

**INVESTIGATING MUCH, PAYING LITTLE:  
THE DUTCH GOVERNMENT  
AND THE HOLOCAUST ASSETS INQUIRIES**

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*The Failure of the Ploy / Kok's Empty Words / Kok Caves In to Apologize / A New Fallacy / The Moral Issue / Jewish Reactions / The Commission's Advice: "A Dry Well" / Further Investigations Required / The Background / The Kordes Commission / Succession Rights / The Scholten Commission / The Amsterdam Stock Exchange / Post-war Developments / The Insurance Companies / The Van Kemenade Commission / The Financial Issue / Ten Billion Guilders Not Returned / Anatomy of a Negotiation*

The waves around the unmasking of the Dutch war and post-war myths are getting progressively higher.<sup>1</sup> On 27 January 2000, one day after the Stockholm Holocaust Conference, the main Dutch commission of inquiry on the subject of restitution for assets looted from Jews during World War II—the Van Kemenade Commission—published its findings. However, the commission did not achieve what the Dutch government wanted: to put behind it once and for all the issue of Jewish assets taken during the war and the slow and partial restitution process thereafter.

Nor did the commission fulfill the expectations of the Dutch Jewish community in The Netherlands and abroad, particularly in Israel where possibly up to 30 percent of Dutch Jewish Holocaust survivors live. According to one observer: "The various post-war governments have failed to offer a decent solution, as they have not grasped the issue. Its importance may simply be beyond their comprehension. This has led to a major disharmony between the expectation of the Jewish community for, albeit late, justice, and the Dutch reality as presented on behalf of the government."

Analyzing the recent attitude of Dutch Prime Minister Wim Kok, in particular, there is much to be said for this thesis. The Dutch government strategy was to present the Van Kemenade report after the Stockholm meeting, thus ensuring that even if there was public criticism, it would not be revealed while so many leading figures concerned with the Holocaust were gathered together.

**The Failure of the Ploy**

Yet this ploy worked only partially. On January 23, before the Stockholm conference opened, Dutch national television news reported that the Van Kemenade Commission would recommend a payment to the Jewish community of 150-250 million guilders (U.S.\$70-115 million). It soon became known as well that the draft copy of the report had originally

contained the lower figure, but that the commission had since raised its recommendation to the higher one. After the report was published, it became clear that the figure was arbitrary and not based on any calculation of what monies had been withheld by the Dutch post-war authorities from the Jews. It was thus presented as a “gesture” rather than as a tardy restitution payment.

In the absence of any other significant data available, the media debate focused mainly on this figure, one of the report’s weakest parts. One Dutch daily headlined an interview with this author: “The Van Kemenade Commission Robs the Jewish Community.”<sup>2</sup> Some newspaper reports suggested that the figure was chosen because the commission members estimated that this was what Dutch society considered “socially acceptable” and that any higher amount might rekindle anti-Semitism.<sup>3</sup>

The 250 million guilders recommended are indeed less than a quarter of the current value of the combined monies which two other commissions of inquiry had found Dutch post-war governments had illegally or unreasonably withheld from the impoverished Jewish community after the war.<sup>4</sup>

### **Kok’s Empty Words**

Against the background of this slowly simmering debate, Kok’s speech at the Stockholm conference was submitted to more than usual scrutiny. One claim Kok put forward there was that “the restoration of legal rights in the impoverished post-war Netherlands was basically correct from a legal and formal point of view.”<sup>5</sup>

Kok, leader of the Labor party and a consummate politician, should have known that even the report of the Van Kemenade Commission would hardly support this conclusion. According to the commission: “While in the setting up of the legal restitution system the specific situation of the Jewish victims of persecution and their descendants had been taken into account, they had been insufficiently integrated in the details.”<sup>6</sup> The commission added: “In retrospect, a special arrangement for the Jewish victims of persecution would have been justified.”<sup>7</sup>

A month earlier, the Scholten Commission of inquiry had written that, particularly with respect to securities traded on the Dutch stock exchange, the restitution process had failed. The commission’s detailed report on the subject used a double negative: that since this was a very substantial part of the overall restitution process, one could not conclude “that the restitution process with respect to securities had not failed,” referring to the legal, formal, and operational parts of the process.<sup>8</sup> Kok’s statement in Stockholm thus contradicted the findings of the commissions of inquiry.

