

# OVERVIEW OF IMMOVABLE PROPERTY RESTITUTION/COMPENSATION REGIME – NORWAY (AS OF 13 DECEMBER 2016)

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### A. EXECUTIVE SUMMARY

During World War II, Norway was occupied by Germany. Its collaborationist government and Nazi administration passed laws stripping Norwegian Jews of their property and confiscated the property of every person defined as a Jew by the Nazis. Approximately 740 Norwegian Jews and 62 Norwegian Roma died in concentration camps during the war.

Norway's government-in-exile in London passed a decree during the war guaranteeing the restitution of private and communal property. After the war, all property – whether owned by Jews or non-Jews – was in theory subject to restitution. Real estate ownership and lease contracts were to a large extent reinstated to their rightful owners. Private property was, however, not compensated in full. Losses related to confiscation and realization of business assets were also not compensated in full. A 1997 report commissioned by the Norwegian government found that, in many instances, the complicated and lengthy restitution processes failed to fully restore to Norwegian Jews what had been confiscated during the Nazi occupation. In 1998, as a result of the report, the government approved **White Paper No. 82** on the historical and moral settlement for the treatment in Norway of the economic liquidation of the Jewish minority during World War II. The comprehensive compensation with the Jewish community covered all private, communal and heirless property claims. NOK 250 million (USD 33 million) was allocated to the Jewish community (both within Norway and abroad) and one (1)-time individual compensation payments in the amount of NOK 200,000 (USD 27,000) were made to those who suffered from anti-Jewish measures, including property confiscation. Norway's comprehensive settlement was the first of its kind in the late 1990s.

Norway endorsed the Terezin Declaration in 2009 and the Guidelines and Best Practices in 2010.

As part of the European Shoah Legacy Institute's Immovable Property Restitution Study, a Questionnaire covering past and present restitution regimes for private, communal and heirless property was sent to all 47 Terezin Declaration governments in 2015. As of 13 December 2016, no response from Norway has been received.

**B. POST-WAR ARMISTICES, TREATIES AND AGREEMENTS DEALING WITH RESTITUTION OF IMMOVABLE PROPERTY**

Germany invaded Norway on 9 April 1940. The military campaign ended in June 1940 when the King and government went into exile in England. The Norwegian army capitulated on 10 June 1940. After an interregnum of civil administration, which was terminated by the Germans in September 1940, collaborators were placed in charge of government offices, and on 1 February 1942, Vidkun Quisling formed a pure Nazi government. Under the supervision of the Nazis and the collaborationist government, Jews were arrested and were required to register real estate, and their property was liquidated. Norwegian Jews were subject to deportation between November 1942 and March 1943. On 8 May 1945, German forces in Norway surrendered to the Allied forces.

In 1940, Norway had about **2,200** Jews (including a few hundred German and Austrian Jewish refugees). The collaborationist government turned over an estimated **767** Jews to the Nazis. They were sent to death camps at Auschwitz-Birkenau in German-occupied Poland, and **few survived**. Approximately 900 Norwegian Jews were smuggled to safety in neutral Sweden. Today, approximately **1,200** Jews live in Norway.

In the 1920s, between **100 and 150** Roma lived in Norway. **62** Norwegian Roma – who had traveled out of Norway in the 1930s and were thereafter unable to reenter the country during World War II – were also killed in Nazi concentration camps. Today, approximately **500** Roma live in Norway. In 2015, Prime Minister Erna Solberg apologized for the historical discrimination of the Roma population before and after World War II and promised to pay reparations. The statement came after the publication of a government report detailing the denial of re-entry to the Roma in the 1930s.

Following the war, Norway entered into lump sum agreements or bilateral indemnification agreements with at least eight (8) countries. These agreements pertained to claims belonging to natural and legal persons arising out of war damages or property that had been seized by the foreign states after WWII (i.e., during nationalization under Communism). They included claims settlements reached with: **Yugoslavia** on 31 May 1951, **Czechoslovakia** on 9 June 1954, **Bulgaria** on 2 December 1955, **Poland** on 23 December 1955, **Hungary** on 22 February 1957, **Federal Republic of Germany** on 7 August 1959, **U.S.S.R.** on 30 September 1959, and **Romania** on 21 May 1964. (Richard B. Lillich and Burns H. Weston, *International Claims: Their Settlement by Lump Sum Agreements* (1975), pp. 328-334.)

