

TEREZIN DECLARATION CONFERENCE
REMARKS BY
AMBASSADOR (ret) STUART E. EIZENSTAT
SPECIAL ADVISER TO THE SECRETARY OF STATE ON HOLOCAUST ISSUES
NOVEMBER 3, 2022
PRAGUE, CZECH REPUBLIC

I want to begin by especially acknowledging the remarkable, visionary, tireless, and determined leadership of Ambassador Robert Rehak, Special Envoy for Holocaust Issues, Interfaith Dialogue and FoRB, and that of the Czech Ministry of Foreign Affairs, led by Minister of Foreign Affairs Jan Lipavsky, without whom this Conference would have been impossible. It has been a privilege to work closely with Ambassador Rehak and with my colleague Ellen Germain, the State Department's Special Envoy on Holocaust Issues, for almost a year to make this conference possible. Just as this Terezin II Conference is a centerpiece of the current Czech Presidency of the Council of the European Union, so too was it a major feature of their Presidency in June 2009 for the Prague Holocaust-Era Assets Conference, demonstrating the Czech government's abiding commitment to Holocaust justice, lessons, and memory.

We should all feel the weight of history upon us. Just as there were mass atrocities committed in Bosnia, including the Srebrenica genocide, and in Kosovo in the 1990s, we are now witnessing unprovoked military aggression and war crimes committed by Russia against Ukraine on the same European continent in which the Nazis and their collaborators perpetrated arguably the worst genocide in human history - - the Holocaust from 1933 to 1945 -- the murder of six million European Jews, some three quarters of European Jewry, including one and a half million children, and millions of other innocent civilians including a genocide perpetrated against the Roma. And perversely, Russian President Putin has used Holocaust distortion to erroneously justify his further invasion of Ukraine, falsely referring to its leadership, including its democratically elected Jewish President, as Nazis. This cynical instrumentalization of the history of the Holocaust and the Second World War to further predatory geopolitical aims is not just shameful; it distracts from critically important efforts to grapple with the very serious problem of rising global antisemitism, including in the United States and Europe.

The use of social media by purveyors of Holocaust denial or distortion spreads their dangerous lies with unprecedented speed and reach.

The Holocaust could have been avoided. Hitler's original goal was to make Germany *Judenrein*, free of Jews. There was no Jewish State of Israel to offer

them safety. When Hitler watched the world, including the United States, largely close its doors to German Jewish refugees, and fail to forcefully respond to his careful step-by-step measures to disenfranchise and deport Europe's Jews, he felt empowered to destroy them.

Perhaps we have learned some lessons from the Holocaust. NATO intervention stopped the killing in Bosnia and Kosovo and there have been no more Balkan Wars. And many countries are helping Ukraine as it defends itself. There is a triple irony: Holocaust survivors in Ukraine saved themselves as young people from the Nazi invasion of the Soviet Union by hiding and fleeing and they must do so again 75 years later in their old age; and it is now the Russian Federation that threatens them and all of sovereign Ukraine. Many of them are being provided refuge in Germany, which perpetrated the Holocaust, and in Poland, which the Nazis used as the greatest killing ground for European Jewry. It is inspiring to see Germany accept almost one hundred Holocaust survivors from Ukraine among the million other refugees from Ukraine to whom Germany has opened its doors. I met eight of these survivors in May of this year in Berlin and they endorsed their excellent treatment, along with that accorded other Ukrainian citizens. Poland has also taken-in millions refugees from Ukraine, including Ukrainian Jews, and here in the Czech Republic, over 440,000 Ukrainian citizens have been generously welcomed with schooling, housing and medical support. Throughout Europe, nearly 40 countries have opened their doors to the 7.7 million people who have been forced to flee the horrors of war.

But there is another reason why we should feel the weight of history today. This Conference gives us the last, best hope to help the 275,000 remaining Holocaust survivors live out their last years in greater dignity than they knew in their tragic youth. It is unlikely there will be another international conference with this breadth of participation in their lifetimes. They are passing away at the rate of six percent a year.

