hereafter MFA), the Central Bank of the Republic of Turkey (hereafter CBRT), academics, historians and members of the Turkish Jewish Community. The Commission has conducted extensive research in the Turkish and foreign archives, and is still carrying on with their research on some detailed aspects of the issues. The Commission's findings have been brought to the attention of the officials who prepared the previous reports, and historian members of the Turkish Commission and Dr. William Slany, the State Department Historian, have agreed to write reports, articles and even books on these matters.

Nonetheless, until those publications come out, the Turkish Commission would like to clarify all the allegations regarding Turkey in the previous reports, which blamed Turkey on three counts: Nazi gold, Turkey's sale of chromium to Germany between 1942 and 1943 for about twelve months during the Second World War and German assets held by Turkey after Ankara declared war on Nazi Germany and returned gratis to the Federal Republic of Germany in the second part of the 1950s.

A) THE NAZI GOLD ISSUE

It is clearly inferred from the latest publications that the gold assets looted by Germany during the Second World War were used to finance the German war machine, and several countries became involved in this process by facilitating Germany's transactions through the looted gold. However, Turkey is unjustifiably mentioned among the countries alleged to have been implicated in this whole affair. It seems that this accusation against Turkey mostly stemmed from the fact that Turkey's gold assets increased considerably from the end of 1938 to the end of the Second World War. Indeed, the gold assets of the CBRT increased from a level of 27.4 metric tons in 1939 to 216.2 metric tons by the end of 1945. In other words, the total increase was about 188.8 metric tons. This increase seems to have led to speculations that perhaps a large part of it was to do with the Nazi gold.

However, this assumption does not seem to be borne out by archive documents. If anything, figures of the State Statistical Institute clearly demonstrate that during the period in question Turkey's foreign trade surplus went up to 341.5 million US Dollars during the Second World War, and that much of this surplus was invested in gold by the Turkish government to meet the constant demand for foreign currency and to protect its foreign holdings against possible depreciation under war conditions. And, should this amount be fully translated into gold, the total would have made 300 metric tons of gold.

At first sight, this might look a bit odd, given that Turkey had experienced almost a constant trade deficit in the years previous to the outbreak of the war. Nonetheless, the point to be borne in mind is that, although Turkey managed to remain outside the war, it was one of the very few countries which could not escape from the devastating effects of the war, particularly in economic terms. For instance, Turkey's trade with the outside world shrank considerably during the war years. However, perhaps paradoxically, Turkey's current account in relation to its foreign trade underwent an impressive surplus during these years, not least because the country, feeling the war clouds on its borders, was careful not to spare much money for imports, and also because all those countries who used to export to Turkey found themselves in the war, and in a sense Turkey lost a number of its trading partners. In addition, in 1940, impressive increase in the cotton harvest and coal production together with the discovery of oil fields also contributed, to a large extent, to tilting the balance in the foreign trade in favor of Turkey. The trade agreement Turkey signed with Britain in December 1940 also

appears to have contributed to Turkey's foreign trade surplus. All the money Turkey earned from its exports were kept in corresponding banks mostly in North America and partly in Europe. According to an agreement between the CBRT and the Swiss National Bank (hereafter SNB) signed in 1942, the latter would automatically invest foreign exchange deposits of the CBRT with the SNB into gold, when the amount exceeded certain limits, or would make the payment from the gold when the amount dropped under a certain agreed limit.

The CBRT records account for the movement of every piece of gold purchased by Turkey during the Second World War. The following is a brief account of all these gold movements: For instance, records in the CBRT indicate clearly that 55.7 metric tons of this increase in the gold reserves of Turkey, 29.6 per cent of the total increase, came from the gold bars that the Turkish Treasury was able to buy from Banque de France thanks to a credit facility of the British government of 15 million pounds through the Bank of England. Initial research into the British archive documents in the Public Record Office (hereafter PRO) in London under catalogues FO371 for the year 1939 explains extensively how the credit facility was arranged between Ankara and London as part of a financial package to Turkey. The records of the CBRT and of PRO also explain how the purchase of this gold was made and how it was brought over to Turkey. According to the documents, this gold, having been purchased from Banque de France with British credit and brought over to Turkey, was deposited with the CBRT to form collateral for the future cash demands of the Treasury during the war.

From the records of the Board of Directors of the CBRT, it is obvious that with the advent of the Second World War, the CBRT adopted a policy of transferring all its gold assets entrusted with its correspondent banks in Europe to North America, in particular, to the USA. These records make it clear that a large bulk of Turkey's gold purchases was made through the CBRT's correspondent banks abroad. Indeed, the total amount, 127.2 metric tons which the CBRT's correspondents bought during this period account for 67.6 per cent of the total increase in gold assets.

The CBRT records also track down the rest of the gold increase, 5.0 metric tons, which was bought abroad in two separate instances and brought over to Turkey in two parties. The first party, 2.0 metric tons, was purchased in the form of bars, from Reichsbank in 1942 prior to the Allied Declaration of January the 5th, 1943, and the payment for the purchase was made through the accounts of the CBRT with SNB and Sveriges Riksbank. The second party was the acquisition of 249 bars,

approximately 3.0 metric tons in 1943. The records of the Board of Directors of the CBRT dated May 5th and May 21st of 1943, with reference numbers of 2662 and 2681 respectively, the minutes of the meetings of the CBRT's Board of Directors, the strongroom records of the CBRT, as well as related SNB documents explain the purchase and the transfer of the gold in full detail. According to this documentation, the CBRT was planning to buy gold for SFR 10.000.000 at the beginning of May 1943. However, due to the high transportation cost which was likely to incur under war conditions, the Board later decided to increase the amount to SFR 15.000.000 in order to reduce the transportation cost per kilogram. At that point Reichsbank offered to sell gold for SFR 5.000 per kilogram which was found to be more expensive than the offer of the SNB, 4.920.63 per kilogram. Moreover, in compliance with the Allied Declaration of 1943 which forbade all countries from buying gold from Germany, the Board of the CBRT looked at possibilities of entrusting it with the Bank for International Settlements (BIS) to be safeguarded or of purchasing the desired gold from the USA against Swiss Franks, and finally came to the conclusion that the gold should be purchased from SNB. Accordingly, the SNB purchased 3.048,40672 kilograms of gold on behalf of CBRT for SFR 15.000.081 on May 8th, 1943.

Though the gold was bought, its transportation presented certain difficulties. While Turkey was in search of ways to bring it home, an option emerged whereby the Reichsbank would supply 249 bars of gold weighing 3.047.32 kilograms in total to Turkey against the gold purchased by SNB on behalf of CBRT. This offer was accepted by the CBRT and in order to finalize the transaction, the CBRT instructed the SNB on May 25th, 1943, to transfer the gold it had bought earlier on behalf of the CBRT to Reichsbank. From these records, it is clear that for all intents and purposes, the CBRT acted in this whole matter in good faith. According to the records of the CBRT, the gold supplied by Reichsbank in return for the transfer of the gold SNB bought on behalf of the CBRT was used in minting commemorative coins by the Turkish State Mint during 1944-1946.

The 243 kilograms of gold bars and 32.000 gold coins handed over by the German Embassy in Ankara to the Swiss Embassy and finally to the Turkish authorities when Turkey declared war on Nazi Germany in 1945 were kept on consignment basis by the CBRT. These gold bars and coins were fully returned to the German side (Deutsche Bank, Dresdner Bank and the German government) by the Ministry of Finance in June and November 1960 under the provisions of an

economic protocol signed between Turkey and the Federal Republic of Germany within the context of NATO solidarity.

From the documents of the Bank of England, it became clear that the CBRT approached the Bank of England about the possibility of re-smelting 8 tons of bars of varied and relatively low fineness and 3 tons of miscellaneous coinage in 1947. However, the Bank of England declined this request at the time, on the grounds that it was concerned that perhaps these were either fully or partly the looted gold. Finally, in 1952 the CBRT made an arrangement with the Bank of England about the re-smelting of 8.706 kilograms of gold bars of varied and relatively low fineness. The strongroom records of the CBRT clearly indicate that these gold bars re-smelted in London were either the bars purchased between 1931 and 1939 by the CBRT or the ones received from the Ministry of Finance in 1934 to back up the bank notes in circulation under the provisions of Article 6 of Act No. 1715 of the CBRT. In other words, all that gold re-smelted in London had nothing to do with Nazi gold.