For additional information relating to the Jewish population in Norway and the historical background and effect of World War II on the Jewish Norwegian population, *see* [Government of Norway – Ministry of Justice and Public Security, “White paper No 82](#)

(1997-98)”; [United States Holocaust Memorial Museum – Holocaust Encyclopedia, “Norway”](#); see also Martin Dean, *Robbing the Jews: The Confiscation of Jewish Property in the Holocaust, 1933-1945* (2008), pp. 287-290. For additional information on the Norwegian Roma, see [Genocide of the Roma, “Map – Norway”](#); [Terje Solsvik, “Norway’s prime minister apologizes for treatment of Romas during World War Two”, Reuters, 8 April 2015.](#)

## C. PRIVATE PROPERTY RESTITUTION

Private immovable (real) property, as defined in the Terezin Declaration Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933-1945, Including the Period of World War II (“Terezin Best Practices”) for the purpose of restitution, is:

Property owned by private individuals or legal persons, who either themselves or through their families owned homes, buildings, apartments or land, or who had other legal property rights, recognized by national law as of the last date before the commencement of persecution by the Nazis, Fascists and their collaborators, in such properties.

(Terezin Best Practices, para. b.)

The Nazis confiscated the property of every person classified as a Jew in Norway during World War II. On 26 October 1942 – after arrests of Jews and confiscation of their property had already commenced – the Quisling government passed a **Law on the Confiscation of Property Belonging to Jews (“1942 Confiscation Law”)**. The Decree has been described as providing “that assets of any kind, belonging to Jews with Norwegian citizenship or who were stateless, would be confiscated for the benefit of the state.” (Martin Dean, *Robbing the Jews: The Confiscation of Jewish Property in the Holocaust, 1933-1945* (2008), p. 288.) Jewish households and businesses were treated as being bankrupt and their assets were sold. Jewish properties liquidated before the **1942 Confiscation Law** were never registered as per the terms of the law.

In November 1942, a Liquidation Board was established by the Quisling government to manage the liquidation of Jewish assets. The proceeds of liquidated property were put into a Public Fund. By the end of the war, 30 percent of the assets in the Public Fund had been used by the Liquidation Board to cover its own administrative expenses.

### 1. The Early Post-war Restitution Regime

In December 1942, the Norwegian government-in-exile in London issued a provisional **Decree Concerning the Invalidity of Legal Transactions Connected with the Occupation**. It guaranteed restitution of, *inter alia*, private and communal property.

After the war, government institutions were established to facilitate the return of property. According to the 1997 *Riesel/Bruland Report on the Confiscation of Jewish*

*Property in Norway* (Part of Official Norwegian Report 1997:22) (“*Riesel/Bruland Report*”), commissioned by the government to examine the fate of Jewish property before and after the war:

Everyone from whom property had been stolen, Jews and non-Jews alike, should, in principle, have been able to demand its return. However, this proved to be impossible, one of the reasons being that the financial basis for reparation was no longer intact. In addition, the authorities established a complex system of regulations based on two main principles which they regarded as important in postwar reparation efforts: equalization and reconstruction. [...] The result of this system was that the greater the loss, the smaller the percentage of compensation. [...]

These principles of compensation had particularly far-reaching consequences for the Jews, due to the collective and total nature of the liquidation, and to the unique pattern of deaths. Thus, 230 families were totally annihilated, and the remaining families experienced serious losses. According to the reparations agencies, the survivors were not considered eligible for full compensation, because this compensation was based on assumptions about the applicants' ability to reconstruct their prewar lives and businesses. They were either given reduced compensation or were simply not taken into consideration at all when compensation was paid out, even when they were legal heirs. Another area of concern for the reparations agencies was that if Jews were to inherit from their deceased relatives, «they would acquire funds to which they would not have had access under normal circumstances».

(*Id.*, pp. 170-171).

Heirs could not claim property of deceased relatives until the relative was declared legally dead, which was impossible because the killing centers did not issue death certificates. In 1947, efforts were made to reclassify the “missing” relatives as dead and to devise an order of deaths (to determine inheritance lines for families sent to the gas chamber together). As a result of these complications, restitution proceedings often took between eight (8) and ten (10) years to complete, the last of which concluded in 1987.

