Restitution bypasses victims

Why the German government needs to take immediate action!

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ZOV (Zeitschrift für offene Vermögensfragen), 4/2010, page 170 ff.

When the first draft of the Property Act[1] was presented in mid-1990, it did not include § 1 para. 6. Also the joint declaration for regulating unresolved property issues signed by the German Democratic Republic and the Federal Republic of Germany on June 15, 1990 which, in accordance with Article 41, para. 1, constitutes an integral part of the Unification Treaty from August 31, 1990 and is included in this treaty as Appendix III, makes no reference whatsoever to the inclusion of persecution-related property loss suffered by victims of the Nazi regime.

This was explained by the GDR government's assertion that the **illegal offenses** that needed to be settled appeared to be **too diverse**. On the other hand, after the Second World War, the victorious Western powers did not want to leave the question of restitution unsettled, nor did they want to declare their responsibility for Germany to be terminated without a settlement.[2] This matter is presented differently by the Conference on Jewish Material Claims Against Germany, Inc. (JCC) in its annual reports. It was only after JCC intervention that property losses suffered by citizens and associations persecuted for racial, political, religious or ideological reasons during the period from January 30, 1933 to May 8, 1945 were also included.[3]

This depiction of the history is not devoid of inaccuracies. For example, it was stated that the Property Act was passed by the "new government of reunified Germany." However, according to the Unification Treaty, it was actually an ongoing law of the GDR (German Democratic Republic).

[1] *Vermögensgesetz*, law permitting claims to be filed for property lost in the former territory of the German Democratic Republic

[2] Richard Motsch in: Rädler, Raupach, Bezzenberger [publisher] *Vermögen in der ehemaligen DDR* (Assets in the former GDR), para. 2B, page 32 ff.

[3] Cf. Claims Conference, Annual Report 2008/2009 http://forms.claimscon.org/ar/CC_2008_AR.pdf S. 46 on page 44 of the printed version

The following only relates to eligible **Jewish** persons whose legal successor in certain cases is the JCC.[4] In retrospect, I believe it was an error to include this group of persons in the Property Act and subject them to its procedural conditions, including the application requirements specified in § 30, and the time limits outlined in § 30a.[5] It would have been far better to establish special regulations for this group. The justification for this will be ascertained in the following.

§ 1 para. 6 of the Property Act specifies persecution-related property loss as a result of forced sales, **expropriations** or other means and substantiated a presumption in favor of the entitled parties in accordance with Para. II of the BK/O (49) 180 Directive of the Allied Commander in Berlin dated July 26, 1949.

The expropriations mainly resulted from the application of the 11th Executive Order from November 25, 1941[6] of the Reich Citizenship Act (*Reichsbürgergesetz,* one of the Nuremberg Race Laws depriving Jews of German citizenship) passed on September 15, 1935[7]. According to this regulation, the assets of Jews who lost their German citizenship were transferred to the State. This was perfidiously the case when these people were deported to concentration camps outside of German territory. Expropriations also resulted from the 13th Executive Order of the Reich Citizenship Act from July 1, 1943,[8] which ordered that, after the death of a Jewish person, his or her assets passed to the State.

After the victory over Hitler's fascism, one of the first measures undertaken by the Allied Forces was the rescission of National Socialist law by means of Allied Control Council Law No. 1. All acts and related provisions, regulations or decrees on which the Nazi regime was based, were also rescinded, thereby including all legal settlements directed against Jews.[9]

Court decisions and the literature are in agreement that this National Socialist legislation is invalid. In a resolution passed on February 14, 1968, Germany's Supreme Constitutional Court ruled as follows: "The 11th Regulation … (must) be regarded as invalid from the very beginning".[10] Previously, in a resolution dated February 25, 1955, the Great Senate for Civil Cases at the Federal

[4] Cf. Fritz Enderlein, *Ist § 2 Abs. 1 Satz 3 Vermögensgesetz verfassungswidrig?* (§ 2 para 1 sentence 3 of the Property Act: Is it unconstitutional?), ZOV 6/2008, page 277 ff.
[5] Cf. Fritz Enderlein, Enteignung durch § 30a VermG (Expropriation due to § 30a Property Act), ZOV 5/2009, page 219
[6] RGBl. (Reich Law Gazette), Para 1, page 722
[7] RGBl. (Reich Law Gazette), Para 1, page 1146
[8] RGBl. (Reich Law Gazette), Para 1, page 372
[9] Allied Control Council Law No. 1 relating to the rescission of National Socialist law, dated Sept. 20, 1945, cf. www.verfassungen.de/de/de45-49/kr-gesetz1.htm
[10] Supreme Constitutional Court 23 page 98 [106]

