

**The Lifelong Learning Committee @  
Temple Israel of Great Neck  
May 20, 2014**

---

**Holocaust-Looted Art  
AN OVERVIEW  
Charles A. Goldstein, Esq.  
Counsel, Commission for Art Recovery**

The sheer volume of artworks stolen by the Nazis during World War II is staggering. This wholesale plunder was not a mere incident of war, but an official Nazi policy. Hitler was obsessed with art. He and his second in command, Hermann Goering, competed with each other for these works, as the Nazi forces confiscated them en masse from museums and private collections.

After the War, the Allies were left with the enormous task of sorting out the millions of pieces of recovered art dispersed across Europe. The Allied policy was to return these works to the governments from where they had been looted. But the postwar restitution commissions set up by these governments often turned a cold and bureaucratic eye on claims that were asserted by Nazi victims, and many works ended up in their national collections. Other works could not be recovered by the Allies, or had simply disappeared.

And in the aftermath of the War, Holocaust victims often did not pursue their claims, even when their artworks could be found -- especially once they were rebuffed by their own governments. Or they did not and could not take on the enormous task of trying to find the lost works. These families often had only survival on their minds. And the next generation was often told that no one wanted to talk about those years, let alone actually research what might have happened to their families' property. But starting in the mid to late 1990's, a confluence of factors led survivors and their heirs, as well as governments and other organizations, to reexamine what happened to the lost Nazi-looted artworks.

After 50 years in which little attention was given to the issue and Holocaust loot was frequently sold, bought, collected and displayed, the

"art world" became acutely aware of national policies as well as the moral and legal aspects of dealing with, or withholding possession of, art from victims of the Holocaust. Many governments, museums, auction houses and dealers and the public-at-large now accept the right of Holocaust victims and their heirs to obtain restitution.

*The Washington Principles<sup>1</sup> called for provenance research of national collections, an effort to locate the Holocaust victims from whom works of art were expropriated and a just and fair resolution of claims made by victims and their heirs for the restitution of their property. The Principles were reaffirmed a decade later by 46 nations with the Terezin Declaration (2009) which emphasized that restitution claims should be decided on the merits and not on technical grounds (e.g., the mere passage of time). While not binding on these countries (as would be a treaty or convention), the clear intention of the Declaration was that national laws and practices should be adjusted to allow fulfillment of the purposes of the Washington Principles.*

*The Washington Principles and Terezin Declaration are annexed to this paper as Appendix A.*

In the United States and most of Western Europe there has been broad recognition of the need for restitution. The major international auction houses and many legitimate art dealers refuse to sell Holocaust loot. Governments, museums, auction houses and others have developed databases and techniques for provenance research. There are many notable instances of resolution of restitution claims and some governments have intervened and enacted legislation (e.g., Austria) or issued decrees and/or made agreements (e.g., U.K., Germany, the Netherlands and France) or have brought their influence to create commissions to resolve claims for restitution based on moral as well as legal principles. The effort to promote restitution of looted works of art to Holocaust heirs may have inspired efforts by governments to bring about the return of art looted during armed conflicts since World War II. It has certainly interfered with traffic in cultural works that were looted during World War II and it has encouraged the development of emerging principles of international and national law which recognize that theft of cultural objects in the course of

---

<sup>1</sup> A policy statement made by 44 nations at a conference in Washington, D.C. convened at the instance of the U.S. Department of State.

"ethnic cleansing", i.e., genocide, is both a war crime and a crime against humanity. A notable exception is Switzerland where laws prevent claims and art dealers are adamant in their refusal to accept or assist restitution efforts.

In central and Eastern Europe, except for Germany and Austria, there is substantially less acceptance of the idea of restitution. The *de facto* acceptance, or even a general policy that Holocaust looted art remain in state collections. In some instances (e.g., Hungary, Spain) there is outright governmental refusal to entertain restitution claims despite government "acceptance" of the Washington Principles and the Terezin Declaration or, in the case of the Russian Federation, the enactment of a law purporting to allow such claims which never occurs. In former Communist countries there appears to be public indifference or even hostility to claims of Holocaust victims and their heirs to reclaim their cultural property. Most art dealers in these countries are openly hostile to both the concept of, and claims for, restitution of Holocaust-looted art.

