

EUROPEAN SHOAH LEGACY INSTITUTE: PROGRESS NARRATIVE REPORT #1/2016

Reporting Period: January - March 2016

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1. Institutional Development and Fundraising:

A. Strategy and Action Plan (SAAP) 2016 – 2018

In the first quarter of 2016, the European Shoah Legacy Institute (ESLI) continued its work on furthering institutional development and its affiliations with the EU institutions.

With that purpose, ESLI has prepared a two-part Strategy and Action Plan (SAAP). In the Strategy section, ESLI stated that the process of restitution of immovable property has been closed in almost all Terezin Declaration countries. The only exception is the Serbian Republic, which passed its Holocaust Restitution legislation in 2016. Furthermore, the majority of countries that addressed the issue of restitution and/or compensation opted for creating a fund to be used for supporting Jewish communities in their countries and partial compensation, rather than restituting any property in rem.

Thus, in response, ESLI proposed the Action Plan section, which proposes the implementation of restituting Jewish individual, collective and heirless property in countries where it has not taken place yet, such as Poland; ESLI will facilitate heirless property restitution in the 28 EU countries, ensuring that restitution of communal and individual property will become a part of the EU accession process for these countries.

For instance, with regard to plundered art restitution, ESLI's activities on passing the EP Directive on Mandatory Provenance Research combined with the initiative on developing unified practice will increase the number of restituted or compensated cases for plundered movable property – such as art, libraries and so on.

1. Methodology

The SAAP also outlines the methodology to achieve the proposed objectives and focuses on the following:

1. Inclusion of the issue of restitution and/or compensation for immovable property into the sphere of justice – EP Resolution on Restitution as a Part of Restorative Justice will allow the discussion of restitution not as a national property issue, but as a justice issue, which can be dealt with by the European Council and the European Commission.
2. The EP Directive on the mandatory provenance research will be used to oblige all publicly funded museums to conduct pro-active provenance research and any questionable items shall be reported on a unified online resource.

3. ESLI will build its strategy on connecting Holocaust issues with the current problems and issues in the society to increase the relevance and the chances in reaching its objectives.
4. ESLI will work closely with supporting governments, with Jewish organizations and will aim at developing a status of technical advisor to the EC Coordinator on Anti-Semitism to merge the efforts in the restitution of immovable and movable property.
5. ESLI will build up its annual reporting system to regularly report to the European Commission and the EU Council on the progress in restitution and to file complaints with countries that are not complying.
6. ESLI will build up databases and other knowledge sources on the issues of the Terezin Declaration to be used to create public pressure in the 28 EU countries.
7. Close cooperation and planning of mutual activities with major non-governmental counterparts, working on issues of restitution of immovable and movable property: WJRO, social welfare of victims of Nazism – the Claims Conference and EVZ Stiftung, education, commemoration and research on Holocaust – IHRA, EJC.
8. Bridging the practical needs with academic excellence and engaging world-class researchers from university and research institutions in planning and implementing ESLI's activities.

2. Outcomes: A Timeline

Understanding that the proposed tasks are ambitious and require prolonged efforts, ESLI developed the timeline of outcomes:

EP Resolution on Restitution as a part of Restorative Justice – 2017

Beginning of Polish Restitution Process - 2018

International Centre for Restitution of Plundered Cultural Property – 2018

EP Directive on Mandatory Provenance Research – 2020

Increase by 20% of restitution of plundered art - 2021

3. Other Notes on SAAP

The SAAP also has added value to the existing strategies on restoring post-Holocaust justice and it is the following:

Over the course of post-Holocaust history there were different approaches to justice, though there has never been an attempt to actively engage the European Union. This approach would help to address all 28 countries of the European Union and automatically all countries striving for the EU-accession.

In the case of complete exhaustion of remedies at the national level, the EU-level gives the last plausible hope.

B. Improving cooperation with governments

1. Austria

On 28th of January Executive Director Ms. Halyna Senyk and Project Manager Ms. Anežka Nekovářová attended an important meeting at the Austrian Ministry of Foreign Affairs in Vienna, Austria. They met with Ambassador Dr. Thomas Michael Baier, Special Envoy for the International Holocaust Remembrance Alliance (IHRA), Federal Ministry for European and International Affairs, Ms. Hannah Lessing, General Secretary of the Austrian National Fund, Mr. Martin Haider, Federal Ministry for European and International Affairs, Mr. Kurt Wegscheidler, Head of Department Social Compensation, Federal Ministry of Labour, Social Affairs and Consumer Protection and Ms. Dana Baschová, Czech Embassy in Austria.