Prime Minister Kok, however, correctly noted that the commission reports published to date had identified and criticized a number of the shortcomings of the restitution process, i.e., “the length of the process, the cumbersome and inflexible procedures, and above all the chill reception and lack of understanding that awaited those returning from the camps.”

Kok added that this situation “was without any doubt not unique to The Netherlands.” This remark is particularly telling in view of the fact that The Netherlands often considers itself an exemplary country which shows others how to behave. On that basis, it feels free to liberally criticize other countries, Israel among them. While Kok’s observation was true, since so many nations misbehaved during and after the war, for a Dutch prime minister to use such a phrase means that he felt rather on the defensive.

Kok then stated that “what we can do is recognize these deficiencies, learn from them, and rectify them wherever possible. This is the course of action my government and the Dutch people are committed to.” In light of the then known financial recommendation of the Van Kemenade Commission, such a promise already sounded hollow.

### **Kok Caves In to Apologize**

A “country of small gestures” is the title of a book on the political history of The Netherlands.<sup>9</sup> While the authors had meant this as a compliment, in the context of the present government’s attitude toward looted Holocaust assets and their restitution, the idea takes on a rather negative meaning.

After Kok’s speech, several people including Ronny Naftaniel, Director of the Dutch Jewish public affairs organization CIDI, and a board member of CJO (Centraal Joods Overleg), the roof organization representing Dutch Jewry, requested that Kok issue an apology on behalf of the Dutch government for the injustice done to Jewish Holocaust victims by the democratic post-war governments of The Netherlands. This was especially pointed in view of the apology presented earlier that day by Swedish Prime Minister Goran Persson for his country’s attitude toward the Jews during World War II.

According to the Dutch daily *De Volkskrant*, published the morning after Kok’s speech, i.e., the day on which the Van Kemenade report would become public, Kok stated that he did not consider the comparison with Sweden valid. He considered Swedish shortcomings far worse than those of the Dutch, a statement which was neither diplomatic nor easy to prove. It is difficult to understand what motivates a Dutch prime minister to start grading evil in this way. Kok said that he found it difficult to apologize for something which had been done under the responsibility of previous governments.

Kok would rapidly lose control over the issue of apologies. Minister of Finance Zalm from the rival Liberal Party appeared on TV that same day and said that the cabinet must offer its apologies to the Jews. Similar statements came from other cabinet members and from members of parliament.

The next day, Kok indeed presented the apologies of his government for the attitude of post-war Dutch governments toward the Jews. The motivation for his change of mind, he said, was that he had since read the Van Kemenade report. This was a poor excuse, since major post-war government failures had been pointed out in the Kordes report published at the end of 1998 and the Scholten report published in 1999.

### **A New Fallacy**

Kok’s apology also included a new fallacy: that the post-war failures were unintentional. However, the Scholten report, for instance, had stated in detail that in the matter of restitution of looted Jewish securities, the post-war governments had explicitly given priority to the economic interests of the Amsterdam Stock Exchange over those of the victims.

Government policy at the time considered that acting in another way would be bad for the economic recovery and reconstruction of The Netherlands. The main Dutch expert on the Holocaust assets issue, retired professor of contemporary history Isaac Lipschits, stated that due to this policy, the Jews contributed more than their fair share to the economic recovery of the post-war Netherlands at a time when the country’s economic

situation was very bad. He added: “Now, however, the situation is excellent. Thus the time has come for the Jewish community to present its bill for what was taken away from it after the war.”

The initial restitution laws had been changed by the first post-war government with great haste to the advantage of the Exchange and the disadvantage of the dispossessed four days before the Dutch parliament reconvened after the war in November 1945.<sup>10</sup> The Council of State (Raad van State), an advisory chamber whose members are appointed for life and which is nominally headed by the Queen, had heavily criticized this action at the time.