Meanwhile, it is interesting to note that according to a number of Turkish and Polish documents Turkey became a place of safekeeping for most of the Balkan countries during the war. For instance, 70.0 metric tons of Polish gold was saved by Turkey and transferred to free Syria with the assistance of Turkish authorities. In addition, US\$ 3.000.000 of the Kingdom of Yugoslavia were kept on consignment basis in Turkey during the war. Needless to say, these assets would have been looted by the Nazi authorities to finance their military campaigns, otherwise.

B) CHROMIUM ISSUE

On a related matter, that of the German purchase of chromium from Turkey during the Second World War, mentioned in the report of the US State Department published on June 3rd, 1997, the records of the Turkish Foreign Ministry, as well as British archive material and books based on British documents challenge the allegation that Turkey sold Germany large quantities of chromium in order to keep the German war machine going. Indeed, even a cursory look at the report published by the State Department reveals that the subject was examined only in light of American documents starting from 1941, after the US declaration of war on Germany.

But it was a matter extensively discussed between Britain and France on the one hand, and Turkey, on the other, from the beginning of the war onwards. It is possible to track down all the negotiations between

Ankara and London regarding the chromium issue both through the Turkish Foreign Ministry records and all the archive material in PRO. In order to understand what happened, the Turkish Commission Experts carried out extensive research in various Turkish Archives.

The truth of the matter is that Turkey allied itself to Britain and France through formal alliance treaties at the outbreak of the Second World War. And although Turkey remained non-belligerent during much of the war until 1945, which is when it declared war on Germany, Turkey continued its close cooperation with Britain and France throughout the war. For instance, if Turkey had been selling chromium to Germany without the knowledge and consent of Britain, the latter would probably have refused to come up with a financial assistance package to Turkey after the beginning of the war, and without the credit facility rendered to Turkey, the CBRT would not have been able to purchase gold from Banque de France.

The following is a brief summary of what took place. Having realized that the Soviet Union could no longer be trusted after the Soviet Foreign Minister, Molotov, had struck a Non-Aggression Pact with his German counterpart, Ribbentrop, on 23rd August, 1939, Turkey allied itself to Britain and France through a Tripartite Alliance Agreement of Mutual Defense despite German preponderance both in economic and military terms in the Balkans and Central-Eastern Europe, areas very close to Turkey. In addition to this Tripartite Agreement, a Special Accord was also signed on the same day which offered economic aid by Britain and France to Turkey. Almost simultaneously, Turkey informed Germany that it could not renew its trade agreement with the latter until and unless Germany sorted out its differences with France and Britain and signed a trade agreement with them. Turkey also informed Germany that it was not to prolong the trade agreement with Germany the two countries had signed on 26th of July 1938. Not surprisingly, all the trade between Turkey and Germany came to an abrupt end on the 1st of September 1939, the day the war broke out.

Since Turkey broke off its economic relations with Germany, it negotiated with Britain and France as to how to sell its products, primarily chromium which was a major export item, to these allies. In fact, breaking-off with Germany had been part of the deal. In the course of the negotiations within the framework of the Tripartite Agreement and the Special Accord among Turkey, Britain and France, Secretary General of the Turkish Foreign Ministry, Numan Menemencioglu, visited both Paris and London soon after the outbreak of the war, and he made an offer to the Allies in December 1939 while he was still in London:

Britain and France should purchase all Turkey's chromium for a period of fifteen years, corresponding to the duration of the Tripartite Agreement. But, as Britain was purchasing its chromium from several countries, mostly its colonies, it turned down this offer, on the grounds that the duration of the agreement would be too long. Instead, Britain proposed that London and Paris governments should buy all Turkish chromium for a period of two years, after which time the matter would be taken up again between the three countries. And Turkey accepted this offer, however grudgingly it may have been, and the Chrome Trade Agreement was signed in Paris on January 8th, 1940, between these three allies. According to this deal, France was to buy 4/15 and England 11/15 of Turkey's total chromium production of 250,000 tons. This agreement also stipulated (Article 6) that Turkey could sell its surplus chromium production to third countries, particularly to the USA, on condition that Britain and France approve the sale beforehand. The Agreement, which was concluded only for two years, could be renewed, but only for one more year, between the signatories.

It seems clear from the documentation both at the MFA as well as PRO that the Turkish side wished to prolong the trade for a much longer period than only one more year when the two years term expired. However, Britain appeared quite unwilling for a longer extension of the agreement, while France had already been overrun by Nazi Germany. Professor W.N. Medlicott, the famous late British historian who conducted extensive research into British archives laments this decision on the part of the British government. According to him, Numan Menemcioglu made a bold attempt on 21st of December, 1941 in arguing that Turkey's agreement with Britain and France to sell chromium to these allies should continue for a period of twenty years. Sadly, however, this was turned down by the British government. As Professor Medlicott put it: **"later events showed that the British would have been well-advised to tie up Turkish chrome for a longer period."**

Meanwhile, Germany had approached Turkey with an offer to buy Turkey's chromium. Having secured Britain's agreement within the context of the Chromium Trade Agreement between Turkey, on the one hand, and Britain and France, on the other, and in particular in accordance with Article 6 of that Agreement, Turkey agreed to the sale of chromium to Germany by signing a chrome agreement with that country on 9th October, 1941. It is perhaps important to note that, by that stage, the USA was still a neutral country. Even then, Turkey was very cautious with Germany. It inserted a clause in the Agreement which

stipulated that Turkish chromium deliveries to Germany could start only after January 1943, the termination of the Tripartite Chrome Agreement and one year extension. And when the actual deliveries began, all the transaction was done on the basis of barter, particularly war material to Turkey, avoiding any Nazi gold.

The documentation in the MFA makes it clear that the whole deal with Germany was carried out in close consultation with the British government. When, in fact, the British government asked for clarification in September 1943, the Turkish Foreign Ministry instructed the Turkish Embassy in London to remind the British authorities that the German Chrome Agreement had been signed with the approval of the British government, and that the British had expressed the view at that time that the requirements put forward for the sale of the chromium to Germany were drafted by Turkey in such a way as to make it quite difficult for the Germans to carry forward the plan in full-swing.

When the allies requested of Turkey that chromium deliveries to Germany be stopped, Turkey immediately complied with that request on 24th April, 1944 and discontinued the chromium trade with Germany though the chrome agreement with that country had not yet expired. Few months later in August 1944, Turkey severed all its diplomatic relations with Germany. It is interesting to note that almost a year later, April 1945, the Swedish Embassy protecting Germany's interests in Ankara handed in a Note to the Turkish Foreign Ministry, saying that the Krupp Company in Germany had decided to annul the chrome agreement with Turkey in the absence of any chromium deliveries to Germany.

There is further evidence which clearly indicates that Turkey acted in this whole matter of the chromium in good faith and in accordance with the letter and spirit of the Alliance Treaty which it had signed earlier with Britain and France. For instance, according to the agreement between Turkey on the one side, and Britain and France on the other, Turkey was to have sold all its chromium to these two countries for as long as the agreement was in effect, an obligation which Turkey duly respected and undertook. When France came under German occupation and the Vichy government was set up, which collaborated with Nazi Germany, Turkey, instead of going on to supply the so-called government of France with chromium, discontinued shipments to France, and directed instead the chromium deliveries to England who assumed the French share. All this refutes the allegations that Turkey contributed to the ongoing German war machine by selling large quantities of chromium to Germany during the war.

It is important to note that all this is documented by large bulks of documents in various Turkish archives, that initial research into the archive material in PRO does confirm this assessment, and that Turkish Commission Experts' research into the material in PRO will resume in early 1999 with a view to writing a detailed report on all aspects of the chromium issue.

