

White Paper No. 82 to the Storting
(1997-98)

Historical and moral settlement
for the treatment in Norway of the economic liquidation
of the Jewish minority during World War II

Recommendations by the Ministry of Justice and the Police of 26 June 1998,
approved by The King in Council on the same day

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Main contents of the White Paper

The Ministry of Justice hereby submits a White Paper to the Storting on historical and moral settlement for the treatment in Norway of the economic liquidation of the Jewish minority during World War II. The economic liquidation of the group as a whole was unique, and the organized arrest, deportation and physical destruction of the Jews was genocide. Since the aim was to completely destroy the Jewish group in Norway, the economic and physical liquidation must be regarded as two parts of the same crime. The proposition is based among other things on the work of the Skarpnes Committee, which was published in Official Norwegian Report (NOU) 1997:22, "Confiscation of Jewish Assets in Norway during World War II". The report made clear what economic consequences it had for the surviving Jews that the rules for reparation applied after the war did not take sufficient account of the Holocaust, i.e. the Nazis' genocide against the Jews.

In the White Paper the Ministry of Justice proposes that the historic and moral settlement is given economic expression by making collective and individual settlements. The collective settlement is proposed to consist of three parts. The first is the allocation of a sum to ensure the preservation of Jewish culture and the future of the Jewish community in Norway. Secondly, it is proposed to support efforts outside Norway to commemorate and develop the traditions and culture that the Nazis sought to eradicate. Finally, it is proposed to set up a resource centre on the Holocaust and on religious minorities' position and history in general. It is proposed that the individual compensation should take the form of a ex gratia payment to persons in Norway who were affected by the anti-Jewish measures during the war.

This White Paper has been drawn up in close collaboration with representatives of the Jewish community in Norway.

The Ministry of Justice wishes by these means to make a worthy final settlement.

Background

A number of individuals had their property seized by the Nazi occupation authorities and the Quisling regime during World War II, but of these it was the Jews who were by far the most seriously affected as a group. The seizure of property belonging to the Jewish community was an integral part of the Nazi's attempt to eradicate the entire Jewish community in Norway.

The first measures against the Jewish population in Norway were initiated in May 1940, when radios belonging to Jews were confiscated. This was followed by the registration of real estate owned by Jews, special stamps on Jewish identity documents, economic liquidation and arrests, culminating in the period of November 1942 to March 1943 in the deportation of Jews from Norway to Auschwitz.

The general rules governing seizures made during the period 1940 to 1943 were directed at members of the Norwegian government-in-exile in London and their administration-in-exile, members of the resistance movement and people who had left the country illegally since the invasion in 1940.

In addition to these general rules, in October 1942 the Quisling regime adopted certain special provisions concerning the seizure of property belonging to Jews in Norway. The law laid down that property of any kind belonging to Jews in Norway should be seized by the state, including property belonging to the spouses and children of Jews.

It is estimated that the number of Jews in Norway before the war and up to the arrests in 1942 amounted to about 2 200. Seven hundred and sixty-seven Jews were deported from Norway, mainly to Auschwitz, and of these only 30 survived. Two hundred and thirty families were completely eradicated. Those who were not deported fled the country, mainly to Sweden. There were also about 50 Jews imprisoned in Norway and about 10 who remained in the country in hiding. Every person who was defined as a Jew by the Nazi authorities had his or her property seized.

In accordance with special rules for Jews, which were introduced by agreement between the Quisling regime and the German occupation authorities, the seized gold, silver and jewellery belonging to Jews was taken out of the country without being registered. Other valuable goods were also not registered, and some property was plundered and thus not officially seized. Property was also given to Nazi organizations and individuals.

A special institution was set up to administer the seized property, called the Liquidation Board for Confiscated Jewish Property, but this also began administering property seized from other Norwegians as the war went on. The Jewish estates were liquidated while they continued to

exist as legal persons even when the physical persons had been killed. This meant that taxes and other costs continued to accrue right up until the estates were finally settled after the war. In this way 163 Jewish estates were in debit, since they owed money to the Reparations Office, and the survivors were made liable for these sums, cf. NOU 1997: 22, page 97. At the end of the occupation the archives of the Liquidation Board contained information on about 11 500 to 12 000 estates whose property had been partly or entirely taken over by the Nazi regime. Of these 1 053 were Jewish and involved about 2 000 people. Between 7 000 and 8 000 estates were registered as no assets estates, i.e. funds had not been transferred either into or out of the Liquidation Board's accounts, and these were, with a few exceptions, non-Jewish estates.