## **The Moral Issue**

Should Dutch Jews be happy with Prime Minister Kok’s apology, particularly since it had been practically forced from him? For Jews, recognition of Dutch government responsibility should have been much more important.<sup>11</sup>

Four basic issues are at stake here. The first is that the present Dutch government recognize Dutch legal co-responsibility for what happened to the Dutch Jews during World War II. The second is that the Dutch government recognize Dutch moral responsibility for what happened to the Dutch Jews during the war. The third issue is that the government recognize that its post-war restitution laws were unfair toward Jews. The fourth is that the Dutch government recognize that those laws were executed in a discriminatory manner with regard to Jews.

## **Jewish Reactions**

Lipschits appeared on many TV programs criticizing the fact that the financial “gesture” recommended in the Van Kemenade report had been arbitrarily invented instead of being calculated. Within the short time which elapsed between the draft and the final report, the figure was—again entirely arbitrarily—raised from 150 million<sup>12</sup> to 250 million guilders. Lipschits called the lack of seriousness of this approach an insult to the Jewish community and stated that he sought justice, not “gestures.”

Lipschits further added that the Van Kemenade Commission had forgotten to investigate two major archives, that of JOKOS, a Jewish institution dealing with restitution matters, and the Omnia archive which contains information on Jewish businesses expropriated during the war. Decades ago, Lipschits had begun an almost single-handed effort to raise the subject of post-war Dutch discrimination against the Jewish community.

Dutch Jewry’s CJO rejected the conclusions of the Van Kemenade report immediately after they were presented. CJO’s outgoing chairman, Judge Ernst Numan, stated diplomatically: “The fact that the report is there is of course important. There are valuable data in it. We want to have this story behind us as soon as possible and we are now one step further.”<sup>13</sup> Incoming chairman Henri Markens said: “my personal opinion is that the figure is below the lower limit. To define it the commission just put a finger in the air...it does not meet the expectations.”<sup>14</sup> While after Kok’s apology the CJO declared itself satisfied, Lipschits observed that he had never even forced his children to apologize when they did not mean it.

## **The Commission's Advice: "A Dry Well"**

The Dutch Jewish weekly *NIW* was critical as well: "One wonders why the government put this commission to work at all...The commission came up with, at best, unclear calculations. The amount it recommends the government to pay as 'satisfaction' for the Dutch Jews is in no proportion to the benefits the state intentionally or unintentionally received from the Shoah. Also, as far as the distribution of the money is concerned, the commission wants to sideline the Jewish community....One can only hope that the government will deal with this advice for what it is: a dry well."<sup>15</sup>

Awraham Roet, the chairman of Platform Israel, a roof organization of all Dutch Jewish organizations in Israel, called the amount proposed "unacceptable." He suggested the Dutch government take as an example the agreement reached in Norway where the government, *inter alia*, made a significant payment to all survivors.

Platform Israel issued a critical statement that it "considers the report of the Van Kemenade Commission and its recommendations as inadequate. The report hesitantly confirms some, but not all, of the moral claims of the Dutch Jews against the Dutch government. Its financial recommendations are highly inadequate. The language used in the report with regard to financial matters is often incomprehensible for the reader unschooled in professional financial analysis and subsequently misleading."<sup>16</sup> It went on to state that the failures of the Van Kemenade report were too many to list.

## **Further Investigations Required**

Now that the main Dutch commissions on financial issues have presented their reports, let us look at some of their main findings laid down in thousands of pages of text. Only the Ekkart Commission, which deals with the origins of stolen art in state possession, is still out and its report is not expected before next year.

It is already clear that not only do certain moral issues remain to be investigated, but also several financial ones. Among these are the behavior of the Central Bank (De Nederlandse Bank), the fate of expropriated Jewish businesses, the issue of bank safes (which fell between the Kordes and Scholten Commissions), and patents and authors' rights. All these issues have been neglected.

