

STRATEGY FOR ACTIVITY 2015-2018

**Prague, Czech Republic
February 2015**

EXECUTIVE SUMMARY

ESLI is a unique European organization, which was created based on consensus of 47 governments to monitor and promote the implementation of the Terezin Declaration, the broadest international instrument dealing with post-Holocaust issues of restitution. ESLI's mandate covers restitution/compensation of immovable and movable property, social welfare of victims of Nazism and education, and research.

The main focus of the ESLI activity within the next four years would be on putting Holocaust **restorative justice** on the **EU agenda**. In order to achieve this aim four major pillars need to be created: 1) a new civic society platform on Anti-Semitism and the Holocaust Issues under the Directorate General Justice of the European Commission, 2) the EU Special Envoy for Anti-Semitism and Holocaust Issues, 3) European Commission Program for Anti-Semitism and Holocaust Issues with the substantial budget to work on Holocaust and Anti-Semitism issues, and 4) the inter-European Parliament Group on Anti-Semitism and Holocaust Issues.

ESLI believes that it is critical to address Holocaust restitution from the restorative justice perspective since the direct concern of restorative justice is the moral quality of future relations between those who have done, allowed, or benefited from wrongs and those harmed, deprived, or insulted by it. Financial compensation or restitution is indispensable to signify full recognition, respect, and concern to victims and it is crucial to reach an agreement on the terms of compensation or restitution. The strategy herein is aimed to play a critical role in restorative justice between the victims of the Holocaust and their heirs (and in turn the entire worldwide Jewish community for whom the Holocaust is the most critical event in the modern history of the Jewish people) and the non-Jewish population of Europe seeking to

eliminate Anti-Semitism and prevent genocide and massive human rights abuses taking place in the future.

In the field of the Restitution and Compensation for Immovable Property, within the next four years ESLI aims at continuing the restitution and compensation process, assessing the actual worth of property stolen during the Holocaust and the value of restituted and compensated property, narrowing the gap between the value of stolen immovable property and the property actually restituted and compensated. ESLI will restore the restitution process in some countries, where it has already started and will initiate it in countries where it has never taken place with the ultimate goal of assuring that the signatory states to the Terezin Declaration keep the promises they made at Terezin.

In the field of Social Welfare for victims of Nazism, ESLI aims at assessing the progress made by countries that endorsed the Terezin Declaration in the field of social welfare and optimizing the available funding from national governments for social welfare services to victims of Nazism.

In the field of Recovery of Looted Art and Judaica Objects, ESLI aims at establishing greater compliance with Washington Principles, recognizing provenance research mandatory and facilitating access to archive data on Holocaust issues by the European Parliament and allocating EU funds for provenance research by the European Commission, as well as Initiation of the process of recovery of cultural property and archives from Eastern European countries, such as Russia, Ukraine, Poland.

In order to achieve the above objectives, ESLI would require EUR 8.2 million over four years. ESLI is planning to raise this money by broaden the pool of its donors, which currently consists of three countries (USA, Israel and the Czech Republic) to at least ten countries out of 47 that endorsed the Terezin Declaration, to general public, private and corporate donors and the European Commission.

Contents

Current Position.....	5
STRATEGY	7
Mission Statement.....	7
Innovative Approach.....	7
Restorative Justice.....	7
1. Restitution and Compensation for Immovable Property.....	9
2. Social Welfare of Victims of Nazism	11
3. Recovery of Looted Art and Judaica Objects:	13
4. Cooperation with the EU	15
Strategic Fundraising Plan (2015-2018).....	Помилка! Закладку не визначено.

Current Position (SWOT Analysis)

Strengths:

- 1) ESLI is a unique organization, which was created based on consensus of 47 governments to monitor and promote the implementation of the Terezin Declaration, the broadest international instrument dealing with post-Holocaust issues;
- 2) ESLI is the only European organization with the mandate to deal with restitution/compensation of immovable and movable property, social welfare of Holocaust survivors and other victims of Nazi persecution and education, research;
- 3) ESLI is the only organization doing a comprehensive assessment of the progress in restitution/compensation of immovable and movable property, as well as social welfare for victims of Nazism at the governmental level, which can be used for further advocacy purposes;
- 4) ESLI is not a direct beneficiary of any restitution policies or social welfare arrangements and therefore is considered to be non-partisan player;
- 5) The leadership of ESLI is familiar with peculiarities of cooperation between civil society and the EU;
- 6) New, energetic and highly motivated mobile team.

