

The publication of this letter in the media is under embargo until after Prime Minister Kok's press conference on the subject on Tuesday, March 21st.

OPEN LETTER

**TO: DR H.A. MARKENS,
CHAIRMAN, CJO**

Dear Dr Markens,

Archief Philip Staal

From the outset I wish to make it clear that this letter is written in the awareness that your position is not easy as the head of a small Jewish community whose organized membership does not exceed the population of a village and whose views are divided. I also am aware that, contrary to the international image of The Netherlands, the position of Jews in its general society is not as simple as outsiders may think, especially with regard to the country's problematic war and post-war past.

Thus I first wish to express my respect for the sacrifice you, your colleagues and your families are making on a voluntary basis. The issues under discussion are so important, however, that I would consider it a failure on my part, as a survivor who underwent the Holocaust in The Netherlands, if I did not bring my views to your attention.

The day is not far off when you will shake the hand of the Dutch Prime Minister as a sign that the CJO has reached an agreement with the Dutch government. Unfortunately, the impression may be given that this is also being done on my behalf. I will do my utmost to make clear that this is not the case.

The present controversy with the Dutch government over the looted Holocaust assets is one of the most important junctures in post-war Dutch Jewish history. Not only is it significant for the Jewish community in The Netherlands, but also for the many Dutch survivors outside; it is also relevant to a much larger community. Historical analysis of the problematic attitude of The Netherlands to Jewish matters in the years immediately preceding the war, during the war and in the post-war period have built up over several decades. However, with regard to the current Holocaust assets issue, neither analysts nor historians will wait long to assess in detail the role of the main participants in these events.

Platform Israel, the roof organization of the Dutch Jewish organizations in Israel, recently served the Dutch government and the CJO notice that the latter does not represent them in negotiations with the Dutch government and the various institutions involved; it also expressed its disagreement with your policy.

The Holocaust assets issue cannot be treated only as a national issue between a local community and a national government. During the Holocaust, Jews were persecuted not as members of the Dutch people but as part of world Jewry. One result of the Holocaust is that – like others – Dutch Jews have dispersed around the world. I am thus writing you this open letter in English so that it is not accessible only to those who can read Dutch.

The CJO represents a small community and is confronting a strong government headed by a powerful prime minister whose unwillingness to face the issue can be verified by comparing his speech at the Stockholm Holocaust Conference and his actual behaviour.

The members of the board of the CJO and you, as its chairman, are among the main representatives on the Jewish side of this controversy. As such, you will have to justify your actions not only to the Dutch Jewish community, but also to Dutch Holocaust survivors outside The Netherlands and the international Jewish community, particularly as common international approaches to the various Holocaust issues are in the process of being established.

Let me hereby set out a number of the questions you will be asked, as well as some other issues for which you be called to account:

- How qualified are you and your colleagues, professionally, for negotiations with extremely powerful counterparts, including the Dutch government?
- Have you ever been involved in matters of a similar magnitude?
- How aware of the historical past were you, in your preparations for these negotiations? Did you assess in detail the intentions of your counterparts ahead of time? Did you analyze how the Dutch government intended to use your attitudes in its discussions with international Jewish organizations? Did you prepare an overall strategy, integrating legal, moral and financial issues, before you started the negotiations?
- If the CJO members were not fully qualified, what advice did they seek, why, from whom and where did/didn't they accept this advice, and why?
- With what international Jewish organizations has the CJO consulted, and to what extent?

Other questions which will be raised concern why the CJO expressed satisfaction with Prime Minister Kok's apology at the end of January. This apology included a new fallacy: that the Dutch post-war failures were unintentional. The reports of the commissions of inquiry state explicitly that the Dutch government favored economic interests over those of the Holocaust survivors. How could you express satisfaction with such a falsehood?

A further question: while the CJO has published a detailed reaction to the Kordes report and the Scholten interim report, no such detailed public reaction

to the Scholten final report and the van Kemenade report has been forthcoming. Why?