In the United States there has been mixed success in pursuing claims against museums. While the American Alliance of Museums and the American Association of Art Directors have issued statements in support of the Washington Principles they decline to enforce them. Sometimes there is outright refusal to consider restitution of Holocaust-looted art as with the Oklahoma University Art Museum. Sometimes museums simply take action to prevent claimants from obtaining judicial review of their refusal to honor restitution claims [Norton Simon Museum; Detroit Institute of Arts; Toledo Art Museum; Museum of Modern Art; The Guggenheim Museum]. They do this by asserting a statute of limitations or an assertion that there has been undue delay in bringing a claim. These actions violate the policy of the Terezin Declaration. They assert a "public interest" as justification for museum refusals to consider restitution claims as if it was in the public interest to keep stolen art. Then again, many museums around the country have honored the Washington Principles. The issue is now on the agenda of the World Jewish Congress. Efforts to obtain federal and state legislation to encourage or require restitution will be made shortly.

The European experience in this regard is instructive.

**U.K.** - Although there are laws which would prevent de-accession of art by some public institutions, special legislation was enacted by

Parliament to allow affected national museums to reconstitute Holocaust-looted art if restitution is recommended by a Spoliation Advisory Panel of The Ministry of Culture and approved by the government. The Spoliation Advisory Panel considers restitution claims and determines the appropriate resolution of such claims based on moral principles. The Panel has recommended the return of objects in some cases and the payment of an *ex gratia* sum to the claimant in others. There have not been lawsuits because, in general, the British legal system discourages the bringing of even clearly valid claims because claimants have to pay large legal fees and also legal fees of museum lawyers if their claims are not proven to court satisfaction.

**Germany** - In the 15 years since the adoption of the Washington Principles there has been increasing transparency and numerous instances of assistance to restitution claimants by governments at the Federal and at some Laender (State) levels with regard to looted art in the possession of public museums. The Federal government, the Laender and national associations of local authorities issued a Common Declaration to implement the Washington Principles. The Declaration requires that statutory time limitations on claims made against public bodies and their museums are to be disregarded and permits restitution even though governmental compensation awards were paid earlier when artworks could not be located. When public museums reconstitute works of art, "forced sales" or sales made by Holocaust victims under duress also have been disregarded although they could be considered valid under generally applicable civil law. There is increased emphasis on, and funding of, provenance research by the Federal government. Some institutions, notably the Prussian Cultural Heritage Foundation, have been advocates of restitution. Bavaria has eliminated a state constitutional requirement that museums reimburse the state for the value of artworks which are restituted and has proposed a change in the German statute of limitations to favor claims for stolen artworks. The Bundesrat has resolved that laws impeding restitution should be reconsidered including the statute of limitations. Some German auction houses, such as Hauswedell & Nolte continue their longstanding practice of selling Holocaust-looted art despite protests. Others, such as Neumeister in Munich and Lempertz in Cologne, have begun to make records of art transactions that occurred during the Nazi era available for provenance research.

**Poland** - In general, the Polish government and public fail to distinguish between looting by the Nazis (a war crime and crime against humanity) and the nationalization of private property in Poland by the Communists. Anti-Semitic and xenophobic attitudes of the public and a fear of extensive liability for restitution also appear to deter government acceptance of claims by foreigners (e.g., persecuted Polish Jews who fled after World War II) although there has been general acceptance of the concept of restitution of communal real estate in Poland to religious groups, including the Jewish community. Very recently restitution of one painting was made by a major museum, but this case was fact-specific and it does not necessarily evidence any general policy of restitution of Holocaust-looted art. The Polish government has a double standard when it comes to its own claims for artworks looted from its collections.