Weaknesses:

- 1) ESLI was founded by the Ministry of Foreign Affairs of Czech Republic and therefore it is often considered by different stakeholders to be an extension unit of the Czech MFA. This seriously impedes ESLI's being considered as an independent player and negotiate restitution issues with governments;
- 2) ESLI has been funded by three governments only;
- 3) ESLI does not have sustainable budget or endowment to allow for planning its work for more than one year;
- 4) ESLI is not seen as an international organization, though it does have an international mandate;
- 5) ESLI had a slow start and a high rotation of the leadership in its first four years of existence.

Opportunities:

- 1) ESLI is best suited to put Holocaust issues on the EU agenda and to cooperate with the European Parliament, European Commission and the EU Council;
- 2) ESLI has a strategy to secure EU funding for Holocaust Issues;
- 3) ESLI has a new approach on addressing Holocaust issues as issues of restorative justice;

- 4) ESLI can continue the completion of compensation of material losses suffered by victims of Holocaust as well as other victims of Nazi persecution and their descendants;
- 5) ESLI can generalize the process of restorative justice in the post-Holocaust era as the unique experience in the world.

Threats:

- 1) Conditional grant from the Czech government in 2014 – no more governments supporting ESLI, no more contribution for ESLI;
- 2) Absence of funding from the State Department beyond September 2015;
- 3) Absence of funding from Israel;
- 4) Lack of political support of the current donors to pursue other governments to fund ESLI;
- 5) Lack of private donors.

STRATEGY FOR ACTIVITY OF ESLI 2015-2017

Mission Statement

The European Shoah Legacy Institute (ESLI) was founded in 2009 for the purpose of monitoring adherence to the Terezin Declaration. Drawing important lessons from our past experiences, we know that international treaties endorsed by national governments require regular and systematic oversight and advocacy if they are to be successfully implemented. We know that for this goal to be achieved, intentions must be backed by a clear strategy. With that in mind, the ESLI Strategy 2015-2018 sets out both the direction in which we believe our organizational future lies and also the means by which we can ensure that the principles espoused by the Terezin Declaration and the Washington Principles are realized by all countries that endorsed it.

ESLI chose a transparent, inclusive, and evidence-based approach to preparing the Strategy, which will be further discussed with a wide range of international stakeholders – from members of our Advisory Council through to representatives of Jewish communities, academic institutions, and profile ministries. The Strategy also draws on research conducted by both ESLI and other leading, independent organizations specializing in Holocaust issues, and is indicative of continued development and growth in areas as diverse as project management, human resources, financing, and eminence.

Innovative Approach

The main focus of the ESLI activity within the next three years would be on putting Holocaust **restorative justice** on the **EU agenda**. In order to achieve this aim there are four major pillars, which need to be created: 1) a new civic society platform on Anti-Semitism and the Holocaust Issues under the Directorate General Justice of the European Commission, 2) the EU Special Envoy for Anti-Semitism and Holocaust Issues, 3) European Commission Program for Anti-Semitism and Holocaust Issues, and 4) the inter-European Parliament Group on Anti-Semitism and Holocaust Issues.

Restorative Justice

Restorative justice aims at repairing a state of relationship between the victim and the wrongdoer, and among his or her community that has been distorted, damaged, or destroyed. Serious harm to individuals creates a relationship charged with powerful negative feelings and burdened with losses that can continue to mar a victim's life. Restorative justice targets a situation of negative connection or disconnection that might be an ongoing source of threat, insult, anger, fear, and grief. The direct concern of restorative justice is the moral quality of future relations between those who have done, allowed, or benefited from wrongs and those harmed, deprived, or insulted by it. Financial compensation or restitution is indispensable to signify full recognition, respect, and concern to victims and it is crucial to reach an agreement on the terms of compensation or restitution.

The practice of restorative justice shall be the way to discover, induce, deepen, extend, and clarify responsibilities that are unnoticed, resisted, or denied at the outset of a process, or have been assigned to some small number of target individuals. Institutional, governmental, and community exercises in restorative justice, including educational and commemorative projects create the opportunity and the medium for apparent responsibilities to be acknowledged.