The purpose of the meeting was to discuss political and financial support for ESLI. Halyna Senyk introduced most recent developments, described upcoming projects and ambitions with the main focus on restitutions and/or compensation of immovable property. Participants of the meeting agreed upon the importance of the EU involvement and raising the issue at the European Parliament and Commission since Holocaust was not only mass murder but also mass theft which was only partially addressed by European communities--discussing post-Holocaust restitutions keeps the matters of Holocaust atrocities alive and pertinent.

2. Germany

Anezka Nekovarova travelled to Berlin, Germany to discuss political and financial support from Germany. She met with Ambassador Felix Klein, Special Envoy for post-Holocaust issues. Anezka informed him about ESLI's activities regarding the restitution conference, provenance research activities and asked if there was anything ESLI could do to obtain support. Mr. Klein suggested contacting State Secretary, Mr. Walzer. Afterward, ESLI suggested issuing a letter together with Mr. Klein; however, he didn't agree. Regarding German support, ESLI has been fully cooperating with the Czech ambassador in Berlin and his office who initiates meetings and discussions with German partners.

3. Cooperation with Special Envoys and the EC Coordinator on Anti-Semitism

On 12 January 2016, ESLI attended a meeting with EC Coordinator on Anti-Semitism Katharina Von Schnurbein and Special Envoys for Holocaust issues and Anti-Semitism held on 12th January 2016. Halyna Senyk had the opportunity to discuss possible future cooperation with the European Commission and European Parliament and possible funding from the EU. In addition, Ms. Senyk discussed a course of common efforts with special envoys and other relevant stakeholders. ESLI also discussed letter to the Serbian PM encouraging him to accept proper restitution legislation in Serbia. ESLI prepared this letter in cooperation with the special envoys and WJRO and obtained signatures from all the envoys.

C. Personnel Changes

Due to the anticipated expansion in ESLI's scope of activities, the increased need for highly qualified staff with experience in working with European Union funded projects, advanced knowledge of social media usage, and in-depth knowledge in specific areas of ESLI's activity was required. ESLI conducted a search for a Financial Manager and two Project Managers. The search was done internationally via specialized recruiting websites.

D. Fundraising Activities

During the first quarter of 2016, the European Shoah Legacy Institute submitted the following proposals:

- 1) DG JUSTICE Action Grant: Modern narrative on the impact of the Holocaust on EU integration and European communities as a measure to prevent/combat anti-Semitism. Total requested budget: 567,397 EUR
- 2) DG Communication Grant: Restorative Justice after European genocides: Holocaust and Yugoslav War genocide for 100,000 EUR
- 3) Vishegrad Fund: Standard Grant to conduct provenance research trainings in Vishegrad countries, Poland, Hungary and the Czech Republic. Total requested budget: 33,534 EUR

E. Restructuring of the Administrative and Supervisory Board

During the period of January – March 2016, ESLI in cooperation with the MFA was working on the process of appointing new members to the Administrative and Supervisory Boards. At the same time, the changes in the Articles of Incorporation were being implemented so that both Boards could be internationalized and the number of Supervisory Board members can be extended to up to six members.

The intended changes were discussed during both the Administrative Board (15.1.2016) and the Supervisory Board (30.3.2016) meetings where representatives of the Israeli government were present.

The changes in the Foundation Charter were incorporated by the MFA and sent to ESLI with the request to consult the document with ESLI's law firm. After consultation with the lawyers, the MFA continued cooperation with ESLI's law firm through direct communication.

In January 2016, mandates of the following members expired:
Administrative Board: M. Sidenberg, P. Györi; F. Bánayai resigned
Supervisory Board: T. Kraus, V. Belling

In January, P. Štingl was registered in the Administrative Board, in lieu of the Chair T. Kosta who resigned in August 2015.

The Ministry of Foreign Affairs, the founder of the European Shoah Legacy Institute, initiated negotiations with the Israeli Ministry of Foreign Affairs and the United States State Department about the appointment of Special Envoys for Holocaust Issues as members of the Administrative and Supervisory Board thereby, internationalizing the European Shoah Legacy Institute.