**Russia** - A 1998/2000 law effectively nationalized looted cultural works that were taken to the Soviet Union by the Red Army. While the law appears to allow claims by some Nazi-occupied countries on behalf of victims of racial and religious persecution and charitable and religious organizations, payment of the full value of anything returned is required so that a “sale” rather than restitution is contemplated. There are no administrative procedures for claims and there are no effective judicial remedies. The Ministry of Culture refuses either to negotiate or to settle claims and insists that restitution of any specific artwork requires special legislation. There is outspoken opposition to restitution by prominent museum officials and the current Minister of Culture, reflecting nationalist attitudes of both the political far left and far right. No restitution of Holocaust loot has been made to individual victims of racial or religious persecution in the 15 years since the enactment of the law<sup>2</sup>. The Minister of Culture has said publicly that there will be no restitution by the government although there have been instances of largely taken transfers made to several sovereign states (e.g., Germany—stained glass windows of a Frankfurt church; Hungary—rare books to the Sarospatak Library; books to the University of Amsterdam; and archives and books to several sovereign states). Russian insistence on the adoption of anti-seizure statutes in other countries as a condition of loans of its artworks adds insult to injury as (1) there is no evidence of any Russian intention to lend

---

<sup>2</sup> The application of a 5-year prescriptive period for acquisition of personal property, by itself, makes private judicial remedies effectively unavailable.

Holocaust-looted art, and (2) such loans are generally exempt from seizure either because of Russia's sovereign immunity or by reason of special statutes. A claim against Russia that was made in the U.S. District Court resulted in a court order requiring Russia to make restitution of a library and archives to Chabad after Russia declined to participate in court proceedings. The dispute is unresolved; Russia has suspended art loans to U.S. museums. In response, important loans by U.S. museums to Russian museums also have been cancelled.

### **General Problems and Issues**

- A. European Union and national laws which permit governments to restrict exports of art create yet another hurdle for claimants of Holocaust-looted art. While some form of export control might be justified while restitution claims are pending, there is no justification for refusing export permission to Holocaust victims who fled for their lives and established themselves in other countries after the War and who have been awarded restitution.
- B. Governmental intervention and remedial statutes apply only to governmental institutions (e.g., Germany, Switzerland and Austria) with the result that "private" and municipal museums (even those supported and controlled by the national government, as in Spain and Austria) generally have declined to comply with the Washington Principles and the Terezin Declaration.
- C. In general there is an absence of claims procedures and, in Eastern Europe, no independent and dispassionate judiciary to review restitution claims made in courts. Ex-Communist judges show little interest in claims for restitution of any private property no less cultural treasures held in national museums and that are claimed by Jews living abroad.
- D. Some governments deliberately delay, obstruct and make inconsistent determinations on claims for restitution, in general, and Holocaust-looted art in particular (e.g., Russia, the Czech Republic and Hungary).

- E. When claims have been made some courts (e.g., Russia) have imposed impossible standards of proof on claimants.
- F. Political considerations often appear to impede just and fair resolution of claims for Holocaust-looted art (e.g., Russia, Poland, Hungary and Spain).
- G. Privacy laws have prevented or limited access to archives, making provenance research difficult or even impossible.
- H. There are instances of outright refusal by governments to even discuss, no less entertain restitution claims (e.g., Spain, Ukraine and Russia).
- I. Hostility by art museum curators to restitution claims compounds the problem for those who would seek the return of their cultural property. In the U.S. and the U.K., however, museum personnel may face personal liability for the improper refusal by their museums to return Holocaust-looted art.
- J. The very process of restitution of looted art is itself difficult and expensive (lawyers, historical and provenance research and investigation).
- K. There may be family disputes (e.g., disagreements among heirs) that impede claims or prevent claims.
- L. There often is uncertainty as to which country's laws should be applied by courts. The choice of law often affects the availability of defenses when attempts are made to obtain restitution, such as statutes of limitation or even lack of jurisdiction of the courts. The "choice" of law should not depend on where thieves who transported stolen property took it abroad.
- M. Restricted access by claimants to the courts and protections which are generally afforded in Europe to "bona fide" purchasers tend to defeat claims.