There were several reasons for the no assets estates of the non-Jewish. These were, in the main, a) that the seizure was only pro forma, so that the property was registered but not expropriated or sold, b) that the owners had no assets or had managed to hide them, or c) that the estate had been plundered before being registered. The reasons for the 118 Jewish no assets estates were either a) that in accordance with the rules of the Quisling regime the property was to be kept out of the registration and therefore of the common fund, or b) that the estates had been plundered before registration.

The operation of the Liquidation Board was financed by the seized assets. Much of the property was sold as soon as possible after the seizure, often at public auction. The money obtained by the realization of the seized property was put into the Liquidation Board's account and constituted a common fund.

After the war three institutions were established to ensure the return or replacement of the confiscated property:

- the Reparations Office for Confiscated Assets (the Reparations Office)
- the Offices for War Damage to Buildings and Movable Property ,
- the Settlements Division of the Ministry of Justice .

The Settlements Division took care of all the cases that did not come under the sphere of the other institutions. One of its major activities was dealing with ex gratia compensation pursuant to Provisional Act No. 4 of 25 April 1947 relating to compensation for certain damages and losses resulting from the war in 1940-1945, etc.

The Reparations Office took over all the archives of the Liquidation Board and used this information in addition to claims registered after the war to carry out its tasks. These tasks consisted mainly of returning property that had been traced to the rightful owners or of providing

compensation for objects that had disappeared. This was done on condition that the property had been registered by the Liquidation Board during the war .

The rules laid down by the occupation authorities were invalid under civil law, and everything that had been seized could in theory be claimed by the rightful owner irrespective of whether or not the new owner had acquired it in good faith. The extent and value of the seized assets that were returned to their rightful owners after the war are not known, but there was a considerable amount of property that was returned in kind. The bulk of real estate, for example, was returned. Here, however, there was a difference between the Jews and other Norwegians. Since so many Jews had been killed, sometimes whole families, a considerable number of objects could not be returned to their rightful owners.

The authorities paid compensation in the form of a dividend of the registered value of seized property that had been registered in the Liquidation Board's common fund. The rest of the common fund had been used to finance the liquidation process and to pay taxes during and after the war. The question of coverage of the expenses to which the Liquidation Board had put the beneficiaries (the owners of the assets that constituted the common fund) was discussed after the war. Both the Reparations Office and the Ministry of Justice considered that the state should make up the difference in cases where there were not enough assets to meet the beneficiaries' claims completely. However, this request was refused by the Ministry of Finance with support from the War Damage Committee, which in a statement of 12 September 1945 wrote:

..."the difference between the value of the assets that were originally confiscated from each person and the amount that is now restored to him is a loss that should be dealt with in the same way as corresponding war damage. Were the State in this case ñ as the Reparations Office has requested the Ministry of Finance ñ to grant an amount of approximately 1.5 million kroner to facilitate the repayment, the owners would probably be better compensated than other claimants of war damage compensation. The committee will therefore not recommend that a grant be made by the Treasury. The owners should be instructed to claim damages in the normal way".

In addition, on the instructions of the Ministry of Finance, half of the administrative costs of the Reparations Office were taken from the common fund of seized assets .

The regulations for the settlement of estates after the war that were enforced by the Office for War Damage to Moveable Property were based on two main principles: reconstruction and an even social

distribution. Insurance principles were to a large extent ignored and instead account was taken of the victim's economic position and needs, the extent of the damage and what had been damaged. Moveable property used for professional purposes was as a rule compensated for according to the valuation, whereas the loss of personal moveable property was compensated for according to a sliding scale. The principle of even social distribution meant that the greater the loss the smaller the percentage of compensation. Compensation was also calculated for households as a whole, which sometimes led to substantial discrepancies for households with extensive property and correspondingly large losses. These principles affected the Jews particularly seriously because of the extent of the liquidation. Because the Jewish community, with its institutions and religious centres, had suffered total economic liquidation, it received as a whole considerably reduced compensation in relation to its actual losses. The principle of reconstruction also led to reduced compensation in cases where the authorities regarded the compensation as having no importance for reconstruction.

In short, these rules meant that the Jews as a group were more seriously affected than others, since this group consisted of people of all ages, in contrast to that of other Norwegians, which was dominated by young men.

What characterized the Jewish group after the war was that so many of its members had been killed. Thus they were in a different situation, especially emotionally, from other Norwegian refugees who returned home after fleeing the country because of their resistance to the Nazi regime. The leaders and heads of families in the Jewish group had in many cases been killed, which weakened the ability of these families to safeguard their interests. In some cases whole families had been wiped out, and because of the close family ties within the group, all of the survivors had lost relations, either close or distant.