C) THE ISSUE OF THE GERMAN ASSETS

The issue of the German assets seized at the end of the Second World War by Turkey as a victor country has also been turned into a matter of unfounded allegation against Turkey. The truth of the matter is the following: Turkey broke off its diplomatic relations with Germany in August 1944, and, later, in 1945 declared war on Nazi Germany. As a result, all the German assets, including the embassy and consular buildings and the German school in Istanbul were seized by Turkey as enemy property. These German assets also included 243 kilograms of gold bars and 32.000 gold coins handed over by the German Embassy in Ankara to the Swiss Embassy when the German Ambassador was leaving, and finally to the Turkish authorities when Turkey declared war on Nazi Germany in 1945. It is important to note that these gold bars and coins were kept under the CBRT's care by Turkey on a consignment basis.

Turkey at the time thought that when the general procedures as to how to deal with these assets became established, it would handle the matter accordingly, since Ankara was to make war claims against Germany. Oddly enough, however, Turkey was not invited to the Paris Conference for Reparations in 1946 although it had duly declared war on Nazi Germany. Therefore, Turkey acted on its own to handle both matters of Turkish claims against Germany and the German assets seized in Turkey, following Turkey's declaration of war on Germany and Japan. The Agreement which came out of the Paris Conference for Reparations in January 1946, established the modalities of the liquidation of German assets. Upon the conclusion of this Agreement, the Allies approached Turkey which, in turn, informed the former rightfully that it was not bound by international agreements which it had not signed, and which it had taken no part in framing. Turkey duly expressed the view and registered its position accordingly that it **“maintains sole jurisdiction over its program of German external assets and enemy property,**

and that the proceeds of the liquidation be used first to satisfy Turkish war claims against Germany.”

In fact, the Allies left it to Turkey to deal with this matter directly by excluding Turkey from the Paris Reparation Conference in which 18 countries had participated. In the previous reports on the issue published by the State Department, there was a reference to a remark (pages 136-137) by a US delegate, Seymour Rubin, in the Conference on Economic Security held in Paris between 27th of April and 7th May 1948. Mr. Rubin, according to the documents used to prepare that report, mentioned Turkey in relation to the termination of efforts on the liquidation of German assets in some countries, including Turkey.

But closer scrutiny of American documents suggests that a very important State Department document was omitted in preparation of that report. In a telegram sent by the State Department to the US Embassy in Ankara dated 8th April, 1948, twenty days before the Paris Conference on Economic Security was held, the State Department was recommending to the US Embassy in Ankara that Turkey be treated as a special case with regard to the seized German assets. The Turkish Commission Experts have already brought this document to the attention of the officials who prepared the report.

According to the documentation, Turkey maintained its position that it should deal directly with this issue because it had not been invited to the Paris Reparation Conference. In the end, Turkey gave up its war claims against Germany who had by then become Turkey's ally in NATO, and all the German assets estimated by the Allies at about 50 to 70 million Dollars were returned gratis to the Federal Republic of Germany by the Turkish government within the context of NATO solidarity in the second half of the 1950s. The gold bars and coins handed over to Turkey by the Swiss Embassy in Ankara were also returned in full amount to the German side (Deutsche Bank, Dresdner Bank and the German government) by the Ministry of Finance in June and November 1960 under the provisions of an economic protocol signed between Turkey and the Federal Republic of Germany, again, within the context of NATO solidarity.

UKRAINE

Delegation Statement

The broad and fruitful discussion begun a year ago at the London International Conference continues today in Washington. It is endeavoring to set new parameters, that would allow us to declare new claims, backed by evidence and calculations carried out by our experts.

A year ago, an experts group on the "Nazi Gold" problem was established in Ukraine. Its primary goal was to examine all available sources of information in Ukraine and abroad. With the active assistance of local archivists, members of the group have studied documents in the state archives of Ukraine, in the archives of the Autonomous Republic of Crimea, in 19 regional archives, in the state archives of the Russian Federation (Moscow), in the Central Repository of Historical-Documentary Collections (Moscow), in the Federal Archives in Berlin – altogether some 500 archival collections have been accessed and more than 500,000 pages of documents checked.

What were the venues of the Ukrainian share in the Third Reich's capital formation?

FINANCIAL POLICIES OF THE OCCUPIERS, COMPULSORY PAYMENTS, FUNCTIONING OF THE BANKING SYSTEM:

The Nazis worked vigorously and broadly. The collection of precious metals and currencies was carried out by forcing the inhabitants of Ukraine to sell these at a very low fixed rate. (An order to this effect was issued in August, 1942).

Earlier, in June, 1942, a new monetary unit – the karbovanets – was introduced in Ukraine. By April, 1943, more than 2,000 million Soviet rubles were exchanged for the karbovantsi. This was equal to 200 million Reichsmarks. All payments for forcibly bought precious metals and currencies were made in karbovantsi.

The exchange operations for the Soviet rubles were done at extortionate rates – much lower than the rate in use by the German Reichsbank at the time.

Sale of government bonds was widespread and residents were forced to buy these bonds. In Bukovyna, for example (then under Romanian occupation) state obligations were sold beginning in 1941. The archives contain lists of inhabitants compelled to buy these bonds.

One should also note such measures of capital formation as taxes, penalties, contributions and other compulsory payments. Preliminary data we have gathered shows that the population of Ukraine made payments in excess of 2,500 thousand rubles; Ukrainian government data show that these payments amounted to 2,600 thousand rubles, about 46 million Reichsmarks, 195 million karbovantsi, 14.4 million zlotys.

THE FUNCTIONING OF THE BANK SYSTEM:

Analysis of the operations of banks and other financial structures and organizations within the Reichscommisariat of Ukraine shows an increase in the volume of financial activity. We have data on account balances in the Central Economic Bank during the final stages of occupation. The liabilities of this bank were not paid to the creditors. As the result, there was a windfall of 7,290 million karbovantsi. More than 5,500 million karbovantsi or 550 million Reichsmarks were not paid to the creditors of the Economic Bank network.

UKRAINIAN SLAVE LABORERS IN GERMANY:

One should not overlook the use of the bank system for the so-called "savings" of the slave laborers from Ukraine, who were compelled to transfer home some of their earnings made in the Reich. What were the practical results of this? The Central Economic Bank of Ukraine, which operated in the Reichscommisariat of Ukraine, received 191.1 million karbovantsi or 19.11 million Reichsmarks in deposits, or money withheld from the Ukrainian slave laborers. This amount should be added to the money removed from inhabitants of the territories that constitute present-day Ukraine.

While the amounts transferred from the meager earnings of individual people in penal servitude were insignificant (they were

receiving inadequate payment for their hard labor), the total sum is impressive. We have no right to disregard it.

Also worthy of note should be the accumulation of Nazi assets through obligatory insurance of workers. The Reich minister of labor issued an order in April, 1942, that business owners should make monthly contributions of 4 Reichsmarks to local hospitals or treasuries for every employee's health care. We estimate that the total paid for every Ukrainian slave laborer amounted to 200 million Reichsmarks. Since these amounts were taken out of the earnings of the slave laborers working under intolerable conditions, they should be included in the compensatory requirements for Nazi victims.

ROBBERIES DURING ARRESTS, EXECUTIONS AND VARIOUS RETALIATORY ACTIONS:

Capital formation in the form of gold and precious metals was done not only through "spontaneous" robbery, but also in the process of "scheduled" robbery during arrests, executions, removal to concentration camps and other retaliatory actions. The valuables thus confiscated were registered at the trophies reception posts of the Reich Treasury. They came from German army units and from detention camps on the territory of occupied countries, including the Soviet Union.

To date we have studied trophies records from the USSR and from camps in Poland, Germany and other occupied territories where our citizens were interned. The money and gold were transferred to the German Reichsbank whose records also were examined. These records provide a concrete data on the Ukrainian share of the "Nazi gold." Currencies were recorded in Reichsmarks, but the value of jewelry was not estimated. It was recorded as so many pieces or so many kilograms of jewelry, and not specified whether the pieces were made of gold or silver or some other precious metal.

