

OPEN LETTER

Re: Call for Reform of the German Advisory Board ("Limbach Commission")

9 March 2016

By Email Only

Dear President Dr. Lammert,

Dear Minister Prof. Grütters,

Dear Minister Maas,

Dear Mr. Ehrmann:

We are lawyers from Europe and the United States, assisting claimants from all over the world with the recovery of art, lost through Nazi persecution, in accordance with the "Washington Declaration on Holocaust Era Assets" (1998) and its German equivalent, the "Joint Declaration" (1999).

From the victims families' perspective, international binding arbitration would be the best and preferable way to reach "fair and just solutions" in this field.

Therefore, the German "Advisory Commission" should be reformed to meet the internationally accepted standards and requirements of similar arbitration boards, run by the state.

In its current form, the "Limbach Commission", although stating to have such objectives, is not a suitable forum to meet the demands of the victims. The lack of fairness, transparency and justice is evident.

So far only eleven cases have come before the Commission in thirteen years. We urge you to make the following changes so that the families of the victims of the Nazi regime can regain their confidence in the process and all parties can achieve closure with due process in a fair and equitable manner.

We and many others recommend the following immediate important changes:

1. Representatives of the groups of Nazi-persecuted people be immediately appointed to the panel.
2. Claimants should be able to unilaterally compel a respondent to submit to the Commission.

3. The Commission's recommendations should be binding on public institutions.
4. A draft decision should be submitted to parties one week before becoming final and published. This will facilitate the correction of any inaccuracies in the final decision. The decision should give a detailed reasoning and should recognize, explain and respect the historical facts.
5. Ensuring the Commission's independence by decoupling it from the Deutsches Zentrum Kulturgutverluste.
6. Equitable Bye-laws should be written and published for the Commission.
7. Bilingual process (English / German) must be guaranteed.
8. Members of the panel be prohibited from ex-parte contacts and communications.
9. An "ombudsman" should be appointed to review complaints regarding the fairness of the process and procedure, including the function of the secretariat, and be authorized to issue a binding determination to rectify any misconduct.

We believe the implementation of these fundamental changes will bring about increasing acceptance of the process, will meet the requirements and principles of the international guidelines much clearer than before and hence also serve the goal of preserving legal peace.

Fair and just solutions require a fair and equitable process!

Respectfully Submitted,

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