The four-fold strategy listed below is aimed to play a critical role in restorative justice between the victims of the Holocaust and their heirs (and in turn the entire worldwide Jewish community for whom the Holocaust is the most critical event in the modern history of the Jewish people) and the non-Jewish population of Europe seeking to eliminate anti-Semitism and prevent genocide happening in the future.

1. Restitution and Compensation for Immovable Property

General Objective:

- Continuation of the restitution and compensation process

Specific Objective:

- Progress - Assessment of the progress made by countries since the end of the WWII and closing the gap
- Best Practices - Promoting the best practices in restitution and compensation of the immovable property
- Restitution and compensation - Facilitating incorporation of the restitution and compensation issue in any agreements between the EU and third party

Activities:

- Advice to governments - Providing technical advice to governments on restitution and compensation of immovable property
- Popularization of intolerance to plunder - Creating a documentary on plundered immovable property on how countries have been responding to this problem over years
- Visual Materials - Developing visual materials to be used during the awareness raising event since the European Parliament/European Council events
- Country analysis - Developing country-specific analysis on the restitution and compensation issues
- Database - Launching a comprehensive database on the restitution and compensation process in 47 countries that endorsed the Terezin Declaration
- Political negotiations - Negotiating restitution and compensation at the national level in selected countries
- Economic Analysis - Economic analysis of the restitution and compensation based on experience of countries that were the most successful in conducting restitution and compensation.

Outcomes:

- Worth of property - Assessment of the actual worth of property stolen during the Holocaust and the value of restituted and compensated property to narrow the gap
- Restoration process - Restoration of the restitution process in some countries and beginning of it in others
- Gap closing - Narrowing the gap between the value of the stolen immovable property and the property actually restituted or compensated.
- Process - Keeping the process of restitution and compensation ongoing
- Intolerance - Creating intolerance to plunder

- Restorative Justice - Generalization of restorative justice as the primary goal to be undertaken after genocide or other mass atrocity

Annual Budget:

- 6 million EUR

2. Social Welfare of Victims of Nazism

General Objective:

- Securing dignified life for victims of Nazism, both Jewish and non-Jewish

Specific Objectives:

- Progress - Assessment of the progress made by countries that endorsed the Terezin Declaration in the field of social welfare
- Best practices - Exchange of the best practices in providing social care to Holocaust survivors
- Enhanced Social Welfare - Enhanced cooperation between state and non-state providers of social welfare services; Optimization of the available funding from national governments for social welfare services to victims of Nazism.

Activities:

- Database - Finalizing and launching a database on social welfare of victims of Nazism containing official responses from 47 governments that endorsed the Terezin Declaration.
- International Conference- Organizing an international conference on social welfare for victims of Nazism.
- MEPs awareness raising events - EP event on the social welfare database and the follow-up discussion of implementation of the results of the international conference on social welfare for Holocaust Issues
- Establishing a platform for ongoing exchange and international cooperation and for monitoring the results achieved in this area, as well as for lobbying in the interests of survivors and other victims of Nazi persecution, through the European Shoah Legacy Institute, which by the end of 2015 will create a virtual platform for civil society and intergovernmental organizations to enable governments and civil society to exchange information and best practices.
- Constant monitoring and analysis of the social welfare for Holocaust survivors and other victims of Nazi persecution by launching and maintaining a database tracking status of social welfare programs country-by-country to be used by victims of Nazism
- Advocating optimization of disposable financial means for medical and social care to survivors and other victims of Nazi persecution by introducing tax exemptions on compensation, pension and social welfare assistance given to Holocaust survivors and other victims of Nazi persecution.

- Advocating creation of a domestic focal point to help make Holocaust survivors and other victims of Nazi persecution aware of available services and benefits and to protect their interests before governmental and legislative bodies.

Outcomes:

- Improved knowledge of victims of Nazism about their entitlements
- improved access of victims of Nazism to social welfare;
- improved services available to victims of Nazism through enhanced cooperation between different providers;
- increased financial resources available to victims of Nazism by successful optimization of disposable financial means for medical and social care to survivors and other victims of Nazi persecution;
- enhanced quality of care through creation of international networks of social care providers.