To know where we must urgently travel in the next few years to meet the commitments our countries all made in June 2009 in the Terezin Declaration culminating in the Prague Conference, it is important to understand how we came to that Conference 13 years ago. Its origins have never been properly recorded and demonstrates how a few heroic people helped change the course of history for Holocaust justice. It was the result of the synergy of several parallel efforts which came together.

Following the end of World War II, with the major exception of Germany through the 1952 Luxembourg Agreement between then West Germany and the new state of Israel, facilitated by a newly created NGO, the Conference on Jewish Material Claims Against Germany (Claims Conference), whose 70th anniversary we just commemorated in Berlin in September, the fate of Holocaust survivors was sidelined on the world's agenda with the advent of the Cold War. Germany's acceptance of responsibility to Holocaust survivors for the crimes of the Nazi regime was historic in the annals of warfare. Germany has paid some 90 billion Euros; in 2023, they will contribute 1.2 billion Euros to the Claims Conference for Holocaust survivors in the form of monthly pensions, one-time hardship payments, home care, and social services.

During the Clinton Administration, I took the lead on behalf of the U.S. government in reaching \$8 billion of recoveries from Swiss and French banks which had hidden banks accounts from Holocaust victims; German and Austrian slave and forced labor companies, European insurance companies which refused to pay beneficiaries of policies for those killed in the Shoah, and the Washington Principles on Nazi-Confiscated Art at the Washington Conference on Holocaust Era Assets, which played a direct role in catalyzing the Prague Conference.

Tomas Kraus, Executive Director of the Federation of Jewish Communities in the Czech Republic, was inspired by the Washington Principles on Nazi-Looted Art, to pursue a conference on Nazi-looted art with his colleague Helena Krejcová from the Documentation Centre for Property Transfers of Cultural Assets of World War II Victims founded in 2000, and upgraded the idea, but with a broader focus, with Czech government leaders during the 2009 Czech presidency of the European Union.

By early 2009, J. Christian Kennedy, then Special Envoy for Holocaust Issues at the State Department, was interested in a follow-up conference to the Washington Conference.

Tomas Kraus told Rabbi Andrew Baker of the American Jewish Committee that Prague should be the site for the conference. At Tomas' recommendation, Christian met with Alexandr Vondra, Minister of European Affairs and Ambassador Milos Pojar, the Czech representative on the International Task Force for Holocaust Education, and they agreed to the Czech government hosting a conference to cover issues beyond art restitution as a closing and signature event for the Czech presidency of the EU, in the first half of 2009.

This was just the beginning of what became the Terezin Declaration at the Prague Conference. Austrian Ambassador to the Czech Republic Ferdinand Trautmannsdorf took the lead in creating with Christian Kennedy and me the Friends of the Chair, with ambassadors and envoys of key countries: the Czech Republic, U.S., Germany, France, Austria, and Israel to help support the Czech government undertake this major event. With the assistance of several American NGOs (The Jewish Claims Conference, the American Jewish Committee, the World Jewish Congress, the World Jewish Restitution Organization) and the Friends group, a draft text was developed. After being discussed in several intensive meetings of the Friends of the Chair, there was a larger meeting of all 47 nations in Vienna, which I led, and then two in Prague, when we announced the Terezin Declaration on June 30, 2009. There were many heroes that made this possible: Tomas Kraus, Alexandr Vondra, Ferdinand Trautmannsdorf, Christian Kennedy and his deputy Elizabeth Nakian, and Jana Kernerova, from the U.S. Embassy in Prague, who worked alongside me. But special praise goes to Milos Pojar who was devoted to the success of the Conference. In gathering support within the European Commission, the United States, and Israel, he ensured the 5-day conference was a success.

The Terezin Declaration was the most sweeping set of international commitments by 47 countries for Holocaust justice and memory for Holocaust survivors and other victims of Nazi Persecution since the end of World War II: Welfare benefits for elderly poor survivors; recovery or compensation of immovable (real) property, both communal and religious property, private property and heirless property; identification and protection of Jewish cemeteries and burial sites; return of Nazi confiscated and looted art; identification, cataloging and return of confiscated Judaica and Jewish cultural property; increased access to archival materials with an eye to the arrangement reached with the International Tracing Service in Bad Arolsen, Germany; the promotion of Holocaust education, remembrance, research and memorial sites.