Another important issue is that, in the Dutch government's negotiations with Germany, the then-West German government paid only 80 percent of what was due, because the remainder was the responsibility of East Germany. Now that Germany is united, there is a further claim for the remaining 20 percent.

Ultimately, the significance of the commission reports is that they have put into the public domain in a concentrated way so many skeletons from the Dutch Holocaust assets cupboard, though much was already known to specialists.

## **The Background**

During World War II, the German civil government of The Netherlands was headed by Arthur Seyss-Inquart, the Austrian Nazi leader appointed by Hitler as Reichskommissar. The exclusion of the Dutch Jews from civil society, the looting of all their property, and their deportation to their deaths was greatly assisted by the Dutch civil authorities and institutions.<sup>17</sup> Of the 140,000 Jews in The Netherlands at the outbreak of the war, 102,000 were murdered.

A key role was played by the looting bank, Lippmann-Rosenthal & Co (Sarphatistraat). The Germans stole the name of an expropriated, well-reputed Dutch bank owned by Jews in order to create confidence with third parties. They established this pseudo-branch in 1941 specifically for the purpose of robbing the Jews of their assets. It was known as "LIRO." Jews had to deposit their possessions with this institution, well before they were arrested and deported to the East.

After the war, the Dutch government instituted restitution legislation. What the German occupation government had quickly robbed, Dutch post-war bureaucracy restored in part and slowly. The remnants of the LIRO property were made available to the dispossessed and, after much struggle, ultimately 90 percent of the nominal value was paid out many years later. If we adjust this percentage for its real value and consider the loss of interest, those with a claim against LIRO lost half of their property, if not more.

There was much criticism from the Jewish side both on the basic restitution laws and their execution. Only today has it become fully clear how justified this criticism was. One Jewish lawyer in particular, H. Sanders, fought almost single-handedly in court and achieved a great deal. However, the small post-war Jewish community, decimated, traumatized and poor, was no match for the powerful Dutch bureaucracy.

A few years ago, influenced by the media attacks on Switzerland and some post-war restitution-related scandals in The Netherlands itself, the Dutch government appointed several commissions of inquiry. Combining their conclusions, one obtains not only an impression of the extent of the accommodation and collaboration of the Dutch authorities with the occupying forces, but also a broad picture of the many discriminatory actions of the Dutch post-war governments against the Jews. Some documents are available in English on the Internet site of the Dutch Ministry of Finance (<http://www.minfin.nl/ttw>). Most of the material, however, exists only in Dutch.

### **The Kordes Commission**

The Kordes Commission dealt mainly with the LIRO archives, and presented its final report in December 1998. Kordes, its chairman, was a former State Comptroller. Its conclusions demonstrate understanding of how cold the treatment was of the remaining Jews by Dutch post-war governments, and recommend that payments now be made to the Jews for several wrongs.<sup>18</sup>

The Kordes Commission's main conclusions with regard to the illegal and/or immoral financial shortchanging of the Jews by the post-war Dutch governments were:

a) The war-time occupation government took 25.9 million guilders from looted Jewish accounts in order to build, maintain, and operate the camps of Westerbork and Vught, from where the Jews were deported to their death. After the war, the government returned to the Jewish community 5.6 million guilders, this being the taxation value of the camps after the Jews had been killed. The Kordes Commission concluded that the refusal of the Dutch post-war democratic government to pay the remaining 20.3 million guilders at the time means, in fact, "that the Jews themselves paid for this part of the deportation." The commission wrote: "This must be an unbearable thought for The Netherlands."<sup>19</sup>

Even the calculation here is too low because the guilders paid by the government after the war were worth much less, due to inflation, than those with which the camps had been purchased. The present value of the sum recommended is about 450 million guilders (U.S.

\$220 million) and far exceeds the total payment recommended by the Van Kemenade Commission to be made to the Jewish community.

b) The German administrators of the LIRO Bank paid taxes of 8 million guilders to the Dutch tax authorities in 1943. Many of these payments referred to taxes for years when the account holders had already been gassed.<sup>20</sup> After the war, only 2.5 million guilders were restored.