Court of Justice declared as follows: "2. The expiry declaration of § 3 of the 11th Executive Order of the Reich Citizenship Law was … invalid from the very beginning".[11]

After the Allies rescinded the Nazi legislation and this was accepted by the former legal authorities, the court decisions relating to the Property Act **in effect** reintroduced the Nazi legislation, thereby sanctioning the **subsequent expropriationof Jewish property.** In a judgment by the Federal Court of Justice on January 1, 2003 on case III ZR 121/02[12], the following was stated: "Because the Property Act also aims specifically at rectifying property divestments by the National Socialist state which *did not result in a loss of property*" (italics by F.E.). It is true that there was no loss of title in the Nazi era and there was also no loss of title in the GDR period, but there is now a loss of ownership because the "consequence of the applicability of the Property Act on the relevant confiscation of assets is that the entitled party is basically only able to reclaim his/her lost legal position under the prerequisites of the Property Act. … The Senate concurs with the view of the Federal Administrative Court that § 1, para. 6 of the Property Act has for the first time constituted a right to restitution for the persons mentioned in the aforesaid provision (Federal Administrative Court 98, 261,265). In this case,based on their inheritance entitlement, the defendant and her mother were, in principle, only able to demand the return of their lost property that the property office ruled in their favor in this matter with binding legal effect based on an application submitted before the deadline specified in § 30a, para. 1, sentence 1 of the Property Act (§ 34,para. 1 of the Property Act). In this respect, it is irrelevant that the property had neither been transferred to state ownership, nor had it been transferred to a third party…. Even in the event of a property divestment being regarded as invalid, the entitled party has not been freed of his obligation to submit a claim in order to protect his rights against possible applicants in accordance with § 2, para. 1, sentence 3 of the Property Act." When no application is submitted by the owners entered in the land register, the Federal Court of Justice and the Federal Administrative Court support an **expropriation in favor of the JCC!** But what happens when no JCC application has been submitted or is not submitted on time? Who is the real owner in this case? Is it the Federal Republic of Germany as the successor to the German Empire?

In the opinion of Germany's Federal Court of Justice, the persons affected may only receive compensation "basically by means of positively concluded restitution proceedings. If, for example, they failed to comply with the time limit under § 30a, para. 1 of the Property Act, they were unable to recover the lost asset. With this clear compensatory ruling in the Property Act would it not be

[11]Federal High Court of Justice for Civil Cases 16 page 350 ff.
[12] Federal High Court of Justice for Civil Cases 153, 258 = ZOV 2003, 99

appropriate for the legal heir of a persecuted person to be able to regain ownership by means of simple (? F.E.) evidence of his or her inheritance entitlement (why would ownership be regained if there was no loss of the property in the first place? F.E.) because the land register still shows the persecuted person as the owner".

Fortunately, actual practice in many cases proceeds differently from that conceived by the Federal Court of Justice. It is true that the heirs submitted no claim for return of title, but the land registry offices effected the rectification of the land register based on the submitted certificates of inheritance, whereupon the JCC waived its own claim (if any claim had been submitted).[13]

The persons affected by the jurisdiction of the Federal Court of Justice and the Federal Administrative Court have a damage compensation claim against the Federal Republic of Germany because they were expropriated as a result of the time limit specified in § 30a of the Property Act and because the Federal Republic had failed to commission JCC to search for and notify the heirs, despite numerous amendments and supplements to the Property Act.

In more recent court decisions it is again assumed that the "forfeiture of assets ordered by the 11th Executive order of the Reich Citizenship Law from November 25, 1941 was invalid and did not lead to a loss of property according to civil law.[14]

If that is the case, would it not have been more appropriate to re-establish the former legal position **without requiring an application** to be submitted by the persons entitled under the Property Act? The following is stated in the cited resolution of the Great Senate from 1955: "the execution of restitution proceedings is not required under such circumstances."[15]

Who was more aware of the expropriations and the land registry status than the German authorities? It is true that the authorities, i.e. the offices responsible for dealing with unresolved property issues, were required to officially determine the actual situation. However, this presupposed a minimum amount of information from the applicants who, in many cases, felt like they were in the position of petitioners. Another fact was that the majority of cases in 1990 involved the children, grandchildren or other relatives of the original owners. Only in a few cases did these people have sufficient information.