The total amount of currencies and gold coins taken from the Soviet Union was more than 1,800 million Reichsmarks. In addition, the records show more than 1,210 kilograms of jewelry, made up of 1,123,525 individual items. The significant part of these came from Ukraine. Almost 70,000 gold rubles and coins of other currencies were registered with indications of their Ukrainian origin. Similarly, some 7,000 valuable items, separately recorded 588 gold items and about 110 kilograms of jewelry suggest that they came from Ukraine. But we are

convinced that the share of valuables confiscated in Ukraine is much higher, as numerous records don't show where the items originated.

Clearly, not all the stolen valuables reached the Reich Treasury. But the analysis of the trophies reception post records is very important for the establishment of appropriate parameters. Research in the archives of the trophies reception post of the Reich Treasury (Bundesarchives in Berlin) will continue.

RESEARCH IN UKRAINE

We continue to examine affidavits gathered by local assistance groups of the State Emergency Commission, which would provide data on property confiscation and on the suffering of Ukrainian population during the German occupation.

Plans call for a compilation of a list of citizens who have had their jewelry confiscated by the Nazis. Also, testimony and interrogation records of persons who returned from slave labor camps and prisoner of war camps about living conditions in Germany -- some 1,300,000 pages - - is available in the State archives. This material came from the Security Service, Ministry of Internal Affairs and Ministry of Defense of Ukraine.

OUR CONCLUSIONS AND PROPOSALS

1. Ukraine, where more than 600,000 Nazi victims still live, supports the world community with regard to a fair distribution of Nazi assets gained during the Holocaust era among the survivors of that era. We would like to see the creation of a fund as suggested by the United States and Great Britain for the support the victims of Nazi persecution until the end of their days, and wish to note that the people characterized at the London conference as "double victims" tend to die sooner. It is our view that this problem is complex and requires a complex solution, rather than a one-time humanitarian assistance.

2. The most urgent task for the benefit of Nazi victims – citizens of Ukraine and other new independent states on the territory of the former USSR – is the establishment of fair compensatory payments to them by the Federal Republic of Germany, the successor state of the Third Reich. This we emphatically reiterate. The payments should be made on a non-discriminatory basis not just to one category of persons (industrial slave laborers, for example), but to all categories of victims of

the National-Socialist persecution, including inmates of concentration camps, Gestapo prisoners, inhabitants of ghettos, persons compelled to work in hard-labor factories. To accomplish this, negotiations have to be undertaken with Germany and appropriate agreements concluded. In this respect we look to the attention and understanding of the new German government.

3. From Ukraine's point of view, "Nazi Gold" should not be defined only as stolen gold and other precious metals, but as a concept that in a broad sense characterizes the process of the Reich's capital formation during the Second World War. We thus take into consideration not only direct confiscation of valuables, but also the systematic fiscal policy in occupied territories, use of compulsory labor and removal of Ukraine's material resources. This approach corresponds with the orientation of the present conference. When we speak of "Nazi Gold" we mean Nazi assets gained during the Holocaust.

4. Our approach to this problem may differ from those of other European nations, but there is a reason: Ukraine had existed within the totalitarian system of the Soviet Union. Under conditions of this system, inhabitants of the greater part of Ukraine, on the eve of Nazi occupation, had no property rights, no bank accounts, no assets in bank safe deposit boxes. The only thing they were allowed to have were personal belongings and modest savings. We should remember, however, that during the Second World War millions of small streams of fine jewelry, ornaments, rings, watches, crosses, tooth caps merged into a mighty river of gold that became the Nazi assets of the Third Reich. The western lands of Ukraine, on the other hand, which became a part of the Soviet Union in 1939-40, did have the attributes of countries under whose rule these lands existed until that time. It is our position, therefore, that inhabitants of Eastern Halychyna, Bukovyna and Transnistria who survived the war and Holocaust should be compensated the same way as those of other European countries for their losses of bank savings, insurance, property and the like.

5. We confirm our readiness to cooperate with the world community in a full information exchange. Based on the principles of open society, we will make available all the materials in our archives that had been inaccessible before Ukraine's independence not only to foreign, but even domestic experts.

6. We support the idea of establishing an international archival directory on problems of Nazi assets and we stand ready to participate in planning such database. This directory, accessible through a world computer network, would be a worthy representation of the world

community's unity on the threshold of the third millennium. Moreover, it would have not only a practical significance, but also serve as a memorial to the victims of the Nazis and to remind the future generations of the Nazi horrors.

7. Ukraine supports the creation of a permanent advisory body made up of various experts, who would work on the problems of Nazi assets.

The delegation of Ukraine has come to the Washington conference with a fervent desire to promote practical achievements in its work, first and foremost – a fair division of Nazi assets, fair compensatory payments to the victims of Nazi persecution.

FIVE BASIC GROUPS OF THE ARCHIVAL DOCUMENTS

- Archives of the state government bodies;
- Archives of regional government bodies;
- Archives of the invaders' authority;
- Archives of the underground in Ukraine;
- Collections of documents.

The first group contains the instructive materials, correspondence of the chief Party and Soviet authorities of the Ukrainian Soviet Republic concerned with organizing the inventory of losses and damage caused in the time of the German occupation of the territory of republic, mass decimation of the civilians and prisoners of war, compulsory export of products, works or goods to Germany. The documents establishing or detaining carried out in areas of Ukraine including enterprises, establishments, organizations, citizens; the robbery of church property, museums, scientific and educational institutions: the export of objects of material and cultural values to Germany, Romania, are stored at the treasury of Council of the Peoples Commissars (CPC), the State or dared commission attached to the Ukrainian CPC, the Central statistical Department on the return of the equipment, property and valuables attached to the Ukrainian CPC (1943-1947). At the treasury of some People's Commissars there are certifications on the damages in various branches of the economy, health care, culture, overall data, registers, and acts proving the damage.

The second group is submitted by the documents of regional government bodies. Among them there are information, certifications,

acts of regional certifications commissions of assistance to the Emergency State commission of the USSR on the establishment and investigation of invaders' crimes; citizens' petitions on the damage caused lists of the destroyed occupied settlements, citizens put to death or exported to Germany for slave labor; information on concentration camps, ghetto on the territory of Ukraine, etc.

The third group of the documents - has the greatest potential research value for studying occupation policy. It includes the documentary materials of the ruling government bodies such as the Reich safety services, Reich commissariat of Ukraine, Halychyna district; local general - commissariat, local and regional authorities, material on banks, police, different firms and organizations: the Reich Head Monetary Department - the Trophies Service, the German Reichsbank, the Economic banks in Ukraine, the agricultural banks, the Reich Society on auditing the occupied enterprises of the eastern areas of the Soviet Union, and material on concentration camps.

The fourth group includes the documents of the Ukrainian Headquarters for underground movements (UHGM), associations, and other groupings in which there is information on atrocities, crimes and robberies carried out by the Nazis.

The document collections according to their origin which characterize the Nazi regime in the occupied territory of Ukraine, the results of investigations of crimes and damage caused by the invaders, surveys of republican Emergency state commission concerned with the fifth group.

In general the archival base presented contains a sufficient volume of information to allow for scientific research of the problem.

UNITED STATES OF AMERICA

Overview of the Washington Conference Principles on Nazi-Confiscated Art

Stuart E. Eizenstat

UNDER SECRETARY OF STATE FOR ECONOMIC, BUSINESS AND
AGRICULTURAL AFFAIRS

Intervention during the Plenary Session: Overview of Nazi- Confiscated Art Issues

I want to thank all of our speakers for their extremely impressive and well-documented presentations. The work of Jonathan Petropoulos and Lynn Nicholas represent the outpouring of new scholarship about the cultural consequences of the Holocaust by scholars and archivists in many countries. We now have a better, more factual understanding about the massive displacement of art that took place in Europe during the Holocaust period. We know how the Nazis, in their expropriation of artworks and other assets, took a first step toward the destruction of an entire people. We understand the way in which well-meaning restitution efforts after the War were ended prematurely by international political considerations related to a focus on the Cold War.