The Kordes Commission concluded that it was illegal not to restore these monies to the Jews, as the payment had been made on the basis of a German law which was cancelled retroactively by the Dutch government. It was also illegal in The Netherlands to take tax money from accounts without the express agreement of the account holders.

c) The costs for the process of post-war restitution of their possessions from two major looting bodies (LVVS and VVRA<sup>21</sup>) was borne by the Jews themselves: a total of 12.9 million guilders. The Kordes Commission concluded that this restitution was a normal government task and that the government should have borne the costs.

The report states: “The situation is not like that of a bank which gives service to an account holder and charges fees for it. We are dealing here with an action undertaken on behalf of the government in order to do justice to victims. The costs of this must be borne by the government.”<sup>22</sup>

d) Various administrative costs incurred by the NBI (Nederlandse Beheersinstituut), the body which acted, *inter alia*, as the post-war custodian of the property of missing persons—nearly all of them Jews—were charged to the accounts of murdered Jews: around 4 million guilders. Again, the Kordes Commission states that these costs should have been borne by the Dutch government.

e) In the 1960s, the Dutch government negotiated claims with the West German government for restitution. For this purpose the government set up a special body, CADSU (Centraal Afwikkelingsbureau voor Duitse Schade-Uitkeringen), which withheld a percentage of each claim paid out. Jews thus had to pay for a government service which was given in order to restore possessions stolen at a time when the government had been unable to protect them. Costs charged to the Jews amounted to 5.7 million guilders.

The Kordes Commission writes that these monies should have been paid by the Dutch government. “A service of this type is comparable, for instance, with the mediation of employment agencies or the allocation of social payments or measures against sudden floods. The costs of such actions are never charged to those concerned. The same policy must be followed toward the Jewish victims. The looting of their property is clearly a part of the suffering they have undergone.”<sup>23</sup>

The Kordes Report reached a figure of 48.6 million guilders, mainly in war-time values, which had been irregularly withheld from the Jewish community. The commission did not translate this into current values. The amount recommended can be fairly estimated to represent today over 1 billion guilders (approximately \$450 million). Since even a financial specialist cannot easily calculate the current value of many figures mentioned in the reports of the commissions of inquiry, the CJO will have to undertake these translations to make the issues transparent.

## **Succession Rights**

The total figure of the Kordes Commission's recommendation, however, does not include reimbursement for the accumulated succession rights through which the Dutch state expropriated important parts of the estates of the murdered Jews. The Dutch succession laws were meant for a normal society in which generations die normally and slowly, and the average difference between deaths of parents and children is perhaps 25 years. They were not adequate for the unprecedented situation in which 75 percent of a single community were murdered within two years.

After the war, however, the Dutch government acted as if this was the case, rather than choosing a single date of death for all murdered Dutch Jews—which would have meant that inheritance taxes would have been applied to each estate only once rather than a number of times. After this, little remained of many inheritances.

While the Kordes Commission did not contest this, it did consider it justified that the Jews had been treated in that way, which led to strong Jewish criticism. Just before the Van Kemenade report was published, the historian Gerard Aalders wrote an article in which he claimed that—in current values—the difference between the two methods was 300-400 million guilders to the disadvantage of the Jews.<sup>24</sup>

Two researchers who had contributed to the Van Kemenade report, KPMG partner F. Hoek and the historian P.W. Klein, claimed that Aalders' estimate was far too high, though without bringing much proof.<sup>25</sup> Since this issue will continue to fester, the Dutch government would do well to order a study on the subject.

## **The Scholten Commission**

The Scholten Commission mainly dealt with the looting of securities, bank accounts, insurance policies, and other private possessions of the Jews, with the exception of businesses. Its chairman was a former vice-chairman of the Council of State. The commission's report is very uneven. Its interim report came under heavy criticism, *inter alia*, in the Dutch parliament.<sup>26</sup>

First, all commission members were former board members of banks or insurance companies. They could hardly be considered impartial and fit to supervise an independent inquiry into institutions from which they had received money in the past. The report of this commission was paid for by the very institutions it was investigating, thus undermining its value.