In the end, the *Riesel/Bruland Report* concluded “the total economic burden placed on the Norwegian Jews throughout the procedure of liquidating estates during the war, and through the settlement and division of estates after the war, was greater than the amount eventually awarded by the reparations agencies.” (*Id.*, p. 172.) In total, the reparations agencies awarded NOK 7,854,758.10 in 1947 value. Specifically, 35.3 percent of the estates did not receive any restitution and 55.5 percent received less than NOK 1,000 each. In total, 163 estates ended up in debt to the reparations agencies because expenses exceeded the original estate’s value – when estates of deceased Jews continued to exist even after they died and continued to accrue taxes and other costs up until the estates were settled. (*Id.*).

Information in this section on early post-war property confiscation and restitution procedures in Norway was taken from: [Government of Norway – Ministry of Justice, “NOU 1997:22 Confiscation of Jewish property in Norway during World War 2”](#) (report is in Norwegian but Part 4 contains an English language summary of both the majority and minority reports); [Government of Norway – Ministry of Justice and Public Security, “White paper no 82 \(1997-98\)”](#); and Martin Dean, *Robbing the Jews: The Confiscation of Jewish Property in the Holocaust, 1933-1945* (2008), pp. 288-290.

## 2. **1998 White Paper No. 82 to the Storting (Parliament)**

In 1996, the Norwegian Minister of Justice formed a government committee of inquiry to investigate what happened to Jewish property during and after World War II. The committee was established following increased worldwide public scrutiny in the 1990s regarding how Jewish property had been treated.<sup>1</sup> The committee was composed of government officials and individuals selected by the Jewish community. The committee was unable to prepare a unified report, and in 1997 it presented Prime Minister Torbjørn Jagland with a majority report (prepared by the government appointees) and the minority *Riesel/Bruland Report* (prepared by the Jewish community appointees). The majority focused more narrowly on settling Jewish accounts, whereas the minority contended that the unique experience of the Norwegian Jews as a targeted group should be taken into account.

The Ministry of Justice accepted the minority *Riesel/Bruland Report* and used it as a basis for the 26 June 1998 **White Paper No. 82 to the Storting (Parliament) on Historical and moral settlement for the treatment in Norway of the economic liquidation of the Jewish minority during World War II (“White Paper No. 82”)**. In White Paper No. 82, the government laid out factual findings from the *Riesel/Bruland Report* and acknowledged that “[t]he 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.” (*White Paper No. 82*, Section 4). In March 1999, the Norwegian parliament accepted the proposed comprehensive settlement with the Jewish community contained in **White Paper No. 82**.

Regarding private property, the settlement offered NOK 200,000 (USD 27,000) to “those persons in Norway who suffered from the anti-Jewish measures, for example by having their property and assets confiscated by the occupation authorities during World War II.” Spouses and direct heirs were permitted to inherit this amount if the recipient had died.

Claimants had until **1 November 1999** to apply for the one-time individual compensation payment. According to Norway’s 2012 submission for the Green Paper on the Immovable Property Review Conference 2012, by 11 August 2000, 987 applications for

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<sup>1</sup> In Norway, journalist Bjørn Westlie had written several articles describing how Jewish firms were liquidated during the occupation and of the lack of compensation after the liberation.

compensation were received, of which 40 were rejected. (The collective part of the settlement is discussed in **Section D** of this report.).

Information in this section on **White Paper No. 82** and the settlement with the Jewish community was taken from [Government of Norway – Ministry of Justice and Public Security, “White paper no 82 \(1997-98\)”](#); and [Bjarte Bruland, “Norway: The Courage of a Small Jewish Community; Holocaust Restitution and Anti-Semitism”, Jerusalem Center for Public Affairs, 1 July 2003](#).

## **D. COMMUNAL PROPERTY RESTITUTION**

Communal immovable (real) property, as defined in the Terezin Best Practices for the purpose of restitution, is:

Property owned by religious or communal organizations and includes buildings and land used for religious purposes, e.g. synagogues, churches[,] cemeteries, and other immovable religious sites which should be restituted in proper order and protected from desecration or misuse, as well as buildings and land used for communal purposes, e.g. schools, hospitals, social institutions and youth camps, or for income generating purposes.