[13] I have already expressed my critical comments with regard to restitution under the Property Act when the owner is still listed in the land register, cf. ZOV 2002, 263 ff., ZOV 203, 154 f. Neue Justiz Heft 9/2003, page 462.
[14] Berlin Court of Appeals, judgment from January 28, 2010 – 8 U 56/09, ZOV 2/2010, page 87 ff.
[15] ibid. page 351

The requirement to submit an application in accordance with § 30 of the Property Act is incomprehensible, especially for those entitled persons who repeatedly submitted applications for restitution after the war. These applications were indeed justifiably rejected on the basis of the applicable legislation in the Federal Republic of Germany. This is because they involved property assets that were situated outside the Federal Territory at that point of time. Nevertheless, the applications were submitted. For the descendants of former Jewish citizens living abroad, Germany has always been regarded as one country, especially when it comes to its responsibility for holocaust victims. If nothing else, the old applications should have been officially taken into account.

Anyone who is following my argumentation with regard to the expropriations carried out by the Nazis may object that in the case of forced sales, an examination was required. Especially in these cases the land registry offices should have been more active. In view of the fact that it had to be stated in the sales contracts whether the sellers were Arian, the previous Jewish ownership would have been seen also in cases that were not recognized as Jewish from the very beginning. The Property Act allows the option of refuting the statutory assumption. This alternative could have also been integrated into a special ruling for racially persecuted victims. However, this would not have forced entitled persons or those who were robbed of their rights as a result of the time limits to take action.

According to § 2, para. 1, sentence 3, the JCC is entitled to act on behalf of entitled persons if they or their legal successors have not submitted applications. This assumes submission of an application by the JCC. Nothing happens without an application. There are, however, cases in which the JCC benefits without submitting an application, namely when a successor or heir has submitted an application as a member of a community of heirs. The JCC then acts on behalf of unnamed co-heirs in accordance with § 2a, para. 1a, sentence 1 of the Property Act. But that's not all. The JCC also acts on behalf of a co-heir whose name is known, but not the current address. Nowhere does it say that the authorities or the JCC are required to search for co-heirs. In these cases, the JCC becomes the legal successor by force of law without being required to submit an application.

The JCC is proud of the fact that it has submitted thousands of applications,[16] including individual applications as well as three global applications, and has thus rescued numerous assets on behalf of the Jewish people. In this way, the JCC claims to have prevented the assets from falling into the

[16] www.claimscon.org

hands of the German State or Arians. But what happens to the assets for which no application has been submitted by the JCC due to a lack of relevant knowledge, or in cases in which global applications have been rejected in the absence of a timely specification? Is this a continuation of Nazi injustice against Jewish citizens?

The JCC has submitted three global applications on which the Federal Administrative Court has expressed its opinion on numerous occasions. With its Global Application No. 1, the JCC claimed "all identifiable assets arising from files and documents held by public authorities, archives, institutions, etc., which have not yet been made available to the Claims Conference." Although these files and documents existed, they were not made available to the JCC before December 1992 when the application period expired. Would it have been conceivable to ask all government authorities, archives and institutions to search through their files listing former Jewish assets? I think so.

With its Global Application No. 2, the JCC claimed "real estate, companies, rights in rem and all other assets being claimed by third parties as defined in § 2, para. 2 of the Property Act and for whom it becomes apparent during the processing of restitution claims that there has been a loss of assets as defined in § 1, para. 6 of the Property Act and that the Claims Conference in accordance with § 2, para. 1 of this law is the legal successor of the original Jewish entitled parties." This application was also entirely logical and justified. As long as an application was being processed, regardless of by whom, the time limits did not play a role for other applicants.[17]

Global applications 1 and 2 were rejected as invalid by the Federal Administrative Court.[18] It is significant in this and other cases in which property offices and administrative courts decided in favor of the JCC that subsequent claims filed by Aryan heirs resulted in an overturn of these decisions by the Federal Administrative Court. It cannot be alleged that this fostered the conceptof restitution.