- N. Transfers of title or the preclusion of judicial remedies, effected by the legal doctrine of prescription and statutes of limitations (sometimes applied even in cases involving bad faith possession), tend to defeat claims.
- O. There is little assistance available to claimants either from governmental agencies or non-governmental organizations although Germany increasingly funds provenance research by museums and the Netherlands, the Czech Republic (which does not make its findings public) and Austria conduct independent research on restitution claims. This means that claimants for less valuable art, in particular, are unlikely to pursue legal remedies because of the expense involved and an inability to engage lawyers and researchers on a contingent fee basis even when that is allowed in European countries. Mediation works when museums are compelled or are under pressure to participate (as in the U.K.) and arbitration has been used when a government seeks to avoid continuing litigation (as in Austria).
- P. An authoritative and comprehensive registry of Holocaust-looted art does not exist. The privately operated Art Loss Register in London has limitations that often make it irrelevant or of limited use to Holocaust victims.
- Q. The commercial art trade wants to put an end to restitution claims and often museum personnel are ignorant of legal issues, oblivious to moral issues, and try to keep possession of art in their inventory even when they know or have good reason to believe that it is stolen property.
- R. Italy and some other sovereign states (e.g., Russia, Poland, Spain and Hungary) appear to be willing to ignore or impede restitution claims for Holocaust art despite the fact that these states avidly pursue the restitution of their own national treasures which had been looted during (or even before) World War II.



## **The Future**

We anticipate future accomplishments in this area. For example, in the U.S., there is some support for government-sponsored alternative dispute resolution procedure (mediation or arbitration). Literature and press coverage supporting restitution appears regularly in Europe and the United States. And we expect that a significant number of restitution claims will be satisfactorily resolved in various countries even though the passage of time will, by itself, reduce the likelihood that claims will be made by Holocaust victims or their heirs.

“Why do we bother? Because (as one commentator has pointed out), the Nazis weren’t simply out to enrich themselves. Their looting was part of the Final Solution. They wanted to eradicate a race by extinguishing its culture as well as its people. This gives these works of art a unique resonance, the more so since some of them were used as barter for safe passage out of Germany or Austria for family members. The objects are symbols of a terrible crime; recovering them is an equally symbolic form of justice.”

There is much work to do in order to achieve elemental justice and uphold the rule of law.

## **ATTACHMENTS**

- A. Washington Principles on Nazi-Confiscated Art and Terezin Declaration**
- B. Secretarial Dutch Restitution Committee (Nov. 13, 2012)**
- C. Excerpt from a Speech by Bernd Neumann, Secretary of State for Culture**
- D. *Art in the Time of War* by Richard J. Evans**
- E. Looted Art from Wikipedia**

## **Washington Conference Principles on Nazi-Confiscated Art**

On 3 December 1998 the 44 governments participating in the Washington Conference on Holocaust-Era Assets endorsed the following principles for dealing with Nazi-looted art:

Released in connection with the Washington Conference on Holocaust-Era Assets, Washington, DC, December 3, 1998.

In developing a consensus on non-binding principles to assist in resolving issues relating to Nazi-confiscated art, the Conference recognizes that among participating nations there are differing legal systems and that countries act within the context of their own laws.

1. Art that had been confiscated by the Nazis and not subsequently restituted should be identified.
2. Relevant records and archives should be open and accessible to researchers, in accordance with the guidelines of the International Council on Archives.
3. Resources and personnel should be made available to facilitate the identification of all art that had been confiscated by the Nazis and not subsequently restituted.
4. In establishing that a work of art had been confiscated by the Nazis and not subsequently restituted, consideration should be given to unavoidable gaps or ambiguities in the provenance in light of the passage of time and the circumstances of the Holocaust era.
5. Every effort should be made to publicize art that is found to have been confiscated by the Nazis and not subsequently restituted in order to locate its pre-War owners or their heirs.
6. Efforts should be made to establish a central registry of such information.

7. Pre-War owners and their heirs should be encouraged to come forward and make known their claims to art that was confiscated by the Nazis and not subsequently restituted.
8. If the pre-War owners of art that is found to have been confiscated by the Nazis and not subsequently restituted, or their heirs, can be identified, steps should be taken expeditiously to achieve a just and fair solution, recognizing this may vary according to the facts and circumstances surrounding a specific case.
9. If the pre-War owners of art that is found to have been confiscated by the Nazis, or their heirs, can not be identified, steps should be taken expeditiously to achieve a just and fair solution.
10. Commissions or other bodies established to identify art that was confiscated by the Nazis and to assist in addressing ownership issues should have a balanced membership.
11. Nations are encouraged to develop national processes to implement these principles, particularly as they relate to alternative dispute resolution mechanisms for resolving ownership issues.