(Terezin Best Practices, para. b.)

Today, the [Mosaiske Trossamfund \(Mosaic Community\)](#) is the representative organization for the Jews in Norway. There are two main Jewish communities in Norway, in Oslo and in Trondheim.

### **1. 1998 White Paper No. 82 to the Storting (Parliament)**

After the war, all property, including communal property, was subject to restitution and/or compensation (*See Section C*). However, in 1998, **White Paper No. 82** documented that “[b]ecause the Jewish community, with its institutions and religious centres, had suffered total economic liquidation [during the war], it received as a whole considerably reduced compensation in relation to its actual losses.” (*White Paper No. 82, Section 2.*)

The government proposed a comprehensive settlement “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.” (*White Paper No. 82, Section 4.*) **White Paper No. 82** described a collective settlement of NOK 250 million (USD 33 million), which was divided three (3) ways. NOK 150 million was paid to the *Jewish communities in Norway* to ensure the local preservation of Jewish culture and the Jewish community. This included funding to repay debts relating to restoring buildings and property and then placing the remainder of the amount into a fund to be used for the operation and development of organizations to solidify the future of the Jewish community in Norway. NOK 60 million was allocated to support *Jewish institutions/projects outside of Norway* meant to commemorate, reconstruct or develop Jewish culture/traditions. Finally, NOK

40 was allocated to establish the [Center for Studies of Holocaust and Religious Minorities](#).

Norway's inquiry into and eventual settlement regarding the treatment of Jewish property before and after the war attracted international attention. (See, e.g., ["Norway Plans to Pay Jews \\$60 Million Compensation"](#), *New York Times*, 27 June 1998 (quoting World Jewish Congress executive director Elan Steinberg as stating that Norway "has confronted its past honestly, the dark chapters as well as the heroic chapters, so that it can have an honorable future.").)

Information in this section on the comprehensive settlement with the Jewish community laid out in **White Paper No. 82** was taken from [Government of Norway – Ministry of Justice, "NOU 1997:22 Confiscation of Jewish property in Norway during World War 2"](#); [Government of Norway – Ministry of Justice and Public Security, "White paper no 82 \(1997-98\)"](#); and Green Paper on the Immovable Property Review Conference 2012, pp. 65-70 (Norway).

#### **E. HEIRLESS PROPERTY RESTITUTION**

The Terezin Declaration states "that in some states heirless property could serve as a basis for addressing the material necessities of needy Holocaust (Shoah) survivors and to ensure ongoing education about the Holocaust (Shoah), its causes and consequences." (Terezin Declaration, Immovable (Real) Property, para. 3.) The Terezin Best Practices "encourage[s] [states] to create solutions for the restitution and compensation of heirless or unclaimed property from victims of persecution by Nazis, Fascists and their collaborators." Heirless immovable (real) property, as defined in the Terezin Best Practices for the purpose of restitution, is:

property which was confiscated or otherwise taken from the original owners by the Nazis, Fascists and their collaborators and where the former owner died or dies intestate without leaving a spouse or relative entitled to his inheritances. . . . From these properties, special funds may be allocated for the benefit of needy Holocaust (Shoah) survivors from the local community, irrespective of their country of residence. From such funds, down payments should be allocated at once for needy Holocaust (Shoah) survivors. Such funds, among others, may also be allocated for purposes of commemoration of destroyed communities and Holocaust (Shoah) education.

(Terezin Best Practices, para. j.)

In the late 1990s, Norway addressed the issue of heirless Jewish property. When discussing the terms of the comprehensive settlement with the Jewish community in **White Paper No. 82** in 1998, the Norwegian government specifically referenced the fact that "[i]n its evaluation of the total sum to be allocated in the collective compensation [to the Jewish community], the Government has taken account of the fact that some Jewish families were totally eradicated and thus received no individual compensation." (*White Paper*, Section 5.1.) As a result, part of the NOK 250 million collective settlement was

meant to account for the property taken from Norwegian Jewish owners who died without heirs.

Information relating to compensation to the Jewish community for heirless property in this section was taken from [Government of Norway – Ministry of Justice and Public Security, “White paper no 82 \(1997-98\).](#)



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