2. Provenance Research Initiative:

Following forward from the European Shoah Legacy Institute's activities at the European Parliament in Brussels in September 2015, the European Parliament's Committee on Legal Affairs announced in January 2016 that it had commissioned Professor Marc-André Renold of the University of Geneva in Switzerland to undertake the study on looted art that was requested as part of the Provenance Research Initiative.

The report is due to be delivered to the Committee on Legal Affairs in April and expected to be made public in May.

ESLI has continued liaising with the Committee on Legal Affairs in the first few months of 2016 in the expectation of continued cooperation on the Provenance Research Initiative.

A. Grants

In January, the European Shoah Legacy Institute was awarded a partial grant of €5000 (five thousand Euros) from Zukunftsfonds of Austria for two Provenance Research Training Programs in Vienna in 2016. Unfortunately, ESLI was forced to decline the grant offer as it was insufficient to cover the prospective costs of conducting PRTP in 2016.

1. Visegrad Fund grant application

On March 14, 2016, a Standard Grant application for the Visegrad Fund had been submitted. The proposed project aims at provenance research and will provide methodological training in provenance research— including specialized research in public and private archives – a presentation and discussion of legal concepts and instrumentalities at national and international levels, including political, legal, and ethical issues; and a comparative overview of restitution policies and principles.

The training will be designed for professional museum staff, professional library and archival staff, professional staff of auction houses and art galleries, practitioners in highly-specialized fields (such as law, insurance, art appraisal, and brokerage), staff from NGOs and governmental organizations involved in conflict looting and post-Holocaust restorative justice, government officials and civil servants whose work involves (directly or indirectly) cultural heritage issues, independent researchers, and even graduate and post-graduate

students of law, history, art history, and related fields that intersect with provenance researchers.

B. Conferences

In February, Project Manager Lochlan Warren submitted a paper on the importance of provenance research to cultural heritage protection for consideration as a speaker at the annual conference of the International Council on Archives to be held in Seoul, South Korea in September 2016.

3. Social Welfare for Holocaust Survivors and Other Victims of Nazi Persecution:

A. Participation in conferences related to welfare services for victims of Nazism

Project Manager Anezka Nekovarova attended an event organized by EVZ Stiftung under the title Transitional justice. The presentation was dedicated to restorative justice after genocides in the 20th century.

B. NGO Forum

ESLI has been continuing in the development of the NGO platform. We managed to create an online platform affiliated to the main shoahlegacy.org website. The platform page contains info about platform members, the kind of service they provide, their target group as well as information about upcoming events and funding opportunities in which they could be interested in. At this moment, the platform is in its testing stage, and we are going to ask platform members to evaluate it.

4. Restitution and Compensation of Immovable and Movable Property:

A. International Conference: Restorative Justice and its Impact on Tolerance

A conference steering committee has been created to discuss all preparatory activities and the conceptualization of the conference. It is composed of:

Tibor Shalev-Schlösser (Special Envoy for Holocaust Issues, Israel), Hannah Lessing (Secretary General, National Fund of the Republic of Austria for Victims of National Socialism), Photini Tomai Constantopoulou (Special Envoy for Holocaust Issues, Greece), Katharina von Schnurbein (Coordinator for Antisemitism, European Commission), Liz Nakian (Deputy Head of the Office of the Special Envoy for Holocaust Issues, State Department, USA), Patriziana Sparacino (Special Envoy for Holocaust Issues, France), Gideon Taylor (WJRO, USA), Evan Hochberg (WJRO, USA), Lee Boyd (ESLI Research Team on Immovable Property, Brownstein Hyatt Farber & Schreck), Prof. Michael Bazylar (Director of the ESLI Research Team on Immovable Property, Chapman

University), Rajika Shah (ESLI Research Team on Immovable Property), Jan Kreuter (Ministry of Foreign Affairs of the Czech Republic), Halyna Senyk (Director, ESLI), Anežka Nekovarova (ESLI), and Petra Seidlova (ESLI)

The group have had two teleconference calls to discuss the venue of the conference, dates, concept of the whole event, patronage from the European Parliament, scorecards for each Terezin Declaration country, raising issues among the public. The list of invitees has also been accomplished. Furthermore, ESLI has created the conference graphic design, logo and Save the Date design.