Only Global Application 3 withstood the stern approach adopted by federal judges – but only to a certain extent. The following was requested with this application:
"1. Property assets that are identified by files from the following archives (cf. Appendix).
2. Verifiable assets of Jews, whose names are recorded in the files of the German Kinship Office (Reichssippenamt) in the Federal Archive in Potsdam, as well as assets of Jews whose names are

[17]Cf. e.g. Gerhard Brand, extension for those who missed the application deadline specified in § 30a of the Property Act, ZOV 6/1997, page 402
[18] Judgment from October 23, 2003 – 7C 62.02

identified from the additional sources listed below (cf. Appendix) or listed as persons of Jewish faith and origin in available documents from the residents' registration office or found in available address books.
3. Assets confiscated from Jews by the National Socialist state as a result of the following discriminatory executive orders or any loss in connection with these executive orders (followed by a list of 11 acts and executive orders).
4. Property assets confiscated as a result of divestments by the German state, which have been incorporated into the assets of the German Reich, the NSDAP or other organizations specified in § 1 of the Federal Restitution Act (*Bundesrückerstattungsgesetz*), more specifically seizures based on the 11th Executive order of the Reich Citizenship Law (shares and securities) in the total amount of RM 186,000,000, seizures based on the 11th Executive order (excluding shares and securities) totaling RM 592,000,000, discriminating special taxes in the amount of RM 900,000,000, Reich Flight Tax, and RM 1,127,000,000 in property tax."

Application 3 was accompanied by a lengthy appendix that included details from individual files and archives.

The Federal Administrative Court only recognized the first two items listed on Application 3 as possibly valid applications. "The claimed property assets based on the referenced legal grounds for the confiscation of Jewish property (No. 3), or based on the details of the amount of damage incurred as a result of the lost property during the National Socialist period (No. 4) cannot be accurately determined."

The legal grounds for the loss of Jewish ownership were, however, precisely those that were designated as invalid by legislators and in court decisions. Insofar as reference is made in land registers, commercial registers or similar records to various executive orders of the Reich Citizenship Act, to the Act on the Confiscation of Public and State Enemy Assets from July 14, 1933, or the executive order on the registration of Jewish property from April 26, 1938, it was possible to officially establish the eligibility of the JCC.

Even in the many cases in which an automatic reinstatement of the old property rights was not possible, assistance could at least be provided to applicants in search of Jewish property assets. With regard to Jewish assets lost as a result of persecution and displacement, the authorities failed to carry out what is now generally required with regard to works of art, namely, to quote from the Washington Conference Principles established in 1998: "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. Every effort should be made to … locate pre-War owners or their heirs."[19]

The JCC carried out extensive research activities with relatively few employees and achieved astounding results. Things were not made easy for the JCC. Despite the official investigation principles outlined in § 31 of the Property Act, which can be understood to mean that the authorities are required to assist applicants, JCC staff members were for a long time denied access to files maintained by the Berlin Restitution Office based on a reference to § 8 of the Federal State of Berlin's Archiving Law. Other files, including those from the Berlin Equalization Office, were destroyed before they could be evaluated.[20]The fact that the files from the Reparation Office still exist and have been integrated into the Berlin State Archive is a result of the efforts made by long-time Director, Ms. Recknagel.[21]

§ 2, para. 1 of the Property Act includes the concept of unclaimed property for which the JCC is authorized to assume legal succession if an application is submitted on time. But is it really unclaimed? Or simply not claimed on time? Thousands of entitled persons have not complied with the time limits specified in § 30a of the Property Act. Afterwards they turned to the JCC, which they regard as their trustee. It is true that the JCC is not legally obligated to search for heirs of former Jewish property owners and share with them any revenues and/or restitution received. The JCC clearly exploits this situation. At the same time, a large number of latecomers justifiably point out that this is exactly what the JCC is morally obliged to do!
This obligation is also outlined in the JCC by-laws. The JCC registered as a non-profit organization with the State of New York Department of State in 1951.[22] According to § 2a of the JCC articles of corporation: "The purpose of the corporation shall be solely to voluntarily assist, aid, help and act for and on behalf of Jewish persons that were victims of Nazi persecution and discrimination." Nowhere in the by-laws does it say that the purpose lies in preventing heirs from claiming their justified inheritance. In the supplementary articles from 1994, it says that the JCC is acting as "a successor organization for heirless and unclaimed Jewish property."