From Mr. Kulishov's presentation, we have a renewed appreciation of the suffering the Russian people endured during the War. We welcome the Russian Federation's participation in the efforts of the international community to come to terms with issues relating to Nazi-confiscated art. And we look forward to hearing how the Duma exempted from its nationalization law art that the Nazis had confiscated from religious organizations, charitable institutions, and individuals due to their race, religion or national affiliation.

Ambassador Lauder has spoken from his perspective as a former diplomat, as a knowledgeable collector, and as a distinguished leader in the art world and the international Jewish community on the need for

principles and guidelines for returning Nazi-confiscated art to its rightful owners.

Herr Bacher has explained the pioneering legislation last month by Austria, which can serve as a model for the return of Nazi-confiscated art. And Rusty Powell, Director of the National Gallery of Art here in Washington, has explained the genesis of the guidelines issued by the task force of the Association of Art Museum Directors.

When you think how much art was moved around during the War, in the midst of the bombings and movements of whole armies, it is amazing so much survived. It survived because there were German officers who disobeyed the Fuehrer's orders to burn Paris; because there were the dedicated "Monuments Men" among the Allied forces, who managed to find millions of hidden works that were disintegrating; and because there were civilians on both sides of the conflict who took risks to save art from destruction because they saw it as a glory of our civilization.

For decades, the search for Nazi-confiscated art was the lonely effort of survivors of the Holocaust and their families, aided by organizations devoted to their welfare. In the last few years, it has become a serious international issue. In country after country, public displays of this art have set off intensive controversy, touching on sensitive memories and inflaming ancient prejudices, casting a cloud over the international art market, threatening beneficial cultural exchange and reopening the wounds of World War II at a time when our nations are trying to construct new partnerships to serve us in the next century.

We must use this Conference to give new vigor to the work of restitution, so that people who have been deprived of their property for most of their lives can find justice. It will not be easy. Those were times of great confusion. The provenance of much of this art is not fully clear. Memories are fading, lives are drawing to a close. There are also innocent purchasers involved, who also must be heard if justice is to be served.

The purpose of our discussions at this Conference is not to blame any nation or group of nations. Our purpose is more constructive. We want to understand what happened to these works of art; to share the positive steps' nations have begun to take; and to learn about the new methods of archival research, the exciting new technologies for matching art with claims and the useful new methods of resolving disputes without lengthy and costly lawsuits.

Specifically, we shall discuss the general principles relating to Nazi-confiscated art that we included in a discussion paper we provided

you during our consultations in the months preceding the Conference. Some of these principles were inspired by the guidelines, noted by Mr. Powell, prepared for American museums to use in dealing with Holocaust-era art. Others reflect constructive initiatives of European governments and museums.

I am convinced that with the background we have been provided here, we can accept the opportunity and the responsibility to forge a consensus around these principles and make a commitment to finish this work.

Explanation of the Washington Conference Principles on Nazi-Confiscated Art

Stuart E. Eizenstat

UNDER SECRETARY OF STATE FOR ECONOMIC, BUSINESS AND
AGRICULTURAL AFFAIRS

Intervention during the Break-out Session: Principles to Address Nazi-Confiscated Art

I have been impressed - indeed I have been almost overwhelmed - by the way this Conference has evolved so far. We have moved from sadness and moral outrage, through a clearheaded definition of the issues and the problems, to a strong determination to resolve the issues, with more and more countries making commitments to do far more than what has been done up to now.

This is especially true as regards art. I was immensely pleased yesterday afternoon, when the chairman of the Russian delegation in effect opened a new chapter in restitution for his country. I was also immensely gratified as one delegation after another has committed itself to the principles of open archives, full accounting, and international cooperation in helping victims and their families find lost art.

The U.S. Government is very hopeful that out of our discussions here will come a consensus on broad principles that can guide us down this road. There are some difficult steps to take, but I hope we can take them in a spirit of mutual respect and cooperation among all nations and all concerned institutions.

After we announced at the London Conference on Nazi Gold that the United States would host a follow-up conference on other Nazi-confiscated assets and that art would have a prominent place on the agenda, the U.S. Government surveyed what was being done by various countries and other interested parties both in Europe and in this Hemisphere. We noted the actions being taken by a number of countries, such as France and the Netherlands, to identify Nazi-confiscated art and, in the case of Austria, to provide a comprehensive solution by which art

can be returned to pre-War owners, notwithstanding former legal barriers such as the statute of limitations.

Several weeks ago, we prepared a discussion paper laying out eleven general principles, which was used as the basis of extensive consultations and which all of you have today. These principles are not, in themselves, a solution. They are a means by which nations can fashion their own solutions consistent with their own legal systems. The principles try to capture the spirit of this Conference for nations to use in this task.

If these principles are properly applied, the discovery of Nazi-confiscated art will no longer be a matter of chance. Instead, there will be an organized international effort - voluntary in nature but backed by strong moral commitment - to search provenance and uncover stolen art. This is a shared effort on the part of governments, NGOs, museums, auctioneers and dealers.

Claimants who have long been ignored will be encouraged and actively assisted in making claims. Those who research claims will no longer find that files are closed. There will be open archives everywhere in the world, easily usable by researchers. Issues of ownership will no longer be decided solely by endless, expensive, winner-take-all litigation. Instead, there will be enhanced opportunities for mediations, arbitrations and negotiated settlements, so that the art world and cultural exchange will be steadily freed from the taint of Nazi confiscation.

Let me add that, in light of the announcement yesterday by the Russian Federation that it will participate in developing a database, open archives to researchers, extend the period in which Holocaust survivors can apply for return of their art and support the principles suggested to this conference, I am confident that some of the greatest collections in the world will be returned to their rightful owners and a vast storehouse of information about other works will open up as well.

The first three principles envision a massive cooperative effort to trace this art. We call upon museums to search the provenance of their holdings, on governments to open up their World War 11 and related archives to private researchers, for commercial galleries and auction houses to seek information, document, and make available what information they have. It is important to locate what was confiscated. It is equally important to know what was not confiscated, or what was restituted to the pre-War owners. The taint of "stolen art" should not be applied to works that do not deserve it.

Researchers in Switzerland, Austria, the Netherlands and France are at work today tracing the provenance of artworks in their national

collections. The international auction houses have redoubled their provenance investigations. Non-governmental organizations have launched projects to find lost art and help survivors and their families in the painful task of remembering what they owned and when and how it was seized. The guidelines issued by the American Association of Art Museum Directors and the Museum Directors Conference of the United Kingdom call for institutions to research their collections and make them available as well to outside researchers. These are practices that are consistent with these principles. More and more nations are adopting them.

The fourth principle deals with gaps and ambiguities in the provenance of works. The vast displacement of art, the destruction of many records and the furtive nature of the international market during the War mean there must be some leeway in establishing provenance. Where there is no bill of sale, a diary entry or an insurance listing might be acceptable evidence of pre-War ownership. If a work is not on a Nazi confiscation list, it may be in the archives of the "monuments men" or the secret inventories of the French Resistance or in other archival collections.

Conversely, there may be circumstantial evidence that works were not stolen but sold at market, or restituted to families and subsequently sold. Provenance work is not easy. But I can say from experience that neither was it easy to trace the movement of Nazi gold. Some said it would be impossible. Yet in two years of hard work we were able to do it, as was the Swiss Bergier Commission.

The next three principles -- numbers 5, 6, and 7 -- deal with publicizing the information and encouraging resolution of the issues. They include circulating photos of the art and information about it everywhere in the world, through the traditional media and on the new electronic media. Maximum publicity will tell survivors and their families if their art still exists. It will also tell the international art community if questions still exist about a given work. I applaud the government of France for its initiative in displaying on the Internet a portion of the unclaimed art restituted to France by the Allied military authorities, the so-called MNR collection. An impressive number of other nations and non-governmental organizations are also preparing databases and their own web sites.