ESLI obtained the patronage from the Slovak Presidency of the European Council for the international conference, Restorative Justice and Tolerance. ESLI will use the logo on all conference materials and a Slovakian government high-level representative will open the conference.

Ms. Halyna Senyk also had a meeting with the Dutch ambassador regarding the Dutch presidency but the Netherlands eventually decided not to provide the patronage. Ms. Halyna Senyk is also in close touch with Mr. Oliver Dreute – the head of Cabinet of President Schulz in order to negotiate the support of the EP.

B. Immovable Property Survey

After receiving the completed questionnaires, the database project team has been in close contact with a number of Terezin governments. As of March 2016, final responses from 19 governments (via questionnaire or otherwise) have been received. At least 11 more are expected later in 2016 from governments who previously indicated they are working on the questionnaires.

Submitted answers:

1. Slovakia (email)
2. Greece (email)
3. Latvia (letter)
4. Serbia (2 questionnaires)
5. Australia (email stating cannot complete - no resources)
6. Finland (letter)
7. Spain (email)
8. Malta (email)
9. Macedonia (questionnaire)
10. Cyprus (email)
11. Uruguay (questionnaire)
12. Turkey (email)
13. Estonia (questionnaire)
14. Hungary (questionnaire)
15. Sweden (questionnaire)
16. Argentina (email)
17. Germany (email)

18. Denmark (questionnaire)
19. France (questionnaire)

The database team has continued in cooperation with over 50 pro bono attorneys from major global law firms including White & Case, O'Melveny & Myers, Morgan Lewis, Fried Frank, and Brownstein Hyatt Farber & Schreck. These pro bono attorneys, under the guidance of the directors and their associates, have continued to complete research reports addressing the status of restitution legislation particularly, in the Terezin Declaration countries.

The database team is nearing completion of draft reports for all 47 Terezin Declaration countries. To ensure accuracy and to continue to foster a collaborative process for this database project, external scholars and legal practitioners are now reviewing the reports and providing input.

Up to date, 19 governmental questionnaires or answers were received.

5. Education, Commemoration and Holocaust Studies

A. DG Communication Grant: Europe for Citizens

During March, ESLI was working on the project named *Holocaust of WWII and Yugoslav War Genocide: Two Stories of reconciliation and restorative justice* funded by DG Communication. We applied for 100 000 EUR and involved other NGOs based in the Balkan region who are experienced in the proper fields to collaborate in the project:

- EUROPEUM, Czech Republic
- NBI Research center for Humanities and Art, Serbia
- Institut za Historiju u Univerziteta u Sarajevu, Bosnia and Herzegovina

The proposed project aims at analyzing the consequences of hate crimes committed in the Holocaust and Yugoslav genocide by comparing specific legal and political actions that have been or not have been taken to bring justice to victims and ensure adequate punishment of perpetrators, whilst ensuring such crimes do not occur again. If ESLI gets the support, the project will start in August 2016, ending in January 2018.

Proposed activities:

- Preparation Stage: coordination meeting with partners, preparation of the call for papers, creation of Peer Review and selection of papers and participants for the International Conference.
- International Conference on Comparative Analyses on Restorative Justice after Holocaust and Yugoslav War Genocide as Means of Reconciliation and Tolerance.
- Public debates conducted in Czech Republic, Serbia, Croatia, Bosnia and Herzegovina, Poland, Austria, and Germany.
- Conference proceedings as a basis for a documentary film.

DG Justice: Action Grant Modern Narrative on the Impact of the Holocaust on the EU Integration and European Communities as a Measure to Prevent/Combat Anti-Semitism.

A. Objectives:

- The project focuses on the identification and exchange of best practices for mitigating and combating hate crimes, with a particular emphasis on lessons learnt from the context of post-Holocaust restorative justice
- To transfer to community leaders, local authorities, and vulnerable groups the lessons derived from the best examples of concrete good practices in restorative justice

B. Activities:

1. Examination of the acceptance process of responsibilities for the Holocaust and its relation to the process of European integration:

1.1 Study

1.2 Workshop

1.3 Conference

1.4 Public debates for political parties

1.5 Political parties survey (Poland, Hungary, Czech Republic, Slovakia, Austria)

1.6 Case studies analysing selected debates potentially contributing to the rise of hate speech against minority groups and/or anti-Semitic tendencies in parliaments of European Union Member States