[19] Quoted from "Handreichung zur Umsetzung der Erklärung der Bundesregierung, der Länder und der kommunalen Spitzenverbände zur Auffindung und zur Rückgabe NS-verfolgungsbedingt entzogenen Kulturgutes, insbesondere aus jüdischem Besitz" published in December 1999 by the German Federal Government Commission for Culture and the Media
[20] Peter Bölke, Erbschein aus dem KZ (Certificate of inheritance from the concentration camp) , Der Spiegel 21/1997 from May 19, 1997
[21] www.digberlin.de/SEITE/reckhagel.php
[22] State of New York, Department of State; available from the County Clerk, N.Y.

The articles of corporation make no reference to the German Property Act. They do not say **"unclaimed before the time limit** specified by the Property Act." When an heir turns to the JCC for assistance, his or her assets are no longer unclaimed.

The fact that things can be done differently is demonstrated by the Israeli Law for Holocaust Victims' Assets from 2006.[23] This law established the HASHAVA, an organization whose mission it is to identify the property assets of Holocaust victims and to search for the respective heirs. The organization is furnished with the necessary financial and personnel resources.

The Federal Republic of Germany is also **legally and morally** obligated to assist latecomers. In his speech honoring the 20th Anniversary of the Claims Conference Successor Organization on March 18, 2010, Siegfried Kauder, Chairman of the Legal Committee of the German Federal Parliament, pointed out that it is a fundamental obligation of the Federal Republic of Germany to help those who lost their property and other assets as a result of Nazi persecution. "From a constitutional standpoint, paying restitution to those persons concerned is not a voluntary act by the Federal Republic of Germany. It is a precept of material justice, which is an integral part of our constitution".[24]

"The Jewish Claims Conference successor organization serves as a trustee for persecuted Jews" (Kauder, ibid.). This is also asserted by heirs who turn to the JCC for help, but are rejected because the time limit for submitting claims has expired.[25]

Unfortunately, the responsible politicians in the Federal Republic of Germany have a lot of nice things to say in public, but no action is taken in everyday practice. A request to support my proposal to legally define the JCC as the trustee for persecuted Jews[26] was rejected by Mr. Kauder. It is obviously sufficient for him and other Members of Parliament (including Michael Grosse-Brömer, CDU/CSU party spokesman for legal and political matters, and Marco Buschmann, FDP party spokesman and chairman of the legal rights taskforce) to have the JCC serve as trustee for **"persecuted groups"** andthereby accept the injustice experienced by persecuted individuals.

It is pointed out that the JCC revised its guidelines in 2009 to take account of special hardship cases. Accordingly, applications submitted to the Goodwill Fund after March 31, 2004 can be

[23] http://www.hashava.org.il/eng/template/default.aspy?catid=33
[24] From the manuscript of the speech
[25] Fritz Enderlein: "Was es mit den Richtlinien und Fristen des JCC-Goodwill Programms auf sich hat" (What the guidelines and deadlines of the Goodwill Program are all about), http://www.j-zeit.de/archiv/artikel.1386.html
[26] Cf. ZOV 5/2009, page 219

reviewed on a case by case basis if an application (a) is submitted by an original owner of the property or spouse of the original owner, or (b) is submitted by a child, grandchild or great grandchild of the original owner who can prove, through medical documentation that they were for medical reasons, unable to file an application in the period immediately before the deadline of March 31, 2004.[27]

Unfortunately, the JCC decisions were extremely arbitrary and autocratic when it came to determining whether or not a doctor's certificate confirming that someone was not healthy enough to personally submit an application was acceptable. This is not to mention the fact that a number of applications remained unprocessed for several months.

Many of the applicants who personally survived the Holocaust are old and chronically ill. But this has no bearing for the JCC. Only someone who was more or less in a coma up until April 2004 (or his or her heirs) would stand any chance of receiving restitution from the Goodwill Fund.

The persons who were expropriated in favor of the JCC as a result of the Property Act are not willing to accept this. Many of those affected have reported their situation to the Petitions Committee of the German Federal Parliament (Bundestag). After their ancestors were persecuted and murdered, many of the heirs only learned much later about their families' assets. Others assumed that restitution applications had already been submitted before 1990 (and rejected) or the former owners were still listed in the land register. The ill-fated stories of these families – many were murdered in the Holocaust and only very few survived – are enough to fill volumes.

The Petitions Committee promised to carry out a detailed examination of the petitions. This is still taking place. In their commentaries, the Federal Ministry of Finance and the Ministry of Justice continue to repeat their earlier, refuted arguments. They also refuse to grant the victims a legal claim in dealing with the JCC. Instead, they simply close their eyes to the history of restitution rights and the reason for involving the JCC.