In section 16, subsection 5, Provisional Act No. 3 of 25 April 1947 relating to war damage to moveable property laid down a general provision that the amount of compensation could be reduced or in the case of partial damage completely rejected "when this is found to be reasonable with regard to the claimant's financial status and needs". This had direct economic consequences in cases where many members of a family had been killed. Reduced compensation was paid because, as it was put, the heirs could otherwise have profited from the war, since under normal circumstances they would not have inherited from so many people at once. In addition the payments were regulated by establishing an order of inheritance. On account of the differentiated inheritance tax, which was lower for direct heirs than for more distant relatives, the percentage paid out varied according to whether the heir was direct or indirect. The order of inheritance was

established on the basis of assumptions of who had died first in a family that entered the gas chamber together. There are examples in the available evidence where the result of this supposed order of inheritance was very unfavourable for the survivors, cf. NOU 1997: 22, pages 100-102 and pages 110-111.

Since death certificates were not issued in Auschwitz, those who died there were classified as missing persons, not as dead. The survivors were not given assets from their estates since the assets were transferred to the public guardian's office. This applied to half of the group of survivors. From the public guardian's office the assets were transferred to the probate and bankruptcy court to be dealt with there. This process took many years, during which new orders of inheritance were also established. During the administration of estate proceedings, amounts charged to the estates included mortgage debt, taxes and inheritance tax. It is probable that such deductions in connection with public and private administration of estates were almost equivalent to the total payments to the Jewish group from the reparations agencies, cf. NOU 1997: 22, pages 110-111. It was also difficult for the survivors to find out what their rights were, partly because no separate office was set up for Jewish matters, in contrast to the situation for other groups with a common fate, cf. NOU 1997: 22, page 88.

In the spring of 1995 new information about the Jewish property seized by the Quisling regime was published in the media, and the Norwegian Government decided to have the facts clarified as far as possible. Thus in March 1996 a committee was appointed to survey and evaluate the facts of the case. The Government stressed that it wished to have all the facts so as to be able to evaluate suitable follow-up measures.

NOU 1997: 22 Confiscation of Jewish Assets in Norway during World War II

The committee to investigate what happened to the property of Jews in Norway during World War II was appointed on 29 March 1996 by the Norwegian Ministry of Justice. The committee had the following composition:

County Governor Oluf Skarpnes (Chairman)
Professor of Law Thor Falkanger, University of Oslo
Professor of History Ole Kristian Grimnes, University of Oslo
Judge Guri Sunde, Nedre Telemark District Court
Assistant Director Anne Hals, National Archives
Psychologist Berit Reisel, Oslo
Historian Bjarte Bruland, Bergen

Berit Reisel and Bjarte Bruland were appointed to the committee on the recommendation of the Jewish community. Anne Hals asked to be excused from duty as a member of the committee and, on 11 June 1996, the Ministry approved her replacement by Miss Eli Fure of the

National Archives. Executive Officer Torfinn Vollan from the office of the County Governor of Vest-Agder was the committee's secretary.

The committee received the following terms of reference:

.1" The committee is entrusted with the task of surveying what happened to Jewish property in Norway during World War II. The report of the survey shall inter alia provide a description of:

- the laws and regulations of the Quisling regime concerning the confiscation of Jewish property
- the way in which the confiscation was carried out, and the names of the agencies involved
- the extent of the confiscations, including :
- the number of persons and enterprises whose property was confiscated
- the type of property that was confiscated and its estimated value
- how and by whom confiscated property was handled (sold, transferred, etc.)
- the actual and legal difference between the confiscation of Jewish property in Norway and the confiscation by the Quisling regime of property belonging to other Norwegians .

.9 The committee shall survey how and to what extent confiscated property was returned to the Jews after the war. This survey shall include a description of:

laws and regulations that applied to the restitution

how the restitution was organized

measures that were taken to ensure that the property was returned

property that was returned and the value of this property

what happened to the property of Jewish families that were

annihilated during the war and, where possible, a summary of the total value of the confiscated property of these Jewish families .

.15 The committee may also examine other issues relevant to the case.

.16 The committee will decide how the work shall be carried out, and may engage people to undertake the necessary investigations. The committee may also procure statements from persons or organizations who wish to supply information to the committee when such information is deemed to be of interest or importance to the work of the committee.

.17 The working period of the committee is estimated at one year, but this may if necessary be adjusted when the committee has assessed the amount of work involved.

.18 The committee will report to the Ministry of Justice".

The committee submitted its report to the Minister of Justice on 23 June 1997. The report is divided into two parts, a majority report and a minority report. The majority consisted of the Chairman of the Committee, County Governor Oluf Skarpnes, Professor Thor Falkanger, archivist Eli Fure, Professor Ole Kristian Grimnes and District Recorder Guri Sunde. The minority consisted of psychologist Berit Reisel and historian Bjarte Bruland.