The Internet is a powerful tool, but as anyone who uses it knows, it can be overwhelming. With that in mind, we suggest the eventual establishment, as a cooperative project, of a central registry -- in effect, a digital collecting point -- of information about Nazi-confiscated art. This

will greatly help museums and collectors avoid acquiring stolen objects and assist the victims of the theft in locating their losses. A number of countries and institutions are making details of their archival holdings and access information available on their dedicated web sites.

The U.S. National Archives and Records Administration has placed its finding aid to Holocaust-era art on the Internet. We encourage all governments, museums, art dealers and other institutions to join in this effort. On-line repositories could include lists of losses that have not been restituted; lists of unclaimed items, and information that will help individuals research and make claims. They should be linked for easier access. In posting information on the Internet, institutions should bear in mind the benefits of adhering to common standards. For example, Object I.D., which is already gaining worldwide acceptance and is available in many languages, sets forth minimum descriptive data for uniquely identifying a work of art.

After existing art works have been matched with documented losses, comes the delicate process of reconciling competing equities of ownership to produce a just and fair solution -- the subject of the 8th and 9th principles. We can begin by recognizing that as a moral matter, we should not apply rules designed for commercial transactions of societies that operate under the rule of law to people whose property and very lives were taken by one of the most profoundly illegal regimes the world has ever known.

In this regard, the U.S. Government applauds the courageous decision of the government of Austria to return art held in its federal museums and collections to surviving pre-War owners and their rightful heirs notwithstanding legal defenses. We hope other European governments will follow Austria's example in their own way, so they can complete the restitution process their predecessors left in abeyance after the war.

The leadership of the art world is moving in the same direction. The Art Dealers Association of America has flatly stated its members will not knowingly purchase or sell Nazi-confiscated art. The guidelines of the Museum Directors Associations, in both the United States and the United Kingdom, call on museums not to acquire such art until ownership questions are resolved.

Practices such as these recognize the fact that the public enjoys works of art because they represent the highest achievements of our civilization. They are proud of their museums and public collections. They do not want this pride to be clouded by unresolved claims of the Holocaust.

As the desire to do justice grows stronger, we hope that collectors of art will use the Internet to look at their holdings and then look into their own hearts and decide what to do. They may follow the example of two families in Brazil. One owned a Picasso, the other a Monet. Knowing these works had passed through a wartime dealer notorious for his dealings with the Nazis, they voluntarily put them at the disposal of the Jewish community of Sao Paulo pending discovery of the rightful owners.

To illustrate the 8th principle, that solutions should be flexible and just, I commend to you the recent settlement of the disputed ownership of a painting by Degas, "Landscape With Smokestack." The claimant family produced a fairly clear record of ownership. The owner had paid full value with no knowledge of the wartime provenance. Both were in a position to wage a legal battle that could have gone on for years. Instead, they settled on partial payment for the family and donation of the work to the Art Institute of Chicago, where the public could enjoy it and a label accompanying the work acknowledged both parties. Art claims do not have to be winner-take-all propositions, which produce prolonged struggles in the courts, and drain the resources of both parties. In an atmosphere of good will, a wide range of solutions is there to be found.

There are additional opportunities when the original owner is found to have died without heirs, the subject of the ninth principle. The art could be sold with the proceeds going to victims of the Holocaust and Jewish communities around the world. Or it could be displayed in museums and identified in ways that educate the public about the cultural losses of the Holocaust.

The 10th principle states that to ensure objectivity and to enhance public confidence in their work, commissions in this field should have members from outside the government, such as art experts, historians and representatives of communities which were victims of the Holocaust and, where appropriate, distinguished persons from other countries.

The final principle - which I suggest today for the first time - speaks to the need to give the other principles vitality. Nations should take specific measures to apply these principles so they can more quickly accomplish our mutual goals. For example, they should strive to develop internal processes, making use of alternative dispute resolution mechanisms, to restitute looted property.

While the proceedings of the Conference will be published shortly, they will remain open until the end of the millennium so that

nations may submit reports on the progress they have made to put these principles into effect.

In conclusion, the most important test for any country today is not only what it did or failed to do in the past, but what it is doing and will do to face the past honestly and make amends for what was done. The U.S. Government supports these principles as an action plan to resolve a difficult, longstanding, embarrassing problem. I urge the delegates to this Conference to form a consensus around them so that the enthusiasm we have generated can result in real action.

The American philosopher Ralph Waldo Emerson once said, "Every genuine work of art has as much reason for being as the earth and the sea." It is to cap the glory of art with the crown of justice that we try to finish our work today.

Art Databases and Archives

Stuart E. Eizenstat

UNDER SECRETARY OF STATE FOR ECONOMIC, BUSINESS AND
AGRICULTURAL AFFAIRS

Intervention during Break-out Session: Identification of Art, Archives and Databases

Mr. Chairman and delegates to the Conference:

On behalf of the host delegation, I want to thank our presenters:

Connie Lowenthal of the Commission for Art Recovery, who is using her skills to help so many individuals press their claims for return of their property;

Ron Tauber of the Art Loss Register, who has assembled the largest registry of stolen art in the world and has offered to make the resources and experience of his company available to survivors and their families without cost;

Gil Edelson, who speaks for American art dealers, who will be so important to implementing whatever recommendations come out of this Conference;

Konstantin Akinsha, whose patient work in Russian archives opened a new chapter in this story and whose new Project of Documentation of Wartime Losses is another important part of the solution; and

Ori Soltes, whose work in the past with the Klutznick National Jewish Museum helped to move this issue forward.

It is obvious from these presentations that technology and history are coming together to create an opportunity we cannot afford to miss.

After World War II, most of the survivors of the Holocaust were too concerned with putting their lives back together to undertake the difficult task of locating their stolen artworks. Much of the art displaced during the War was presumed lost. The vast majority of the claims that were made were not for restitution, but for monetary compensation.

Decades later, when the Cold War finally ended and archives previously closed were opened up, we learned that some of what was presumed to be destroyed had actually survived. The discovery of

missing art in Eastern Europe, along with the aging of the survivors themselves, gives both new hope and new urgency to the search.

The search itself did not grow easier. It still involved going through tens of thousands of feet of records, in many different archives, in several different languages, in countries stretched over half the earth. Very few survivors could afford this. Even those who could, found that many doors were still closed and many paths led nowhere.

All that is beginning to change. What has been achieved on gold, and the equally important progress on insurance, show that nations want to heal the remaining wounds of World War II with speed and with justice. You should know that the five governments comprising the International Task Force on Holocaust Education, Remembrance and Research will present their own recommendation to the Conference that all nations commit themselves to opening up, by the end of next year, all public and private archives on the Holocaust in general, and Holocaust assets in particular. I hope the Conference will make a similar commitment to the principle of open archives and fully accessible records on art.

I hope you will explore ways to speed up archival research on art. An excellent example is the finding aid that has been developed by the National Archives here in the United States. The Archives' holdings of Nazi records, war crimes trials transcripts, and Allied Occupation documents is vast. In it are records of the Nazi organizations engaged in art looting; also the records of postwar restitution, including efforts to locate looted assets. The finding aid, available on the Internet, helps researchers who are searching for missing art and provenance information determine what records exist, what they contain, and where they are located. It leads them down to the right stack area, the row and even the shelf. Archival personnel are available to offer additional assistance.

It is possible, through the power of the new technology, to give all survivors and their families the research capability that up to now has been available to just a few. France has already used the Internet to publicize the collection of unclaimed art recovered after the War that it holds in custody. Many of you have expressed an interest in linkups, so that someone with a documentation claim can put their information on a website and match it against the inventories of works which were confiscated but are still unclaimed. Or will allow those who deal in art to check the wartime provenance of works they are interested in to see if a documented claim exists.

The web site of the U.S. Holocaust Memorial Museum provides listings of information on Nazi-confiscated art (www.ushmm.gov) including the National Archives finding aid. A number of countries and institutions are making details of their archival holdings and access information available on their dedicated web sites, linked to this central web site managed by the Holocaust Museum. We encourage all governments, museums, art dealers and other institutions to join in this effort to link information on Nazi-confiscated art and to help the long overdue resolution of outstanding ownership issues.