## **B.**

### **Terezin Declaration**

Upon the invitation of the Prime Minister of the Czech Republic we the representatives of 46 states listed below met this day, June 30, 2009 in Terezin, where thousands of European Jews and other victims of Nazi persecution died or were sent to death camps during World War II. We participated in the Prague Holocaust Era Assets Conference organized by the Czech Republic and its partners in Prague and Terezin from 26-30 June 2009, discussed together with experts and non-governmental organization (NGO) representatives important issues such as Welfare of Holocaust (Shoah) Survivors and other Victims of Nazi Persecution, Immovable Property, Jewish Cemeteries and Burial Sites, Nazi-Confiscated and Looted Art, Judaica and Jewish Cultural Property, Archival Materials, and Education, Remembrance, Research and Memorial Sites. We join affirming in this:

#### **Terezin Declaration on Holocaust Era Assets and Related Issues**

- Aware that Holocaust (Shoah) survivors and other victims of Nazi persecution have reached an advanced age and that it is imperative to respect their personal dignity and to deal with their social welfare needs, as an issue of utmost urgency,
- Having in mind the need to enshrine for the benefit of future generations and to remember forever the unique history and the legacy of the Holocaust (Shoah), which exterminated three fourths of European Jewry, including its premeditated nature as well as other Nazi crimes,
- Noting the tangible achievements of the 1997 London Nazi Gold Conference, and the 1998 Washington Conference on Holocaust-Era Assets, which addressed central issues relating to restitution and successfully set the stage for the significant advances of the next decade, as well as noting the January 2000 Stockholm Declaration, the October 2000 Vilnius Conference on Holocaust Era Looted Cultural Assets,

- Recognizing that despite those achievements there remain substantial issues to be addressed, because only a part of the confiscated property has been recovered or compensated,
  - Taking note of the deliberations of the Working Groups and the Special Session on Social Welfare of Holocaust Survivors and their points of view and opinions which surveyed and addressed issues relating to the Social Welfare of Holocaust Survivors and other Victims of Nazi Persecution, Immovable Property, Nazi Confiscated Art, Judaica and Jewish Cultural Property, Holocaust Education, Remembrance and Research, which can be found on the weblink for the Prague Conference and will be published in the Conference Proceedings,
  - Keeping in mind the legally non-binding nature of this Declaration and moral responsibilities thereof, and without prejudice to applicable international law and obligations,
1. Recognizing that Holocaust (Shoah) survivors and other victims of the Nazi regime and its collaborators suffered unprecedented physical and emotional trauma during their ordeal, the Participating States take note of the special social and medical needs of all survivors and strongly support both public and private efforts in their respective states to enable them to live in dignity with the necessary basic care that it implies.
  2. Noting the importance of restituting communal and individual immovable property that belonged to the victims of the Holocaust (Shoah) and other victims of Nazi persecution, the Participating States urge that every effort be made to rectify the consequences of wrongful property seizures, such as confiscations, forced sales and sales under duress of property, which were part of the persecution of these innocent people and groups, the vast majority of whom died heirless.
  3. Recognizing the progress that has been made in research, identification, and restitution of cultural property by governmental and non-governmental institutions in some states since the 1998 Washington Conference on Holocaust-Era Assets and the endorsement of the Washington Conference Principles on Nazi-

Confiscated Art, the Participating States affirm an urgent need to strengthen and sustain these efforts in order to ensure just and fair solutions regarding cultural property, including Judaica that was looted or displaced during or as a result of the Holocaust (Shoah).

4. Taking into account the essential role of national governments, the Holocaust (Shoah) survivors' organizations, and other specialized NGOs, the Participating States call for a coherent and more effective approach by States and the international community to ensure the fullest possible, relevant archival access with due respect to national legislation. We also encourage States and the international community to establish and support research and education programs about the Holocaust (Shoah) and other Nazi crimes, ceremonies of remembrance and commemoration, and the preservation of memorials in former concentration camps, cemeteries and mass graves, as well as of other sites of memory.
5. Recognizing the rise of Anti-Semitism and Holocaust (Shoah) denial, the Participating States call on the international community to be stronger in monitoring and responding to such incidents and to develop measures to combat anti-Semitism.