The report was published as NOU 1997: 22 Confiscation of Jewish Assets in Norway during World War II.

4The Government's fundamental views concerning the settlement

The Government has chosen to base its views on those of the minority of the Skarpnes Committee.

The injustice done to the Jewish people can never be undone, but the Government considers that the historical and moral debts with regard to the economic liquidation of Jewish assets must be settled, and that this settlement should also be expressed in economic terms .

The Government wishes to emphasize that the Nazis' attempts during the war to eradicate the Jews as a people have played a central role in the development of international rules concerning genocide. This genocide aspect has placed the Jews in a unique position among the many victims of the German occupation of Norway.

The settlement must primarily be based on a broad moral approach, which must be given a form and a content that take account of the special nature of the case. The Government has proceeded on the assumption that the settlement should be limited to economic considerations.

The collective settlement must emphasize that compensation is being made to the Jewish community in Norway as a whole, especially because the economic and physical liquidation was directed at the Jews in Norway as a group. In addition there is the fact that many of the Jews who were killed did not leave surviving family members. In this context it is natural to have an economic settlement in the form of an allocation for common Jewish purposes at both national and international levels. At the same time, by offering payments ex gratia, the Government wishes to support the individuals who were adversely affected by the persecutions in Norway during World War II.

The Government is also preparing to set up a monument at Vippetangen in Oslo in memory of the Norwegian Jews who were deported to Germany during the war.

5Economic implementation

5.1Collective compensation

Collective compensation will emphasize that a debt is being settled in relation to the Jewish community because the economic and physical liquidation was directed at the Jewish community in Norway as a whole. Not only was privately owned Jewish property confiscated, but Jewish institutions and religious centres in Norway were economically liquidated. In its evaluation of the total sum to be allocated in the collective compensation, the Government has taken account of the fact that some Jewish families were totally eradicated and thus received no individual compensation.

It is proposed that the collective compensation should amount to NOK 250 million, and it is proposed that the money should be divided as follows:

An amount of NOK 150 million to the Jewish communities in Norway. The money is to be spent on ensuring the preservation of Jewish culture and the future of the Jewish community in Norway .

An amount of NOK 60 million to support outside Norway's borders for commemorating and developing the traditions and culture that the Nazis tried to eradicate. The money is to be allocated through a fund to be administered by a board with representatives appointed by the Storting, the Government, the registered Jewish communities in Norway and the World Jewish Congress/World Jewish Restitution Organization .

An amount of NOK 40 million to be used to set up and run a resource centre for studies of the Holocaust and religious minorities in Norway .

5.1.1 Ensuring the preservation of Jewish culture and the future of the Jewish community in Norway

An amount of NOK 150 million is to be allocated to the Jewish communities in Norway. The money is to be spent on ensuring the preservation of Jewish culture and the future of the Jewish community in Norway.

There are at present two Jewish congregations registered in Norway, one in Oslo and one in Trondheim. All Jewish organizations and institutions in Norway are represented through these two congregations and they also safeguard the interests of Jews who are not registered as members. The County Governor's offices in Oslo and Akershus and in Sør-Trøndelag advise that these congregations have about 1 050 registered members as of 1 January 1998, 920 in Oslo and 127 in Trondheim. The Jewish community estimates that there are almost 1 600 Jews living in Norway today.

In 1939 there were just over 2 000 Jews in Norway, almost all of whom were registered as members of the congregations. Religious and cultural life flourished, and there were several synagogues, children's and old people's homes and a holiday home. After the war only 750 members remained. Many of the leaders were no longer there and the institutions had been abandoned. Everything had to be totally rebuilt.

Of the three synagogues, only one of the two in Oslo could be used. The other one was not restored, and the synagogue in Trondheim had to be reconstructed. In 1960 a Jewish community centre was built in Oslo, with economic help from Jewish organizations abroad. According to the Jewish community they have been dependent on economic support from Jewish institutions abroad to keep up their cultural and religious activity. The membership and level of activity began to rise again at the beginning of the 1980s.

The Jewish community is one of the oldest minorities in the country and is well integrated into Norwegian society. In the light of this and of the tragic history of the war there is a great need for information from this minority group. Such information will make a substantial contribution to greater pluralism and tolerance .

In order to ensure the future of the Jewish minority in Norway, the community needs funds for premises, equipment and above all qualified leaders and other workers in the fields of religion, culture, teaching, information, social work and administration.