From mid-1999, I made it clear to several of your colleagues that the *de facto* intentions of the Dutch government in the negotiations on the “abuse of law” against the Jews practiced by a number of its predecessors included:

- to avoid trouble with the world Jewish community and exclude it from the negotiations as much as possible;
- to reach a final agreement accepted by as many representatives of Dutch Jewry as possible;
- to reach a truth also accepted by the Jews, which would minimize the damage to the international image of The Netherlands (which entails the risk of the Jews’ falsifying their history in return for money) and
- pay the Jews as little as possible.

Analysts and historians will judge to what extent you have understood this ploy, and how you have defended Jewish interests against it.

The financial claims of Dutch Jewry are a result of its moral claims, which are partly based on the Dutch government’s abuse of legislation after the war. The Dutch legal co-responsibility for what happened to the Dutch Jews during World War II needs at least to be investigated. There are three major moral issues which should have been put on the agenda in great detail, even if convincing the Dutch government that a moral issue is involved was, in itself, an accomplishment for the CJO and Platform Israel. These issues are:

- recognition by the Dutch government of Dutch moral responsibility for what happened to the Dutch Jews during the war (which the present Dutch government explicitly denies);
- explicit recognition by the Dutch government that its post-war restitution laws were intentionally unfair to the Jews;
- the explicit recognition by the Dutch government that these laws were executed in a discriminatory manner with regard to the Jews.

Acknowledgment of some aspects of the last two points is spread over the more than 1,000 pages of the documents of the commissions of inquiry, documents which few people have read. That is why such explicit government recognition is necessary.

There are many more serious issues. If Dutch Jews refrain from defending their justified claims, partly from fear of incipient anti-Semitism, what does this say about their position in Dutch society? Why does not the leadership of the Dutch Jewish community, one which has suffered from blatant, well-documented abuse of justice by previous governments, stand up for the Jews’

full rights as Dutch citizens? You cannot force the present government's attitude to change, but you can at least say that it is unjust and immoral.

What does the Dutch government's attitude tell us about Dutch claims to be a moral example to other countries? The historian P.W. Klein wrote in the van Kemenade report: "Judging the post-war restitution process... is judging The Netherlands." The same is true for judging the development of the present controversy and the renewed ploys of the present Dutch government, which remind us so much of the ominous post-war days of Schermerhorn and Liefstinck. It is also true, however, for judging the Jewish community and its leaders.

Yours sincerely,

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Jerusalem, March 19, 2000

MESSAGE FROM DR MANFRED GERSTENFELD
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Date : March 19, 2000
To : Dr H.A. Markens (CJO)
Fax number : 012-31-20-642--5564
Number of pages : 5 (including this one)

Dear Dr Markens,

Unfortunately, I have not had the opportunity of making your acquaintance. You may recall that I suggested, via Joel Fishman, that we should meet at the beginning of the year when you visited Israel, but you had no time available.

You may be familiar with some of the texts I have published on the issue of looted Dutch Holocaust assets: some of your colleagues certainly are. I also had conversations on the subject in recent months with your colleagues Ronny Naftaniel, Hans Vuijsje and Rob Wurms. In any case, I am sending them to you by e-mail. Ronny Naftaniel and Joop Sanders were present at my lecture for Platform "What should Dutch Jews want and why?" on July 5, 1999; Rob Wurms was present at my Platform lecture "After the commission reports, what's next?" on January 17, 2000. I thus consider that I have made a reasonable effort to convey to you my views during the negotiation process.

As the CJO negotiations with the government will conclude in the coming days in a manner which I consider highly unsatisfactory and detrimental to the interests of the general Jewish community, I am taking the liberty of sending you herewith an open letter. It is the only means I have left of making clear my disagreement with the way the CJO is taking care of Jewish interests.

Yours sincerely,

Manfred Gerstenfeld
Jerusalem