### **The Welfare of Holocaust (Shoah) Survivors and other Victims of Nazi Persecution**

Recognizing that Holocaust (Shoah) survivors and other victims of Nazi persecution, including those who experienced the horrors of the Holocaust (Shoah) as small and helpless children, suffered unprecedented physical and emotional trauma during their ordeal.

Mindful that scientific studies document that these experiences frequently result in heightened damage to health, particularly in old age, we place great priority on dealing with their social welfare needs in their lifetimes. It is unacceptable that those who suffered so greatly during the earlier part of their lives should live under impoverished circumstances at the end.

1. We take note of the fact that Holocaust (Shoah) survivors and other victims of Nazi persecution have today reached an advanced age and that they have special medical and health needs, and we therefore

support, as a high priority, efforts to address in their respective states the social welfare needs of the most vulnerable elderly victims of Nazi persecution – such as hunger relief, medicine and homecare as required, as well as measures that will encourage intergenerational contact and allow them to overcome their social isolation. These steps will enable them to live in dignity in the years to come. We strongly encourage cooperation on these issues.

2. We further take note that several states have used a variety of creative mechanisms to provide assistance to needy Holocaust (Shoah) survivors and other victims of Nazi persecution, including special pensions; social security benefits to non-residents; special funds; and the use of assets from heirless property. We encourage states to consider these and other alternative national actions, and we further encourage them to find ways to address survivors' needs.

## **Immovable (Real) Property . . .**

### **Jewish Cemeteries and Burial Sites . . .**

### **Nazi-Confiscated and Looted Art**

Recognizing that art and cultural property of victims of the Holocaust (Shoah) and other victims of Nazi persecution was confiscated, sequestered and spoliated, by the Nazis, the Fascists and their collaborators through various means including theft, coercion and confiscation, and on grounds of relinquishment as well as forced sales and sales under duress, during the Holocaust era between 1933-45 and as an immediate consequence, and

Recalling the Washington Conference Principles on Nazi-Confiscated Art as endorsed at the Washington Conference of 1998, which enumerated a set of voluntary commitments for governments that were based upon the moral principle that art and cultural property confiscated by the Nazis from Holocaust (Shoah) victims should be returned to them or their heirs, in a manner consistent with national laws and regulations as well as international obligations, in order to achieve just and fair solutions,



1. We reaffirm our support of the Washington Conference Principles on Nazi-Confiscated Art and we encourage all parties including public and private institutions and individuals to apply them as well,
2. In particular, recognizing that restitution cannot be accomplished without knowledge of potentially looted art and cultural property, we stress the importance for all stakeholders to continue and support intensified systematic provenance research, with due regard to legislation, in both public and private archives, and where relevant to make the results of this research, including ongoing updates, available via the internet, with due regard to privacy rules and regulations. Where it has not already been done, we also recommend the establishment of mechanisms to assist claimants and others in their efforts,
3. Keeping in mind the Washington Conference Principles on Nazi-Confiscated Art, and considering the experience acquired since the Washington Conference, we urge all stakeholders to ensure that their legal systems or alternative processes, while taking into account the different legal traditions, facilitate just and fair solutions with regard to Nazi-confiscated and looted art, and to make certain that claims to recover such art are resolved expeditiously and based on the facts and merits of the claims and all the relevant documents submitted by all parties. Governments should consider all relevant issues when applying various legal provisions that may impede the restitution of art and cultural property, in order to achieve just and fair solutions, as well as alternative dispute resolution, where appropriate under law.

### **Judaica and Jewish Cultural Property**

Recognizing that the Holocaust (Shoah) also resulted in the wholesale looting of Judaica and Jewish cultural property including sacred scrolls, synagogue and ceremonial objects as well as the libraries, manuscripts, archives and records of Jewish communities, and

Aware that the murder of six million Jews, including entire communities, during the Holocaust (Shoah) meant that much of this historical patrimony could not be reclaimed after World War II, and

Recognizing the urgent need to identify ways to achieve a just and fair solution to the issue of Judaica and Jewish cultural property, where original owners, or heirs of former original Jewish owners, individuals or legal persons cannot be identified, while acknowledging there is no universal model,

1. We encourage and support efforts to identify and catalogue these items which may be found in archives, libraries, museums and other government and non-government repositories, to return them to their original rightful owners and other appropriate individuals or institutions according to national law, and to consider a voluntary international registration of Torah scrolls and other Judaica objects where appropriate, and
2. We encourage measures that will ensure their protection, will make appropriate materials available to scholars, and where appropriate and possible in terms of conservation, will restore sacred scrolls and ceremonial objects currently in government hands to synagogue use, where needed, and will facilitate the circulation and display of such Judaica internationally by adequate and agreed upon solutions.