The chapter on the banks in the interim document was particularly flawed, and hardly improved in the final report. Negotiations between the CJO and the bankers association have been going on for some time, apparently without much progress.

## **The Amsterdam Stock Exchange**

The detailed investigation of the stock exchange in the final Scholten Commission report drew the most attention.<sup>27</sup> During the war many Amsterdam stock market traders made good profits on the sale of shares and bonds expropriated from the Jews. Earlier in 1999 in a monograph, Aalders already touched upon many matters concerning the misbehavior of the stock exchange, which would later emerge in the Scholten Report.<sup>28</sup>

The report mentioned that wartime trading on the Amsterdam Stock Exchange of securities looted from Jews was the result of a specific request to the Germans by the Dutch Association for Securities Trade. After the war, C.F. Overhoff, Chairman of the Association—and long considered an important Resistance figure—declared falsely that this had been done to protect the former Jewish owners.<sup>29</sup> The sole motivation for approaching the German authorities was that the members of the Association did not want to lose the 4-5 percent of their turnover which the Jewish holdings represented.<sup>30</sup> Aalders had earlier concluded: “Those traders who bought ‘infected’ securities did so consciously.”<sup>31</sup>

When Overhoff’s employer went bankrupt in 1948, it was discovered that he had been stealing money from his firm for over ten years. Aalders supposes that this made him more inclined to accommodate the Germans.<sup>32</sup>

## **Post-war Developments**

After the war, the Dutch prosecutor decided not to press charges against the key figure in the stock market collaboration regarding Jewish-owned securities—the German Rebholz—and wrote in 1950: “The main argument against any further prosecution is that others, purely Dutch financiers, did the same as Rebholz and traded at least ten times more Jewish securities. Nowadays, to still bring the name of many well-known bankers into disrepute, perhaps—or very probably—without condemnation, must be advised against.”<sup>33</sup>

After the war the Association’s members made an agreement not to provide data on wartime transactions of securities to the dispossessed, i.e., the Jews, which made it almost impossible for them to obtain proof that buyers had acted in bad faith.<sup>34</sup>

The Scholten Commission concluded: “As far as the restitution of securities is concerned, at crucial moments the Association for Securities Trade made use of the economic interest of undisturbed stock trading to force rulings, policies, and decisions on property which were not in agreement with the Dutch sense of justice and are still not...

“Threatening with a stock exchange strike, the stock traders—who acted in bad faith with regard to securities belonging to Jews—claim that they can no longer be held responsible for these actions and that they have very rarely paid restitution.”<sup>35</sup> The commission expressed its opinion that the successor of the Association for Securities Trade, the AEX Exchanges, should declare that its predecessor’s attitude with regard to the looting was improper.

The Scholten Commission also held then-Minister of Finance Lief tinck co-responsible for the fact that until 1953 (eight years after the end of the war), of legal restitution “in the form of the return of stolen goods—even where bad faith in the purchase of Jewish securities could be assumed—almost nothing was realized.”<sup>36</sup> He clearly put the interest of the Exchange above that of war victims. Negotiations between the CJO and the AEX are now starting.

## **The Insurance Companies**

Since the Scholten Commission’s report was delayed a number of times, the Dutch Association of Insurers (Het Verbond van Verzekeraars) decided not to wait for it to settle the matter. It had stated earlier, as had the Bankers Association, that it waived its rights under the statute of limitations.

In November 1999, the insurers reached an agreement with the CJO on behalf of all Dutch Jews. A payment of 50 million guilders was agreed upon. This was based on a

multiplier of 22 on the claims from the war period. Of these, an amount of 5 million guilders was set aside for a “digital monument” for Dutch Jews (Digitaal Monument Joodse Gemeenschap in Nederland) in which the life of all Dutch Jews before their deportation will be reconstructed.<sup>37</sup> The project will be headed by Lipschits, who raised the idea.