An estimated NOK 50 million of the NOK 150 million is intended to be used for repayment of debts and investment such as the rehabilitation of buildings and property, including the purchase of a graveyard and day-care facilities and the establishment of a Jewish museum and library. The income from the remaining NOK 100 million is intended to be used for the operation and development of organizations and institutions that will ensure the future of the Jewish community in Norway.

It is proposed that a fund be set up consisting of the collective allocation to the Jewish communities in Norway. The fund will be administered by a board consisting of three representatives of the Jewish community in Oslo and two from the Jewish community in Trondheim. The members are to be appointed by the boards of the two communities, and they will also be responsible for drawing up guidelines for the board of the fund. The transfer of money will be made when the board has been appointed. It is proposed that the amount will be transferred to the Jewish congregation in Oslo on behalf of the whole Jewish community in Norway.

The Ministry of Justice is to receive an annual report on the use of the funds, including accounts audited by a chartered accountant.

5.1.2 Support outside Norway's borders for commemorating and developing the traditions and culture that the Nazis tried to eradicate NOK 60 million is being given in support of Jewish institutions or projects outside Norway. The funds (capital and any income) are to be allotted to institutions or projects whose aim is to commemorate, reconstruct or develop Jewish culture or traditions that the Nazis almost succeeded in

totally eradicating. The funds are preferably to be used for teaching, research or information purposes. They may be either allotted to existing institutions or to new institutions established for this purpose. The institutions or projects must be politically neutral.

It is proposed that the money is placed in a fund with a board consisting of one representative appointed by the Storting, one by the Government, one by the Jewish communities in Norway and one by the World Jewish Congress/World Jewish Restitution Organization, and Nobel Laureate Eli Wiesel is proposed as chairman of the board. In cooperation with the registered Jewish communities in Norway, the Ministry of Justice will lay down the statutes and instructions for the work of the board in accordance with the general guidelines that have been proposed. Any administrative costs are to be covered by the allocation.

5.1.3 Establishment of a resource centre for studies of the Holocaust and religious minorities in Norway

One of the most important lessons learned from World War II and the Holocaust was how vulnerable minorities are to prejudice, hatred and persecution, which taken to extremes led to the most systematic and gruesome genocide in history. The best means of combating prejudice is through unbiased information, which relies on knowledge of the minorities in our society. Thus the sum of NOK 40 million is proposed for the establishment and operation of a documentation and resource centre for promoting expertise in Norway on the Holocaust in general and more specifically on the Norwegian chapter of the history of the Holocaust.

A resource centre for the religious minorities in Norway is proposed as part of this centre. It should create a foundation for broad knowledge in Norwegian society on the minorities' history, philosophy of life, traditions, culture and position in Norwegian society. It should develop educational material in these areas, support research on the different minorities and minority issues in general, and serve as a place to hold meetings, seminars and dialogues between the minorities and between the minorities and other groups in Norwegian society. The resource centre is to be politically and ideologically neutral.

The intention is to establish the centre in cooperation with one of the universities in Norway. The issue has been raised with the Ministry of Education, Research and Church Affairs and the University of Oslo. It has been proposed that the ministry should establish links with one of the faculties or departments of the University of Oslo. The issue must, however, also be dealt with in the usual way by the appropriate bodies of the university.

A separate board is proposed for the centre, and the academic freedom of the institution must be ensured. The members of the board must include people with inter-disciplinary expertise. The Holocaust part of the centre will be set up after a dialogue with the Jewish communities in Norway and other Jewish expertise, for example from Yad Vashem in Jerusalem, and the centre for religious minorities will be set up in collaboration with the relevant minority groups. This will ensure that these groups have an influence on the profile and work of the centre. The Ministry of Education, Research and Church Affairs will set up the centre. The budgetary responsibility will be transferred to the Ministry by agreement.

5.2 Individual compensation

The Government proposes a compensation in the form of a standard amount of NOK 200 000 to those persons in Norway who suffered from the anti-Jewish measures, for example who had their property and assets confiscated by the occupation authorities during the war. Many of these are now dead, and spouses and direct heirs will take their place and inherit according to the provisions concerning distribution laid down in the Inheritance Act .

It is difficult to estimate the total cost of the individual compensation, since the amount will vary according to the number of applicants. The amount is expected to be in the region of NOK 100 to 200 million in addition to the collective compensation. If the individual payments should amount to substantially less than NOK 200 million, the Government will consider increasing the collective compensation. The Government will decide on how this should be used in collaboration with the Jewish communities in Norway.

It is important for the dignified conduct of the moral settlement that there are clear rules as to who is entitled to payments and how they should be made. It is important to avoid harrowing processes being triggered by the settlement.

