

Konrad Matschke

Conference on Jewish Material Claims Against Germany

Establishment and History of the Claims Conference 1

Hardship Fund Overview 2

Artikel 2 Fund 3

Central and Eastern European Fund 3

Program for Former Slave and Forced Laborers 3

Literature (selected) 4

Norbert Wollheim Memorial

J.W. Goethe-Universität / Fritz Bauer Institut
Frankfurt am Main, 2009

Establishment and History of the Claims Conference

In response to calls from Jewish organizations and the State of Israel, in September 1951 Chancellor Konrad Adenauer of West Germany addressed his Parliament:

... unspeakable crimes have been committed in the name of the German people, calling for moral and material indemnity. The Federal Government is prepared, jointly with representatives of Jewry and the State of Israel ... to bring about a solution of the material indemnity problem, thus easing the way to the spiritual settlement of infinite suffering.

One month after Adenauer's speech, Dr. Nahum Goldmann, co-chairman of the Jewish Agency and president of the World Jewish Congress, convened a meeting in New York City of 23 major Jewish national and international organizations. The participants made clear that these talks were to be limited to discussion of material claims, and thus the organization that emerged from the meeting was called the Conference on Jewish Material Claims Against Germany—the Claims Conference. The Board of Directors of the new Conference consisted of groups that took part in its formation, with each member agency designating two members to the Board.

The Claims Conference had the task of negotiating with the German government a program of indemnification for the material damages to Jewish individuals and to the Jewish people caused by Germany through the Holocaust.

On September 10, 1952, after six months of negotiations, the Claims Conference and the West German federal government signed an agreement embodied in two protocols. Protocol No. 1 called for the enactment of laws that would compensate Nazi victims directly for indemnification and restitution claims arising from Nazi persecution. Under Protocol No. 2, the West German government provided the Claims Conference with DM 450 million for the relief, rehabilitation and resettlement of Jewish victims of Nazi persecution, according to the urgency of their need as determined by the Conference. Agreements were also signed with the State of Israel.

The agreements were at the time unique in human history. All three entities involved—the Claims Conference, West Germany, and Israel—had not existed at the time of World War II, and yet all entered into an agreement for compensation for crimes committed during that time.

Noting the historic importance of these agreements, David Ben-Gurion said in a 1952 letter to the founder and first president, Dr. Nahum Goldmann,

For the first time in the history of the Jewish people, oppressed and plundered for hundreds of years ... the oppressor and plunderer has had to hand back some of the spoil and pay collective compensation for part of the material losses.

At the time, the Claims Conference concentrated on aiding needy survivors through a wide variety of social service agencies and on rebuilding the Jewish communities of Europe. Operating as a non-political and non-partisan body, it undertook some 500 capital projects in 29 countries aimed at strengthening communities and maintaining their cohesion and independence. Also, despite many political obstacles, the Claims Conference allocated significant funds to benefit Holocaust survivors living behind the Iron Curtain, who were not able to apply for individual compensation payments.

Subsequent to the agreements, the Claims Conference continued to negotiate with the German government for amendments to the various legislative commitments contained in Protocol No. 1, and monitored the implementation of the various compensation and restitution laws.

The German government has expended more than \$60 billion in satisfaction of claims under the law negotiated by the Claims Conference. In all, more than 278,000 survivors received lifetime pensions under the German Federal Indemnification Laws (*Bundesentschädigungsgesetz*, BEG), with tens of thousands of these survivors continuing to receive pensions. Hundreds of thousands more received one-time payments under German compensation laws. The agreement was the first of more than 25 attained by the Claims Conference in order to obtain a small measure of justice for Jewish victims of Nazi persecution around the world.

Hardship Fund Overview

Under the terms of the West German Indemnification Laws (BEG), direct compensation was limited to former German citizens, refugees and stateless persons. Holocaust survivors living in Soviet bloc countries received no indemnification. During the period of détente between the United States and the Soviet Union, many survivors immigrated to the West, thus qualifying as

refugees. They were still excluded, however, from German compensation programs, which had a filing deadline of 1969.

After long negotiations with the Claims Conference the Federal government established a hardship fund that permitted one-time payments of DM 5,000 (now € 2,556) to these Holocaust survivors. The German government created this fund only under the condition that the Claims Conference, rather than Germany, administers applications and payments.

Article 2 Fund

In 1990, when West and East Germany were negotiating their unification agreement, the Claims Conference was determined that the unified Germany should meet its obligation to compensate survivors of the Holocaust, who had previously received little or no indemnification. With the active support of the U.S. government, the Claims Conference engaged in intensive negotiations with the German government. The resulting agreement, known as the Article 2 Fund, was the outcome of 16 more months of difficult negotiations. Compensation is in the form of monthly payments of € 291.

Central and Eastern European Fund

After intensive negotiations with Germany, the Claims Conference reached an agreement in 1998 that would allow some of the most persecuted Nazi victims in Central and Eastern Europe and the former Soviet Union to receive compensation for the first time. In May 1998, the Central and Eastern European Fund was established that at the time permitted a monthly payment of DM 250 to eligible claimants.

Program for Former Slave and Forced Laborers

The Claims Conference Program for Former Slave and Forced Laborers began in 2000, after German government and industry agreed to a DM 10 billion fund to compensate surviving former laborers under the Nazis. The Claims Conference was a major party in the protracted negotiations that led to the agreement.

The Claims Conference was one of the seven partner organisations of the Federal foundation and as such responsible for outreach, applications and payments to

eligible Jewish survivors and certain heirs in most countries around the world. A significant part of the fund was for non-Jewish slave and forced laborers. The Claims Conference has paid 146,513 Holocaust survivors in 75 countries under this program to date.

Literature (selected)

Brozik, Karl and Konrad Matschke, eds.: *Claims Conference: Luxemburger Abkommen. 50 Jahre Entschädigung für NS-Unrecht*. Frankfurt am Main: Societäts-Verlag, 2004.

Henry, Marilyn: *Confronting the Perpetrators: A History of the Claims Conference*. London / Portland, OR: Vallentine Mitchell, 2007.

Jansen, Michael and Günter Saathoff, eds.: „*Gemeinsame Verantwortung und moralische Pflicht*“. *Abschlussbericht zu den Auszahlungsprogrammen der Stiftung „Erinnerung, Verantwortung und Zukunft“*. Göttingen: Wallstein, 2007.

Sagi, Nana: *German Reparations: A History of the Negotiations*. New York / Jerusalem: St. Martin's / Mages, 1986.

Zweig, Ronald W.: *German Reparations and the Jewish World: A History of the Claims Conference*. 2nd Ed. London: Cass, 2001.