The director of the Insurers Association, Prof. E. Fischer, mentioned in a lecture in Tel Aviv that when the Dutch Minister of Finance heard about the multiplier, he expressed his extreme dissatisfaction. He realized that this multiplier—which represented a conservative estimate compared to the basic sum plus accumulated prime interest over more than 55 years—would be used as a precedent in the negotiations between the Jewish community and the Dutch government, and that the inadequacy of Dutch government offers would thus become transparent.<sup>38</sup>

The agreement reached between the CJO and the insurers is a fair one. It came under an unjustified attack by the World Jewish Congress, which also called for a boycott of one of the largest Dutch insurers, Aegon. The WJC had wanted the insurance company to join an international commission of inquiry into Holocaust-era insurance claims. Dutch Jewish leaders in the Netherlands and Israel say that the WJC is unable to substantiate its claims with regard to the agreement and Aegon.

### **The Van Kemenade Commission**

The conclusions of the Van Kemenade Commission report stand out mainly because of the discrepancy between its moral and financial aspects.

Regarding the moral issues, the commission states: “Even though the shocking facts on the murders of the Jews were known relatively rapidly to their full extent, only very limited public attention was given to it. In broad circles, only decades after the war, one became fully conscious of the horrors done to the Jews. Thus recognition in society of the responsibility to do something for the fate of the victims of persecution, and particularly the Jews among them, came late.” The commission points out that a special social law for war victims was only enacted in 1972.<sup>39</sup>

The report lists many other post-war failures: “The persecution of the Jews was not systematically put on the agenda in the post-war trials of collaborators and war criminals, or in the parliamentary inquiry into the behavior of the government in exile. Also the setting-up and the process of the restitution had not been systematically investigated.”<sup>40</sup>

Part of this issue had already been put more pungently by Aalders in an article in the leading Dutch daily, *NRC Handelsblad*. He described what occurred after World War II: “No extra provisions were made for the robbed Jews, who had been harder hit than any other group. A public discussion as to whether that was desirable or not has never been held.”<sup>41</sup>

### **The Financial Issue**

The most problematic part of the Van Kemenade report, however, involves the assessment by the major international accounting firm KPMG of the amount of looting and restitution of Jewish property.<sup>42</sup> The report does rightly state that Dutch Jewry had been robbed of over 90 percent of their possessions during the war.

Probably the most flawed sentence in the report is the one which says that it can be estimated “that the looting of Jewish possessions by the German occupier has been at least 1

billion guilders, and that in the course of the years, at least 900 million guilders have been restored. From this it may not be concluded that 100 million guilders have not been returned. Both amounts are fraught, as said, with great uncertainty.”<sup>43</sup>

Since none of these figures are index-linked, they are extremely misleading as they refer to mixtures of radically different values of the guilder over many decades. This financially absurd sentence can best be paraphrased as follows: “10 melons have been looted; 9 raisins have been returned; those who conclude from this that one fruit is lacking are wrong.”

For the average Israeli, it is clear that comparing a currency unit from the 1940s with one of the 1970s or the year 2000 is ridiculous. The average Dutchman, however, is not familiar with inflation accounting and thus may not easily understand the financial hypocrisy of the KPMG report. It is shameful that a government report is dressed in a way that only specialized financial analysts can understand its distorted meaning.

### **Ten Billion Guilders Not Returned**

This author has carried out a rough assessment of the amount looted in current values. Using the same multiplier as in the agreement between the Dutch insurers and CJO—as said, a conservative one—it can be concluded that at least 22 billion guilders in current value were looted from the Jews and that about 10 billion guilders (\$4.5 billion) have not been returned.

The Jewish community is not claiming this amount from the Dutch government. All it wants is the current value of what the government commissions have found to be money unlawfully and/or immorally withheld by Dutch governments since the war. This comes to well over 1 billion guilders (\$450 million) or over 10 percent of the funds not restored after the war.