5.2.1 Who are entitled to payments?

Payments will be made on application to those persons in Norway who suffered from the anti-Jewish measures, for example by having property and assets confiscated by the occupation authorities during World War II.

There is no definite information as to who would be included in the individual settlement but, in connection with the work of the Skarpnes Committee, the minority of the committee drew up a list of the Jews who were deported or fled from Norway between 1941 and 1942. The list contains 2 173 names and is expected to be useful in finding the people who may be entitled to the settlement.

Payments will be made subject to the following conditions:

A payment will be given to persons who were born before the end of 1942 and who suffered in Norway from the anti-Jewish measures, for example who had their property and assets confiscated by the occupation authorities during World War II. The payment will amount to a standard sum of NOK 200 000 .

If the person concerned is no longer alive, the money will be paid to the heirs according to the provisions concerning distribution laid down in the Inheritance Act, but limited to spouses and direct heirs .

The payment to each individual is limited to NOK 200 000 .

One of the conditions is that the persecution must have taken place in Norway. This affiliation criterion is intended to emphasize that the settlement is primarily aimed at Jews living in Norway before and during the war. In addition to Norwegian nationals ,this includes foreign nationals and stateless Jews. Jewish refugees from other countries are eligible if they were temporarily staying in Norway during the war and suffered from anti-Jewish measures in this country.

Thus compensation will be made to all Jewish families and individuals who either had their property confiscated or were subject to confiscation orders and Jewish families and individuals who did not own assets that could be seized and who therefore had no economic losses after the liquidation, but who suffered in other ways from the persecution or who lost their lives, for example in concentration camps or prison.

The standard payment is set at NOK 200 000. If the person entitled to the payment has died, the sum is distributed between the bereaved in accordance with the distribution provisions in the Inheritance Act, except that only the surviving spouse and direct heirs are entitled to it. The rule concerning the minimum amount for a spouse (section 6 of the Inheritance Act) does not apply, and a surviving spouse may not retain an undistributed estate with regard to the payment.

There is also a maximum limit of NOK 200 000 per person, so that no one may receive more than this amount. Thus a person who is himself entitled to a payment may not receive payments on behalf of deceased parents, grandparents or spouse, even if he were entitled to it. Nor will his heirs be entitled to it even if the payments they receive are less than the maximum amount. If the payment is reduced because of the maximum amount, other heirs will not be entitled to the surplus .

For example, if both a person's parents were entitled to a payment and both are dead, the direct heirs will receive NOK 400 000 to be distributed among them. If both sets of grandparents and the parents were entitled to a payment and are now dead, the direct heirs will still not receive more than NOK 400 000.

5.2.2 Procedure for applying for compensation

The Ministry of Justice aims to announce the arrangement in the Norwegian and international press. A time limit of six months is proposed. Applications must be received by the Ministry of Justice by this deadline, so that the matter can be dealt with within a reasonable time .

In collaboration with the Jewish communities in Norway, the ministry will inform all those members of the communities for whom this is relevant. The ministry assumes that the Jewish communities in Norway will inform their sister organizations in Sweden and other relevant countries. The World Jewish Congress/World Jewish Restitution Organization will also be informed.

5.2.3 Documentation requirements

The application should include name (and any previous names), address, date of birth, period of stay in Norway and address during the stay in Norway.

Applications on behalf of deceased persons should contain an explanation of the relationship with the deceased and this should as far as possible be documented. The existence of any other heirs should also be indicated.

However, the special nature of the case means that documentation may be difficult to obtain, for example there may be a lack of written documents and information may be unreliable. This must be taken into consideration when the cases are being dealt with and when decisions must be based on information that cannot be documented. It is further assumed that the Jewish communities in Norway on request will assist with the clarification of questions of identity in this work. The Skarpnes Committee went through the material in the National Archives and a new review is not planned.

5.2.4 Procedures for dealing with applications and appeals

It is proposed that the Ministry of Justice should process and decide on applications in the first instance. The Public Administration Act applies to the procedures followed by the Ministry, and decisions on the applications are to be regarded as individual decisions, cf. section 2 of the Act. Because of the special nature of this settlement, the ministry considers it advisable that appeals should be handled by a separate board. The ministry therefore proposes that regulations are laid down determining that the members of the Storting's ex gratia compensation committee should serve as a separate appeals board for the ministry's decisions on payments. It is proposed that the procedures for dealing with appeals should follow the same guidelines as those governing ex gratia compensation payments, according to which the ministry prepares the appeals and acts as secretariat for the committee. It is

proposed that it should not be possible to appeal to the Storting against the decision of the committee. The Ministry considers that in this way an appropriate appeals system will be established that will maintain legal safeguards in appeals procedures. One does not expect a large number of appeals.