All of this will require cooperation, a willingness to share data, and careful monitoring. None of us wants this information to be used in ways that impede the free flow of commerce or restrict cultural exchange between nations. Nor need it. Private organizations and police authorities look for stolen art all the time. Their efforts actually help to stabilize the market. A speedy resolution of claims arising from Nazi-confiscation will free the world of art from the uncertainty and threats of litigation that have troubled its workings and eliminated impediments to international cultural exchange, which benefits all our citizens.

We have the means and we have the will to bring justice after so many years. I know your discussions, conducted in that spirit, will make a significant contribution to that goal.

U.S. Support for the International Commission on Holocaust Era Insurance Claims

Stuart E. Eizenstat

UNDER SECRETARY OF STATE FOR ECONOMIC, BUSINESS AND
AGRICULTURAL AFFAIRS

Intervention during the Break-out Session: Solutions – Addressing Claims and Providing Humanitarian Relief

The International Commission (or the IC) has the strong support of the U.S. Government because: the IC brings together many of the interested parties in a cooperative, non-confrontational process; the IC includes the important survivor organizations; the IC will foster a fact-based effort to resolve Holocaust insurance claims promptly and fairly, and without resorting to lengthy litigation; and the IC seeks practical solutions to resolve the issue of heirless insurance assets.

The IC is already functioning. It has had two meetings during which much has been accomplished. The IC selected former Secretary of State Lawrence Eagleburger as its chairman. At the November 11 meeting chaired by Mr. Eagleburger, the IC established five Working Groups to resolve specific issues.

The insurance companies on the IC pledged \$90 million as an act of good faith. Disbursement of the \$90 million will be decided either on the basis of the claims adjudication procedures or for humanitarian relief projects approved by the Commission.

The IC is committed to resolving all claims on the basis of expedited claims requirements over the next two years, or less. This timetable is far superior to lengthy litigation. The IC also has the support of the major companies and key governments. I believe we can achieve far more through cooperation rather than confrontation.

The International Commission has the strong support of the U.S. Government. I hope other companies and other insurance regulators will also join this effort. I hope this Conference can agree to express strong support for the International Commission and urge other companies and governments to join this process.

The Need for Others to Join the International Commission on Holocaust Era Insurance Claims

Stuart E. Eizenstat

UNDER SECRETARY OF STATE FOR ECONOMIC, BUSINESS AND
AGRICULTURAL AFFAIRS

Intervention during the Break-out Session: Solutions – Addressing Claims and Providing Humanitarian Relief

We commend the six insurers that have voluntarily agreed to join the International Commission: Allianz, Generali, AXA, Zurich, Winterthur, and Basler.

These companies are fully committed to the IC process and are also supporting our goals here at the Washington Conference. These companies recognize the importance of our work here today, particularly with respect to assuring prompt justice for Holocaust survivors. The companies are also committed to open archives.

However, these six companies together are not the only companies that sold policies during the Holocaust era. Indeed, these companies estimate their market share from that era to be about 30 percent of the total.

The Washington Conference should encourage other insurers to join the IC process. In this regard, we welcome the informal expressions of interest by some Central and East European governments in IC. The interest of these governments is further evidence of their commitment to modernize and adapt their laws and markets to Western norms.

In addition, we hope that Austrian insurance companies, which are not represented on the International Commission at this time, will also join this process.

In this regard, Lawrence Eagleburger, the Chairman of the International Commission, has indicated that he will be traveling to Vienna and to Central and East European capitals to encourage others to join this process.

The U.S. Government strongly supports this effort by Chairman Eagleburger. I hope delegations here today will assure that former Secretary Eagleburger is received at the highest level in your capitals.

Archival Openness

Stuart E. Eizenstat

UNDER SECRETARY OF STATE FOR ECONOMIC, BUSINESS AND
AGRICULTURAL AFFAIRS

Intervention during the Break-out Session: Archives and Books

I want to thank all of my colleagues here on the panel with me today: Thank you to Ambassador Amigues for his remarks here and I wish to commend him for the leadership role of France in winding down the Tripartite Gold Commission and establishing in Paris at the Foreign Ministry the complete archives of the Commission for all to see and examine. And, as I have gladly acknowledged in other places, I want to thank Gill Bennett for taking the first steps more than two years ago in beginning the reporting on Nazi gold. I also want to thank Dr. Büttner for showing such outstanding leadership not only in seeing that the German archives were opened but in encouraging and assisting researchers in their use. We have also heard from Dr. Bergier, author of the remarkably penetrating and courageous study of the role of Switzerland and Swiss banks in the financing of the Nazi war effort; I thank him for appearing here with us today.

I must also thank Michael Kurtz of the U.S. National Archives and Records Administration, whose team spearheaded the massive declassification effort that has proved so invaluable not only to the U.S. interagency project but to all the researchers from the historical commissions represented here. NARA archivists continue to provide extraordinary assistance and information to the many governmental and private researchers who have traveled to the Archives to consult documents available nowhere else in the world.

The world has seen an amazing outpouring of scholarship on Holocaust-era assets over the past several years. The examination of long sequestered or neglected historical records on the tragic events of a half century ago, taken together with greater national will in many countries to face the often disturbing contents of these records, are making such important research possible.

National commissions in more than 16 nations have given structure and impetus to this research and, above all, an urgency to complete the review soon enough to give assistance to remaining survivors of the Nazi depredations. Working within the framework of these commissions and their diverse mandates or more directly under the aegis of governments and organizations, historians and other experts have sifted through 50-year old records in central government archives, local government records, and the private papers of individuals and commercial organizations. The research has reached beyond national boundaries, and it has allowed the comparison of the recollections of the occupied and the oppressed with those of their Nazi conquerors and oppressors. And the published results of this research has had its national and even international audiences, and has fostered the expectation and need for a full, unflinching account of the decisions and events of the past as they affected both governments and individuals.

I think we all must acknowledge, with astonishment and pride, just how much important research has been done and how many new archival sources have been opened by the governments of the nations committed to our common task as a result of the work of the various national commissions. I cannot fail to mention the truly remarkable measures taken by my own government: making available and fully accessible to researchers by May of 1997 at the National Archives more than 15 million pages of documents-nearly a million pages of which were declassified almost on the spot to facilitate their public availability. And the work has gone forward without pause at the National Archives with new and important files being found, described, and made available for research.

Despite the rising tide of research in archives and collections around the world on monetary gold and financial assets of various sorts, some subjects remain to be examined with the same authority and thoroughness. Some of these subjects-like looted art and other cultural objects and insurance policies-are uniquely difficult to subject to clear and unambiguous accounting. We are trying at this Conference to advance our international understanding of the dimensions of these matters. The full disclosure of the historical record on these complex issues and others, such as communal property, requires a further, continuous effort to open and make broadly accessible to researchers the wide range of historical sources from which judgments can be made and justice can arise.

Much has been done to at last open the record of the past, but much remains to be done by governments and institutions that retain

some portion of the shared recollection of the events of 50 years ago. There are files and collections still to be found and identified; there are files and archives to which access must be made more responsive to the reasonable needs of researchers, and there are files and collections that must be declassified and exposed to the light of scholarly scrutiny.

The International Task Force on Holocaust Education, Remembrance and Research is presenting a declaration that calls on all nations participating in the conference to join in taking steps to ensure the fullest possible openness and accessibility of archives bearing on the fate of Nazi looted assets. The opening of these archives by the end of next year should be the target of all of us participating here. As we enter the new millennium, we must reaffirm and reinforce the commitment of humanity to learn from its history.

WORLD JEWISH RESTITUTION ORGANIZATION

Report of the W.J.R.O.
Jerusalem, November 1, 1998

Submitted by
Ambassador Naphtali Lavie
VICE CHAIRMAN OF THE EXECUTIVE

The World Jewish Restitution Organization which was established at the end of 1992 by nine major world Jewish organizations, in coordination with the Government of Israel, engaged eight governments of Central, Northern and Eastern Europe in negotiations for the restitution of Jewish communal and public properties which were confiscated and/or nationalized by the Nazi occupation regime and by the Communist authorities. Unfortunately, most of the respective governments demonstrated a negative attitude toward the claims WJRO presented.