The Terezin Declaration also created the European Shoah Legacy Institute (ESLI) to follow up on the work of the Prague Conference and the Terezin Declaration, which lasted until 2017.

There has been unmistakable progress since the initial 2009 Terezin Conference, and we should not take it for granted. It revived international awareness of the

broad range of challenges necessary to achieve what would inevitably be imperfect justice.

The following year in Prague, over 40 countries committed to non-binding, but specific Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators During the Holocaust (Shoah) Between 1933-1945, Including the Period of World War II. This provided a detailed set of guidelines for the restitution or compensation of confiscated Jewish communal, private, and heirless immovable property. My colleague, Ellen Germain, will talk in more detail about immovable property; I will discuss progress on moveable property since the Terezin Declaration.

The commissions of five countries have been improving their work to resolve claims to looted art based upon the Washington Principles and the Terezin Declaration: UK, Austria, Germany, France, and the Netherlands. American museums had a promising start of provenance research, which is the foundation for restitution. Two major art auction houses, Christie's and Sotheby's, have full-time staffs in their New York and London offices which review artworks that passed through European hands between 1933-1945, and will not auction or sell any with doubtful Holocaust provenance. Christie's alone has resolved over one hundred claims to Nazi-confiscated art.

Recently, several positive steps have been taken in art restitution. France has placed the responsibility for return or compensation of Nazi-confiscated art in the prime minister's office. Following a 2018 Joint Declaration with the United States, Germany allocated additional funds to both private and public museums for provenance research and has informed public museums they cannot continue to obtain German federal funds unless they participate in the claims process they had often boycotted. Unfortunately, most museums in Germany are not federal but are under the various Länder states and communities. These do not receive such federal funds and are continuing to refuse to participate. In a welcome move, the Netherlands updated its art restitution policy, including committing to more provenance research, seeking ways to make it easier for survivors and heirs to make claims, and reversing its so-called "balancing test", which factored in the position of current owners in a way that was contrary to the spirit of the Washington Principles.

The European Union has been on the sidelines on most of the issues covered by the Terezin Declaration. But in 2019, the European Parliament passed legislation

recognizing the Washington Principles on Nazi-Confiscated Art and urged the European Commission to support the cataloging of all data on looted cultural goods and to establish principles for dealing with cultural property in future conflicts.

An exception for Holocaust-related archives was helpfully included in the European Union's General Data Protection Regulation. There is cooperation between New York's YIVO Institute for Jewish Research and partners in Lithuania to preserve, digitize and virtually reunite YIVO's pre-war archival collection and to digitally reconstruct the historic Strashun Library of Vilna; and military archives will be made accessible through a new arrangement between Greece and the U.S. Holocaust Memorial Museum.

In 2016, Serbia became the first and thus far only country to enact comprehensive legislation on heirless and unclaimed property, following the 2009 Terezin Declaration. Several other European countries had earlier adopted legislation that partially addressed heirless and unclaimed Jewish property, although some have yet to put their laws into practice. But other countries have yet to adopt any laws in this area.

In a helpful action to improve the lives of impoverished, elderly survivors, Poland and Austria joined Germany in providing monthly pensions to Holocaust survivors who lived in those countries during the Shoah regardless of where they are now, equal to pensions paid to their own elderly citizens.

In 2011, working with U.S. Ambassador to Lithuania Anne Derse, and the Lithuanian government, I helped negotiate the development of legislation entitled the "Good Will Compensation Law", to make multi-year payments to the Jewish community in lieu of communal property restitution. The foundation created by the 2011 law assists Lithuanian Holocaust survivors and supports the overall well-being of their Jewish community.

Yet it must be said that many of the promises made in the 2009 Terezin Declaration remain unfulfilled.