1.7 Presentation of the survey and case studies at the European Parliament

2. Restorative Justice and its impact on tolerance and prevention of hate crimes

2.1. Database on restitution and compensation for wrongfully seized immovable property

2.2 International Conference under the patronage of the Council of the European Union

2.3 Press Conference

2.4. Study

2.5. Bi-monthly meetings with policymakers

2.6. Manual on Holocaust and Dealing with the Past in Europe

3. Knowledge transfer through trainings (for vulnerable groups, youth, and communities)

3.1.1 Trainings on European restorative justice as model for reconciliation for vulnerable minorities

3.1.2 Legal assistance to minority communities on restorative justice measures

3.2. Guidelines on best practices for restoring justice after extreme hate crimes

3.2.1 Stakeholder seminar to explore opportunities and limitations of restorative justice following hate crimes

3.3 International Summer Camp on European Integration: *How can Remembering Victims of Hate Crimes help in preventing Future Hate Crimes?*

C. Type and number of persons benefiting from the project:

● **Direct beneficiaries:**

500,000 victims of historical injustices

100,000 claimants, lawyers, policy-makers, vulnerable minority groups, politicians, academicians, media from the 28 EU member states

100 vulnerable youngsters in Strasbourg

30 asylum seekers in Croatia

140 participants at the events and at the press conference (NGO representatives, think tanks, academia, university students, professionals, journalists)

200 expected participants at the International conference

250 participants at the debates in 5 countries: Poland, Hungary, Czech Republic, Slovakia, Austria

60 participants during the five-day summer camp in Croatia

- **Indirect beneficiaries:**

Civic educators (specifically the ones working in multicultural contexts), and individuals and organizations dealing with the education and inclusion/integration of refugees

D. Expected results

- Improvement in the practical knowledge of unique European restorative justice approaches to dealing with hate crimes
- Improvement in the knowledge of achievements of various national responses to residual post-Holocaust issues in Europe, including restitution, compensation, and heirless property
- Promoted the exchange of best practices as they relate to restorative justice
- Raised awareness by promoting the supremacy of tolerance in political discourse in Europe through public debates in national parliaments.

E. Type and number of outputs of the project:

- 2 studies
- 1 manual
- 1 set of guidelines
- 1 online database
- 9 workshops
- 2 conferences
- 1 international conference followed by a press conference
- 5 public debates
- 1 online survey
- 3 case studies
- 4 policy recommendations as a part of the studies and the follow-up of the international conference on restorative justice
- 1 two-day seminar
- 1 five-day summer camp
- 5 trainings
- 10 advocacy meetings with relevant policymakers

F. Concluding Notes

The Holocaust is a clear example of a transnational, Europe-wide, human, political, ideological, legal, social, and cultural criminal phenomenon that resulted in the extermination of a significant portion of a community that was present in Europe for over 2000 years. Furthermore, it is clear that the genocidal aspects of WW II has had a deep influence on the defining moments in conceptualizing the 'European project,' as one of the main goals in the creation of the European Union was to avoid further violence and war between European countries by promoting and fostering reconstruction, cooperation, tolerance, and mutual understanding.

This project is defined upon this basis and is deeply rooted in the ethical and reparative dimensions of the European unification dynamic. Furthermore, it is designed in line with the Charter of Fundamental Rights of the European Union which guarantees the respect of dignity (Chapter I: Articles 1-5) as well as the right to property (Article 17). Taking these values and the relevant historical context into account, this project aims to reinforce common understandings and social cohesion within European societies. To achieve this goal, concrete and transnational actions are proposed: six organisations from five member states will create practical tools and solutions to address specific and important cross-border and Union-wide issue for victims of hate crime and hate speech.

Through the above described database, studies, workshops, conferences, meetings, and political debates, best practices will be identified and disseminated in order to prevent and combat anti-Semitism, and by so doing contribute to the reduction of hate crime and hate speech in Europe.

The goal is to help community leaders, local, national, and European Union authorities - as well as targeted demographic groups - to better understand the lessons derived from the best examples of concrete good practices in restorative justice and to prevent or minimise the negative impacts of hate crimes on victims.

The proposed project, if supported will be implemented in cooperation with the following partners:

- Central European University (Hungary) - university
- EUROPEUM (Czech Republic) – non-for-profit organization
- Documenta (Croatia) – non-for-profit organization
- CEJI (Brussels) – non-for-profit organization
- AMSED (France) – non-for-profit organization