POLAND:

In May 1993, WJRO started its operations in Warsaw, at meetings with representatives of the Government of Poland, in coordination with the Union of Jewish Religious Communities in this country. Since then WJRO negotiated with five consecutive governments in Poland. WJRO requested the Polish government to enact a law in favor of restitution of the communal and public properties which belonged to over 1500 Jewish communities in Poland prior to September 1, 1939, similar to the laws enacted in favor of the various Christian denominations.

In February 1997, the Polish Parliament enacted a law regulating the relations of the State and the Jewish Communities, which includes a chapter dealing with the restitution of Jewish properties. However this chapter is far from satisfying the basic claims of the Jewish Communities. Moreover, the attempts to settle the restitution issue within the abovementioned law negates all the possibilities to claim and receive the vast number of properties, which for many years served the 3.5 million Jews of Poland, about 10% of the total population of Poland. In March 1946, the Polish Government appropriated these properties according to a Government decree, which transferred to the Government the ownership of all properties defined as enemy property, which is Jewish property the Government inherited from the Nazi occupants of Poland, who confiscated it from the legitimate Jewish owners.

Two memorandums protesting the negative attitude of this law were submitted to the Government of Poland in 1997, and in 1998, by WJRO and the World Federation of Polish Jews. Until this date no response has been received.

WJRO compiled a list of approximately 6000 communal properties such as synagogues, schools, hospitals, senior citizens' homes, orphanages and other institutions of religious, cultural and social services which belonged to the Jewish Community but the Polish Government ignores this claim. Instead, the government recognizes the rights of the existing nine remnant communities and the Union of these communities to file claims to regulatory committees which have been established for the purpose of restitution. Until the end of October 1998, less than one hundred claims have been dealt with and only a few of them have been finalized and returned to Jewish ownership.

THE CZECH REPUBLIC:

In the Czech Republic (Bohemia and Moravia) there existed before W.W.II a vibrant Jewish Community of approximately 100,000 people. Today there are less than 3000 Jews in the whole Czech Republic.

Taking a slightly different approach of the one demonstrated by Poland, the Government of the Czech Republic was more flexible in accepting a small number of claims submitted by the local Jewish Community. The Community claimed approximately 200 properties hoping that by minimizing its claim the Government will be willing to reconstitute this number of properties in spite of the fact that WJRO has

prepared a list of over 1000 communal and public properties which belonged to the Jewish Communities in the Czech Republic in 1939. So far only a small number of communal properties have been restituted.

SLOVAKIA:

The Jewish population in Slovakia numbered about 120,000 before W.W.II. Today there are 14 Jewish Communities in Slovakia with a population of approximately 2000 Jews.

The Slovak Government was more forthcoming than its previous partner in the Czechoslovak Federation, the Czech Republic. The Government of Slovakia enacted in November 1993, a law for the restitution of Jewish communal properties which is almost identical to the law enacted in favor of the various Christian denominations in Slovakia.

WJRO in coordination with the local Jewish Communities prepared a list of nearly 1000 communal and public properties belonging to the Jewish Community in Slovakia. The Federation of Jewish Communities in Bratislava submitted claims of over 800 properties including cemeteries, but only 360 have been restituted, most of them cemeteries. Some 250 cases are pending ruling of the local courts.

HUNGARY:

WJRO together with the Federation of the Jewish Communities submitted a list which constituted about 3000 communal properties in the country which served the Jewish Communities of a population of nearly 700,000 Jews before the Holocaust. Today the estimates of the existing Jewish Community in Hungary are between 70,000 and 110,000 Jews.

After many attempts by WJRO, made in coordination with the Federation of Jewish Communities in Hungary, with previous governments in Hungary, the last government in Budapest agreed to regulate the issue of restitution of communal and public Jewish properties within a law enacted in parliament which called for the establishment of a joint Foundation for restitution. The Foundation, with the participation of representatives of the Hungarian Government, the local Jewish Communities and Organizations and WJRO, began its operations some months ago but at this stage less than ten properties have been restituted to this Foundation.

Recently, on October 1, 1998, the Hungarian Government signed an agreement with the Jewish Community to settle the claim of the community for communal real estate. According to the settlement the Jewish Community will waive its claim of 152 properties, value of HUF13,511 billion (\$60,000,000) and in return will receive a government annual allocation of about \$3 million, for religious, educational and charitable activities of the community.

The agreement does not refer to the list of 3000 communal properties WJRO together with the Jewish Community submitted to the Government already in 1995.

ROMANIA:

An agreement had been reached between WJRO and the Government of Romania in September 1997 to establish a joint Foundation by WJRO and the Federation of Jewish Communities in Romania. This Foundation is entitled to claim and to receive the properties that belonged to the Jewish Communities. According to the list WJRO prepared, there are approximately 3000 communal properties in Romania which belonged to the Communities and served their needs at the time where there were over 800,000 Jews in Romania. Some 400,000 Jews of Romania survived the Holocaust and most of them immigrated to Israel. Only about 12,000 Jews live today in Romania. The Foundation which was established by WJRO and the Federation of Jewish Communities in Romania has been registered in the Court in Bucharest according to the Romanian law, and at present, October 1998, over 20 properties are in the process of being transferred to the ownership to the Foundation.

THE UKRAINE:

Several attempts were made in the last five years to convince the Government of the Ukraine to restitute the Jewish communal properties which were left in the Ukraine. The President of WJRO, Mr. Edgar M. Bronfman, and the Chairman of the Executive, Dr. Israel Singer, met with the former President and the current President of the Ukraine and discussed at length the moral and legal claim to the communal properties in the Ukraine, but no positive results have been reached.

In January 1995, Vice Chairman of WJRO Naphtali Lavie, and Chairman of the Jewish Community in Ukraine, Joseph Zissel, submitted a memorandum to Deputy Prime Minister, Prof. Ivan Kuras, claiming the restitution of Jewish communal property, but no response has been received.

Since there are today in the Ukraine approximately 300,000 compared to about 2 million Jews who lived in that area (including Eastern Poland and parts of Romania that were annexed by the Ukraine), the government gave back a small number of synagogues to the existing Jewish Communities, but there is no positive attitude of this government to restitute the Jewish properties that served the local communities.

CROATIA:

Several attempts made by WJRO to the government of Croatia have not produced any results. The Government of Croatia holds on to Jewish communal properties and is not willing to negotiate any possible solution to this problem.

ESTONIA, LATVIA AND LITHUANIA:

The Government of Estonia is forthcoming on its own initiative towards the claims of the Jewish Community, which numbers approximately 2,500 Jews, for its few properties.

The Latvian Government, as well, is positive in its attitude toward individual claims for restitution. According to the existing law, which passed legislation in the Latvian Government in 1989, every person who possessed private property in Latvia can claim and receive the property without any limitations, unlike the procedures practiced in Poland and the Czech Republic where individuals can claim their property only if they prove their citizenship and residency in the country.

As for communal and public properties the Latvian Government expressed its willingness to restitute such properties by a joint Foundation to be established by WJRO and the local Jewish Communities, which number about 15,000 Jews out of about 100,000 who lived there before W.W.II.

The situation in Lithuania is rather negative compared to the one in Latvia. Of a population of about 250,000 Jews who lived in Lithuania before the war, there are today between 5,000 to 7,000 Jews living in

Lithuania. The Lithuanian Government did not respond positively to attempts being made by representatives of WJRO who negotiated with the Government, in Vilnius and in Jerusalem.

NORWAY:

Unlike other countries in Europe, which were and still are reluctant to deal positively with restitution claims, the Government of Norway demonstrated a constructive attitude toward the claims presented by the Jewish Community and WJRO.

Last month the Norwegian government submitted to the Parliament a bill concerning a restitution package which will allocate \$60 million to Holocaust survivors, for the Jewish Community, for projects of Jewish heritage and for the establishment of a center for tolerance, to fight racism and anti-Semitism. This government decision was made following appeals by the local Jewish community and WJRO and ongoing negotiations during the last two years.