«Economic and administrative consequences

NOK 250 million is being set aside for collective settlement. The Ministry of Justice has the task of providing assistance in the transfer and use of the funds in collaboration with the Jewish communities in Norway. The Ministry of Education, Research and Church Affairs will set up the centre for the study of the Holocaust and of religious minorities in Norway.

With reference to the calculations mentioned under subsection 5.2.1, about 2 200 Jews are in principle entitled to individual compensation. Many of these are now deceased, and it is assumed that spouses and direct heirs will receive compensation in their place. A total of 767 Jews, including whole families, were deported and killed. Many of these did not leave spouses or children and since other heirs are not included there will not be anyone entitled to seek compensation on behalf of the deceased. Given that payment is to be made only following application, there may be some individuals who, for some reason, will not apply. Hence it is very difficult to predict the number of applications. The ministry estimates, however, that payments will be made to or on behalf of 500 to 1 000 of the original 2 200 Jews. Thus the individual compensation will amount to NOK 100 to 200 million. If the individual payments amount to substantially less than NOK 200 million, the Government will consider increasing the amount of the collective settlement. The recipients of the individual compensation payment will not be liable to income or inheritance tax on the amount.

The costs of publicizing individual compensation and the necessary legal advice in connection with the establishment of the fund, etc. are estimated to amount to NOK 1 250 000.

It is proposed that the applications for the individual compensations are dealt with in the first instance by the Ministry of Justice, which will need three executive officer years in addition to the necessary secretarial assistance. Expenses will also be incurred in connection with the handling of appeals and other administrative functions. The Ministry of Education, Research and Church Affairs will encounter expenses in connection with the establishment of the Centre for the study of the Holocaust and the religious minorities in Norway. These expenses are estimated to amount to a total of NOK 3 250 000.

The ministry estimates that the establishment and administration of the scheme and its publication will amount to NOK 4.5 million, and that up

to NOK 3 million of this, including part of the expenses for the three executive officer years in the Ministry of Justice, will be incurred in 1998.

With regard to the budgetary aspects of the settlement, it is proposed that a new chapter should be included in the budget, numbered 476 and entitled "The historical and moral settlement for the treatment in Norway of the economic liquidation of the Jewish minority during the Second World War." Four items are proposed under this chapter, i.e. 01, "Operational costs", 70, "Ensuring the preservation of Jewish culture and the future of the Jewish community in Norway", 71, "Support outside Norway's borders for commemorating and developing the traditions and culture that the Nazis tried to eradicate", and 72, "Ex gratia payments". The operational costs under item 01 will be transferable, since it is not certain when they will be incurred. It is expected that the funds under items 70, "Ensuring the preservation of Jewish culture and the future of the Jewish community in Norway", and 71,

"Support outside Norway's borders for commemorating and developing the traditions and culture that the Nazis tried to eradicate", will be paid out in their entirety in 1998, while the allocations for the centre for the study of the Holocaust and the religious minorities in Norway will for practical reasons not be paid out until after 1998. Some administrative costs will be incurred in connection with the preparations for the centre, and in 1998 these will be covered as operational costs by item 01. It is proposed that item 72 be allocated on the basis of an estimate, since the final amount will depend on the number of payments made. The payments under this item will have to be divided between 1998 and 1999. These payments are expected to be made at the earliest in late autumn of 1998, and the estimated amount for 1998 is NOK 10 million. The ministry proposes that the Storting gives an authorization to pay the individual compensations. Reference is also made to the discussion of this topic in Proposition No (1997-98) 65 .to the Storting.

With respect to the allocations for 1999, the ministry will take these up with the Storting in connection with the ordinary work on the budget.

The Ministry of Justice and the Police

hereby recommends:

that Your Majesty approves and signs the submitted proposal for a White Paper to the Storting on historical and moral settlement for the treatment in Norway of the economic liquidation of the Jewish minority during the Second World War.

We Harald, King of Norway,

hereby confirm:

that the Storting is requested to make a decision on the historical and moral settlement for the treatment in Norway of the economic liquidation of the Jewish minority during the Second World War in accordance with the submitted proposal.

The recommendation by the Ministry of Justice and the Police is enclosed.