Initially, there was no intention to reallocate Jewish property assets. The plan was to assign **uninherited**property to the JCC. The committees involved were unanimously of the opinion that the JCC should only be assigned trustee status for the assets or properties for which there were still heirs. According to an article appearing in the Israeli newspaper Maariv on September 22, 1995, there was no indication that the German government planned to disinherit the lawful heirs from

[27]http://www.claimscon.org/index-asp?url=goodwill_announcement_04-22-09

their rights to reclaim illegally confiscated property assets. Quite to the contrary. The German government declared that it would be in agreement if the property was returned to the rightful heirs by the Claims Conference. "We (the German government) have no objection whatsoever if the Claims Conference returns the property assets to the heirs who failed to submit an application before the deadline. This is one of the reasons why the Jewish Claims Conference was named as the legal entity entitled to receive the property assets in question…"[28]

In their rejection of the request to define the JCC as a trustee, or to persuade the JCC to allow the heirs to share in the revenues and restitution payments through the Goodwill Fund, the Federal Ministry of Finance and the Federal Ministry of Justice uniformly claimed that the JCC needs the funds for assistance programs. These ministries have apparently turned a deaf ear to the ongoing international criticism of the JCC allocation policies expressed by leading Jewish organizations and especially from Israel. For example, the Jerusalem Post headlined an article published on July 14, 2010 with "Scandal at the Claims Conference." The article reported not only on corrupt employees, but especially that substantial sums were still being allocated by the JCC for projects that have no direct relationship to the Holocaust. This was substantiated by examples.[29]

My doubts regarding the constitutionality of § 30a of the Property Act are not shared by the ministries. In the opinion of the Federal Ministry of Finance, § 30a of the Property Act conforms with the constitution and this had been confirmed on several occasions by the Supreme Constitutional Court.

I am aware of three resolutions passed by the Supreme Constitutional Court regarding § 30a of the Property Act. The resolution passed on October 20, 1998 (1 BvR 1730/98 - ZOV 1999, 23) only relates to claims for return of title and not to claims for compensation. The resolution passed on January 10, 2000 (1 BvR 1398/99 – ZOV 2000, 87) also includes claims for compensation. In the argumentation, however, it does not address the question of parallel applications submitted by the Jewish Claims Conference for the same property assets. The resolution from August 14, 2004 (1 BvR 1249/04 – ZOV 2005, 13) relates to the agreement between the Federal Republic of Germany and the United States of America.

The Supreme Constitutional Court confirms the opinion of the Federal Administrative Court that the restitution claims are not subject to the protection offered by Article 14 of Germany's Basic

[28] Quotation from David Rowland's memorandum to the JCC dated May 13, 1999
[29] http://www.jpost.com/International

Constitutional Law. In my opinion, all of the related judgments and resolutions are encumbered by the fact that basic principles are established and regarded as conclusive, although they do not apply to all situations and circumstances – especially not to claims based on § 1, para. 6 of the Property Act. A dispute of this issue would require a separate article.

The question raised by me regarding the extent to which § 2, para. 1, sentence 3 of the Property Act is unconstitutional has to my knowledge not yet been addressed by the Supreme Constitutional Court. Another issue that has yet to be addressed is the question as to what extent the de-facto rescission of § 30a of the Property Act for JCC as a result of the second Supplementary Compensation Act constitutes a breach of Article 3 of Germany's Basic Constitutional Law.

Worthy of note is the fact that time limits are applied differently for property and business assets than they are for paintings and works of art.

An international conference on "Holocaust Era Assets" held in Prague on June 26-30, 2009[30] was attended by 46 states, including the Federal Republic of Germany. The Terezín Declaration[31] adopted by the conference on June 30, 2009 includes the following: "Noting that the protection of property rights is an essential component of a democratic society and the rule of law, … We consider it important, where it has not yet been effectively achieved, to address the private property claims of Holocaust (Shoah) victims concerning immovable (real) property of former owners, heirs or successors, by either in rem restitution or compensation, as may be appropriate, in a fair, comprehensive and nondiscriminatory manner."

The Federal Republic of Germany should finally take steps to fulfill its responsibilities and ensure that these basic principles are integrated into JCCactivities.

[30] www.holocausteraasssets.eu
[31] http://www.holocausteraassets.eu/en/news-archive/detail/terezin-declaration/