If the Dutch government accepts the Van Kemenade recommendations—as it already has said it will do—it will save money. It will primarily show, however, that its thoughts are in line with its discriminating post-war predecessors and that it has learned to talk—but not to act—better. It will also lay the basis for further justified criticism which will haunt The Netherlands for a long time to come.

### **Anatomy of a Negotiation**

The commissions of inquiry have concentrated substantial material, much of which was known but dispersed over many sources. However, with its financial recommendations, the Van Kemenade Commission may have done a major disservice not only to the Dutch Jewish community but also to the Dutch government.

In a lecture for Platform Israel more than half a year ago, this author analyzed from a negotiator’s perspective the undeclared—and probably never even formalized—strategy of the Dutch government toward the Jewish community on the Holocaust assets matter.<sup>44</sup> This was done against the background of the asymmetry in power between a state with almost unlimited manpower and financial resources, on one side, and a small, still traumatized community, on the other side.

The de facto government strategy consisted of four elements: to avoid trouble with the world Jewish community, to reach a final agreement accepted by as many representatives of the community as possible, to be as quickly misleading.”<sup>16</sup> It went on to state that the failures of the Van Kemenade report were too many to list.

#### **Further Investigations Required**

Now that the main Dutch commissions

Events until today seemed to confirm this assessment of the Dutch government's strategy. However, the financial recommendation of the Van Kemenade Commission is so low that it may endanger its realization. Dutch Jewry cannot accept this "gesture." If the CJO refuses the payment, this will prolong the controversy and bring more media attention—probably also internationally—to the painful post-war discrimination against the Dutch Jews and the detailed examples of it contained in the commission reports. Klein realized this when he concluded: "Judging the post-war restitution process...is judging The Netherlands."<sup>45</sup>

A prolonged struggle about money in turn may lead to nasty remarks, as in the Swiss controversy, about the "Jews only being interested in money." This in turn may bring up accusations that there is anti-Semitism in The Netherlands hidden just below the surface. There is no winner on either side, as the government has maneuvered the small Dutch Jewish community into a corner, and it may be difficult to prevent this process from spiraling downward.

The Van Kemenade report has a very different meaning for the Dutch government and The Netherlands than it has for Dutch Jewry. For the government, this was the last opportunity to find an acceptable solution for an issue in which several of its predecessors have misbehaved. As matters now stand, it seems that the current Dutch government will also fail the test.

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## Notes

1. See also Manfred Gerstenfeld, "Wartime and Postwar Dutch Attitudes Toward the Jews: Myth and Truth," *Jerusalem Letter/Viewpoints* No. 412, 15 August 1999. An expanded Hebrew version was published in *Nativ*, January 2000.
2. *Algemeen Dagblad*, 26 January 2000.
3. *Die Volksrant*, 25 January 2000.
4. Commissie Kordes, *Tweede Wereldoorlog: Roof en Rechtsherstel. Archieven Tastbare goederen Claims*. Second Report. The Hague, 9 December 1998; Commissie Scholten, *Tweede Wereldoorlog: Roof en Rechtsherstel. Eindrapport van de Begeleidingscommissie onderzoek financiële tegoeden WO-II in Nederland*. Leiden, 15 December 1999.
5. Speech of Prime Minister Wim Kok, International Forum on the Holocaust. Stockholm, 26 January, 2000.
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7. *Ibid.*
8. Commissie Scholten, op. cit., p. 261.
9. Remieg Aerts, Herman de Liagre Bohll, Piet de Rooy & Henk te Velde, *Land van kleine gebaren: een politieke geschiedenis van Nederland 1780-1990*. Nijmegen: Sun, 1999.

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19. *Ibid.*, p. 8.
20. *Ibid.*, p. 70.
21. Liquidatie Vermogensverwaltung Sarphatistraat and Vermogensverwaltung- und Rentenanstalt.
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23. *Ibid.*, p. 31.
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25. *Ibid.*, 1 February 2000.
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28. Gerard Aalders, *Roof* (The Hague: Sdu, 1999).
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