Proposal

for the decision on changes in the budget term for 1998

I

Expenses

Chapter

Item

Purpose

NOK

478

Historical and moral settlement for the treatment in Norway of the economic liquidation of the Jewish minority during the Second World War

)New(

01

Allocation for operational costs, can be transferred

000 000 3

)New(

70

Allocation for ensuring the preservation of Jewish culture and the future of the Jewish community in Norway

000 000 150

)New(

71

Allocation for support outside Norway's borders for commemorating and developing the traditions and culture that the Nazis tried to eradicate

000 000 60

)New(

72

Allocation for ex gratia payment, estimated amount

000 000 10

II

Authorization

In accordance with the guidelines in the White Paper, the Storting consents to the proposal that a commitment can be given in 1998 concerning the payment in 1999 of individual compensation to persons who were affected by the anti-Jewish measures during the Second World War up to the amount of NOK 200 million, including the allocations for 1998.

Annex 1

Overview of the previous treatment by the Storting of the question of compensation for confiscation and war damage after the Second World War

The question of compensation for Jewish property that was confiscated during the Second World War is complicated. The Ministry of Justice considers that in order to understand the matter it is important to be aware of the thinking of the Norwegian authorities in connection with the drafting of the rules for compensation after the war. Thus the following is an overview of a number of important documents relating to decisions on the compensation schemes. These documents show the reasoning prevailing after the war on the question of compensation .

A war damage committee was appointed by Royal Decree of 13 July 1945 to review the question of material and non-material damage and loss sustained by private individuals during the war and the occupation. The committee's mandate can be summarized in the following three points:

- to establish and specify the extent to which material and non-material damage and losses should be officially compensated ,
- to discover suitable methods of financing, which for example take account of the individual citizen's and society's economic capacity ,
- to make proposals concerning the administration of the organizations for the compensation for material damages .

The War Damage Committee submitted 13 reports during the period 12 January to 30 November 1946:

Damage and loss caused to private individuals by the war and occupation (introduction). Submitted on 28 November 1946. Annex to Proposition No. 93 (1945-46) to the Odelsting .

Summary. Submitted on 9 February 1946. Annex to Proposition No. 93 (1945-46) to the Odelsting

Injuries to persons. Submitted on 30 November 1945. Annex to Proposition No. 111 (1945-46) to the Odelsting

Damage to property :

A. Buildings. Submitted on 12 and 26 January 1946. Annex to Proposition No. 93 (1945-46) to the Odelsting
B. Movable property. Submitted on 16 February 1946. Annex to Proposition No. 121 (1945-46) to the Odelsting
C. Stocks of goods. Submitted on 26 March 1946. Annex to Proposition No. 2 (1947) to the Odelsting
D. Mineral oil products. Submitted on 18 September 1946. Annex to Proposition No. 102 (1947) to the Odelsting
E. Merchant ships and other vessels. Submitted on 28 November 1946. Annex to Report No. 1 (1941) to the Odelsting
F. Goods, etc. during sea transport and other transport. Submitted on 27 June 1946
G. The Insurance Companies' Joint Office for War Insurance. Submitted on 27 June 1946

German confiscation (requisitions) of real estate, etc. and damage to forests, farmland and other land. Submitted on 30 April 1946. Annex to Proposition No. 119 (1945-46) to the Odelsting

War damage to and loss of motor vehicles, etc. Submitted on 28 May 1946. Annex to Proposition No. 119 (1945-46) to the Odelsting

Loss of income and assets. Submitted on 23 May 1946. Annex to Proposition No. 119 (1945-46) to the Odelsting

The reports from the War Damage Committee are an important part of the source material on the compensation issue. They form part of the travaux préparatoires of the acts that regulated the compensation settlements after the war. The following were the most important of these acts:

Provisional Act of 19 July 1946 relating to war damage to buildings, cf. Proposition No. 93 (1945-46) to the Odelsting

Act of 13 December 1946 relating to confiscated property, cf. Proposition No. 137 (1945-46) to the Odelsting

Provisional Act No. 3 of 25 April 1947 relating to war damage to movable property, cf. Proposition No. 121 (1945-46) to the Odelsting

Provisional Act No. 4 of 25 April 1947 relating to certain damages and losses resulting from the war in 1940-45, etc., cf. Proposition No. 119 (1945-46) to the Odelsting

In addition the following documents were among the most important of those submitted to the Storting after the war:

Report No. 24 (1948) to the Storting on ownerless radio sets

Report No. 28 (1948) to the Storting on help to Norwegian refugees during the 1940-45 war

Report No. 15 (1950) to the Storting on an overview of the activities of the state for compensation of the economic damage caused by the war to private interests

Report No. 60 (1952) to the Storting on a report of the activities of the Settlements Division (later the Settlements Office) of the Ministry of Justice from 1940 to 1952

Proposition No. 29 (1959-60) to the Storting on consent to the ratification of an agreement between the Kingdom of Norway and the Federal Republic of Germany on payments to Norwegian citizens who had suffered from National Socialist persecution measures, signed in Oslo on 7 August 1959

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