Annual Budget:

- 450.000 EUR

3. Recovery of Looted Art and Judaica Objects:

General Objective:

- Recovery of cultural property looted, confiscated or otherwise expropriated (plundered) as it is defined by the Washington Principles and the Terezin Declaration

Specific Objectives:

- Mandatory Provenance - Securing provenance research as mandatory for state-owned or otherwise state-controlled Memory Institutions, as well as global art market.
- Archives - Improving access to archival documents and data preserved and generated by major Memory Institutions
- Recovery - Facilitating restitution of cultural property plundered during the Holocaust and WWII.

Activities:

- Lobbying - Lobbying at the European Parliament enhanced **access to major Memory Institutions** on Holocaust related data (*Partners – IHRA, UNESCO, DG Justice*; Lobbying at the European Parliament **mandatory provenance research**: the first event will take place in June at the European Parliament. The awareness raising event and an interactive exhibit will be organized for MEPs in cooperation with MEP Oliver Dreute from the Cabinet of Martin Schultz and with involvement of UNESCO, the European Commission on Looted Art, Restitution Commission of the Netherlands, Christie's, the Jewish Museum of Prague, ICOM).
- EC Provenance Research Funding - Allocating funds from the European Commission for the provenance research: starting the discussion at the civil society platform about the necessity of allocating funds from Museum Mobility program to provenance research and including provenance research on the agenda of the DG Justice.
- Database - Creating and maintaining a comprehensive database on the impact of cultural plunder with a special emphasis on the recovery of plundered cultural property cultural assets looted, confiscated or otherwise expropriated during or in consequence of war conflicts and the rule of totalitarian regimes in the 20th century in Europe
- Public opinion survey on tolerance to lingering issues stemming out of the Shoah and WWII cultural plunder in 47 countries that endorsed the Terezin Declaration.
- Best practices - Systematization of the best practices on cultural property restitution by supranational governmental, intergovernmental and non-governmental organizations, 6 national panels, specialized professional and academic institutions, and selected individual experts with

background in history, art history, international law, law enforcement, art market, etc.

- Advising governments - Providing technical advice to governments upon their request on restitution of cultural property'.
- Political negotiations - Negotiating with governments restitution of cultural property, plundered during the period of the Shoah and WWII.
- Internet resources - Web-portal on provenance research
- International knowledge centre for matters concerning restitution of looted cultural property

Outcomes:

- EC funding for provenance - Allocation of the EU funds for provenance research
- EP Resolution on Mandatory Provenance - Recognizing provenance research as mandatory
- Restitution - Raising the number of the recovered looted art to 30%
- Process in Eastern Europe - Initiation of the process of recovery of cultural property, libraries, and archives from Eastern European countries, such as Russia, Ukraine, Poland

Annual Budget:

500,000 EUR

4. Cooperation with the EU

General Objective:

- Putting Holocaust restorative justice on the EU agenda

Specific Objectives:

- Civil Society Platform - Creating a new civil society platform for Anti-Semitism and Holocaust Issues under the Directorate General on Justice
- EU Special Envoy - Creating a desk of the Special Envoy for Anti-Semitism and Holocaust Issues,
- EU Legislation - Improved EU legislative framework on Holocaust restorative justice, remembrance, provenance research and social welfare for victims of Nazism
- Negotiations - Making Holocaust related issues mandatory in negotiations with third parties and among the EU member states.

Activities:

- Lobbying - Lobbying in the EU Parliament
- Civil Society Platform - Regular meetings of the civil society platform on Anti-Semitism and Holocaust Issues under the DG Justice.
- EU Parliament - Awareness raising events in the European Parliament in cooperation with different profile Committees and the Cabinet of the EP President.
- Advocacy for provenance research - Advocating motions for mandatory provenance research
- Advocacy for access to archives - Advocating access to enhanced archive data on Holocaust.
- Perm reps awareness raising events - Conferences for Permanent Representatives of member states at the EU.
- EU Council - Profile events at the European Council with the presiding member state.

Outcomes:

- Civil Society Platform – a special new civil society platform will be created under the Directory General Justice, which would serve as an advisory body on issues of Anti-Semitism and Holocaust.
- Enhanced Legal Framework – a number of legislative acts on restorative justice, provenance research and access to archives would be passed by the European Parliament.
- EC Funding for Holocaust Issues – the Program drafted by the civil society Platform on Anti-Semitism and Holocaust will be funded by the European Commission.
- Political Negotiations – issues of Holocaust as a measure of reaching restorative justice would be included in negotiations with third countries and among the member states.

Annual Budget:

450,000 EUR