

To the Speaker of the Lower House  
of Parliament  
P.O. Box 20018  
2500 EA THE HAGUE

Our reference  
DCE-01/43415

Contact  
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Zoetermeer  
November 16th, 2001

Subject  
Ekkart Committee recommendations

Extension  
4483

In my letter of 29 July 2001 conveying the government's reaction to the Ekkart Committee recommendations, the government refrained from stating its definitive response to two of those recommendations. In addition, the government made a reservation regarding the more liberal interpretation of the notion of 'new facts' as recommended by the Ekkart Committee.

In this letter, the government sets forth its additional reactions, as promised. The letter I received from the Ekkart Committee dated 4 July 2001 in response to the government's initial reaction already contained some elements that helped the government determine its position on these additional matters. In the meantime, the government has also had an informal meeting with the Committee chairman on this issue. The additional information thus obtained eventually led to the government position as presented in this letter. There was no need, therefore, to call in the government attorney for further advice. His general response to the Ekkart Committee recommendations was taken into account in the formulation of the government's reaction of 29 June 2001.

As regards the second part of the third recommendation, concerning the sale of art objects by Jewish people in Germany from 1933 and in Austria from 1938, the government will, in principle, assess any of these transactions that are directly associated with the Nazi regime in Germany against the same criteria as those applied to sales in the Netherlands from 10 May 1940.

As regards sales in the Netherlands from 10 May 1940, the government advocates a broader interpretation of the third recommendation. In principle, the government intends to regard as forced sales not only sales by Jewish people, but also sales by other persecuted sections of the population, including Sinti and Roma and other groups of persecution victims as referred to in the government response on World War II assets of 21 March 2000 (Parliamentary papers II, 1999-2000, 25839 No. 13) and as elaborated in the various implementing regulations. The government wishes to point out, however, that the facts and circumstances before May 1940 are already being taken into account in the current attempts to determine ownership of art objects.

In effect, the integral adoption of the ninth recommendation would mean that in a number of cases the restoration of property rights would be repeated. This is incompatible with

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the government's general position that the restoration of property rights should not be repeated – a position the Ekkart Committee endorses. The government does assume, however, that the Advisory Committee for the Assessment of Individual Restitution Applications, should it find that any offer made at the time was settled in an evidently careless manner, will incorporate this finding in its advice.

In its reaction of 29 June 2001, the government makes a reservation regarding the Ekkart Committee's recommendation that the notion of 'new facts' should be given a broader interpretation, stating that it will further consider the matter "to the extent that the proposed wider interpretation of the concept of new facts relates to changed views." As regards the examples of changed views as presented by the Ekkart Committee, such as the criteria formulated by the Council for the Restoration of Property Rights, the government has already indicated its willingness to adopt them. However, given that it is still unclear to the government what changed views, other than those mentioned, should play a role in the interpretation of the concept of 'new facts', the government will maintain its reservation concerning this matter. In its letter of 4 July 2001, moreover, the Ekkart Committee indicates that it appreciates the government's objections: "We can understand this general reservation, given that you have adopted the examples of changed views as we defined them. If we believe that other changed views call for a broader interpretation we will present these to you, as well as the arguments that support them."

Consequently, in this respect, too, the government, to all intents and purposes, endorses the general purport of the Committee's second recommendation.

Please find enclosed the Decree establishing the Advisory Committee for the Assessment of Restitution Applications.

The State Secretary for Education, Culture and Science

[signed]

F. van der Ploeg

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