I believe our first priority should be the social welfare of survivors. That was the very first priority in the Terezin Declaration. At the 2009 Prague Conference, Elie

Wiesel made a call for action, saying “They suffered enough. And enough people benefited from their suffering. Why not do everything possible, and draw from all available funds, to help them live their last years with a sense of security, in dignity and serenity?” We must repeat this admonition with even greater urgency now when we are losing survivors at a rate of six percent a year.

Today, at least 90% of the survivors in the former Soviet Union and Central and Eastern Europe are poor or near poor; around 32% in Israel; and around 30% in the United States. Let me be clear, this means that of the survivors alive today over 110,000 are living in poverty. This is unacceptable for those who suffered so grievously when they were young to do so now in their last years.

The United States initiated a new program during the Obama-Biden administration, with the leadership of then Vice President Biden, to assist elderly, poor survivors. I urge all countries in the strongest terms to follow the lead of Germany, Poland and Austria and pay pensions or other benefits to survivors from their country wherever they live now. This is a finite expense, but one that will show your common humanity and desire to implement the Terezin Declaration which you endorsed. As a result of its negotiations with the Jewish Claims Conference, Germany has dramatically increased its payments to survivors worldwide. In 2009, the global budget for home care, medical, and social services was 34 million Euros. It is now over 600 million Euros. But this is not enough to offset the poverty levels of survivors. The assistance of all of our governments is essential.

The facts are that the Holocaust was not only one of the greatest genocides in history. It was also the greatest theft. Elie Wiesel put it poignantly at the 2009 Prague Conference: “Just measure the added ugliness of their hideous crimes: they stole not from the wealthy but also from the poor...Only later did I realize that what as we so poorly call the Holocaust deals not only with political dictatorship, racist ideology and military conquest; but also state-organized robbery.”

For example, an estimated 600,000 paintings were confiscated, some 100,000 of which are still missing. Cherished possessions, homes and businesses were stolen by the Nazis and never returned to their owners. When many survivors attempted to return to reclaim their homes immediately after the war they were driven off or even killed in some countries.

On art restitution, at a time when several European countries have increased their efforts, others have done little or nothing to implement the Terezin Declaration. By contrast, Croatia is working cooperatively with the WJRO on provenance

research on cultural objects looted during the Holocaust by the Croatian fascist Ustase and then nationalized under the Communists. In most European countries, too many public and private museums still do not conduct provenance research on their art collections, which is essential to provide information about potential claims for Nazi-confiscated art. I urge you to provide funding to enable them to do so.

American museums, after a good start, even creating a portal to permit claimants to obtain information from scores of museums at the same time, have fallen behind many museums in Germany, Austria, and the Netherlands in conducting art provenance research. Some American museums have sought to block restitution of looted artworks. American courts have not been sympathetic to Holocaust art claims against foreign museums. And the much-vaunted portal has become less useful because of antiquated software. But the United States Congress, reacting forcefully to the efforts to block restitution by American museums, in the 2016 Holocaust Expropriated Art Recovery Act (HEAR) specifically referred to the Washington Principles and the Terezin Declaration and made it more difficult for museums to use the statute of limitations to bar claims.

Tragically, we are approaching the time when there will be no eyewitnesses to the Holocaust. The Conference on Jewish Material Claims Against Germany's estimates show that within 5 years, over half the survivors alive today will have passed away. This should provide a greater sense of urgency to implementing the Terezin Declaration. But it is especially important to follow the most long-lasting recommendations on Holocaust education and remembrance. And most importantly, I hope this conference will not be the last event to focus on implementing the Terezin Declaration. As a way to keep our attention on the issue, perhaps countries could consider posting pledges and updates on their progress on fulfilling their Terezin commitments.

My colleague, Special Envoy for Holocaust Issues Ellen Germain, will go into greater detail on the issues of Holocaust education and combatting disinformation, but permit me to close by saying that the importance of Holocaust education is not only to look back in honoring Holocaust victims and survivors, but to learn the lessons of why the Holocaust occurred: to understand what happens when the rule of law breaks down, when authoritarian governments suppress freedom and demonize minorities, while average citizens remain quiet, and other governments do not try to take firm action.