### **Archival Materials**

Whereas access to archival documents for both claimants and scholars is an essential element for resolving questions of the ownership of Holocaust-era assets and for advancing education and research on the Holocaust (Shoah) and other Nazi crimes,

Acknowledging in particular that more and more archives have become accessible to researchers and the general public, as witnessed by the Agreement reached on the archives of the International Tracing Service (ITS) in Bad Arolsen, Germany,

Welcoming the return of archives to the states from whose territory they were removed during or as an immediate consequence of the Holocaust (Shoah),

We encourage governments and other bodies that maintain or oversee relevant archives to make them available to the fullest extent possible to the public and researchers in accordance with the guidelines of

the International Council on Archives, with due regard to national legislation, including provisions on privacy and data protection, while also taking into account the special circumstances created by the Holocaust era and the needs of the survivors and their families, especially in cases concerning documents that have their origin in Nazi rules and laws.

## **Education, Remembrance, Research and Memorial Sites . . .**

### **Future Action**

Further to these ends we welcome and are grateful for the Czech Government's initiative to establish the European Shoah Legacy Institute in Terezin (Terezin Institute) to follow up on the work of the Prague Conference and the Terezin Declaration. The Institute will serve as a voluntary forum for countries, organisations representing Holocaust (Shoah) survivors and other Nazi victims, and NGOs to note and promote developments in the areas covered by the Conference and this Declaration, and to develop and share best practices and guidelines in these areas and as indicated in paragraph four of Immovable (Real) Property. It will operate within the network of other national, European and international institutions, ensuring that duplicative efforts are avoided, for example, duplication of the activities of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research (ITF).

Following the conference proceedings and the Terezin Declaration, the European Commission and the Czech Presidency have noted the importance of the Institute as one of the instruments in the fight against racism, xenophobia and anti-Semitism in Europe and the rest of the world, and have called for other countries and institutions to support and cooperate with this Institute.

To facilitate the dissemination of information, the Institute will publish regular reports on activities related to the Terezin Declaration. The Institute will develop websites to facilitate sharing of information, particularly in the fields of art provenance, immovable property, social welfare needs of survivors, Judaica, and Holocaust education. As a useful service for all users, the Institute will maintain and post lists of websites that Participating States, organizations representing Holocaust (Shoah) survivors and other Nazi victims and NGOs sponsor as well as a website of websites on Holocaust issues.

We also urge the States participating in the Prague Conference to promote and disseminate the principles in the Terezin Declaration, and encourage those states that are members of agencies, organizations and other entities which address educational, cultural and social issues around the world, to help disseminate information about resolutions and principles dealing with the areas covered by the Terezin Declaration.

A more complete description of the Czech Government's concept for the Terezin Institute and the Joint Declaration of the European Commission and the Czech EU Presidency can be found on the website for the Prague conference and will be published in the conference proceedings.

---

#### List of States

1. Albania
2. Argentina
3. Australia
4. Austria
5. Belarus
6. Belgium
7. Bosnia and Herzegovina
8. Brazil
9. Bulgaria
10. Canada
11. Croatia
12. Cyprus
13. Czech Republic
14. Denmark
15. Estonia
16. Finland
17. France
18. FYROM
19. Germany
20. Greece
21. Hungary
22. Ireland

23. Israel
  24. Italy
  25. Latvia
  26. Lithuania
  27. Luxembourg
  28. Malta
  29. Moldova
  30. Montenegro
  31. The Netherlands
  32. Norway
  33. Poland
  34. Portugal
  35. Romania
  36. Russia
  37. Slovakia
  38. Slovenia
  39. Spain
  40. Sweden
  41. Switzerland
  42. Turkey
  43. Ukraine
  44. United Kingdom
  45. United States
  46. Uruguay
- The Holy See (observer)  
Serbia (observer)
-