**Tufts University Seminar 2023:**

**Power and Prejudice: Race and International Relations**

Global Reparations for Slavery

**Briefing Paper: Committee on Germany**

**Committee Members**

Head of Delegation: Camilla Hirano

The Politics of Reparations: Travis Fong

The Legal Concerns of Reparations: Andrew Chen

Symbolic Reparations: Arjun Sharma

Financial and Material Reparations: Chloe Luterman

Descendants and Population: Maya Smith

Education and Awareness: Caroline Ginsberg

Building the Future: Camilla Hirano

## **Introduction**

*Representative: Camilla Hirano*

“Erst denken, dann handeln.” *First think, then act.* This common German proverb means that although taking action is important, it is of equal importance to think deliberately about what is the *right* action. This is the mindset that the Federal Republic of Germany will take as it approaches this convention. With the willingness to engage in meaningful dialogue regarding recompense, we come with an awareness of Germany’s past actions and impact on other countries. We acknowledge that Germany’s rich history has been tainted by wrongdoings and will consider taking appropriate measures to address and amend such offenses. During these discussions, we intend to focus on Germany’s complicity in Namibia; specifically, the devasting impacts the Herero and Namaqua genocide had on the Namibian population.

As we enter such conversations and reflect on our country’s past, we hope to clarify what measures are in the best interest of all parties involved. Already, we have announced financial aid for Namibia worth more than €1.1bn (£940m; $1.34bn) to be paid out over 30 years through spending on infrastructure, healthcare, and training programs benefiting the impacted communities. We have also returned artifacts, including jewelry, tools, and fashion items, to the country. Despite the initiatives taken by Germany to address its historical and moral responsibility for past wrongdoings, there has been a mixed response from Namibians, with some rejecting these efforts while others demand more. We are committed to understanding the reasons behind such criticisms designed to help Namibia and its people. As said last year by German Foreign Minister Heiko Maas during a formal apology, “In light of Germany's historical and moral responsibility, we will ask Namibia and the descendants of the victims for forgiveness."

**Identity**

*Representative: Camilla Hirano*

We represent Germany, a large country located in the heart of Western Europe that was officially formed in 1949. Bordered by Denmark, Poland, the Czech Republic, Austria, Switzerland, France, Luxembourg, Belgium, Netherlands, and the North and Baltic Sea, Germany offers a strategic location on the North European Plain and along the entrance to the Baltic Sea. The country is home to over 83 million people, making it the second most populous country in Europe after Russia. Of this figure, 87.2% are ethnically German, 1.8% Turkish, 1% Poland, 1% Syrian, and 9% other. Additionally, 65 to 70% of German people recognize themselves as Christian, with 28.2% of the population practicing Roman Catholicism and 26% Protestantism. There is also a Muslim minority of about 5%. The official language is German, and official minority languages include Danish, Saterland Frisian, Sorbian, and Romani.

Germany’s government system is a federal republic; the chief of state is the president, and the head of government is the chancellor. Federal legislative power is vested in the parliament consisting of the Bundestag and Bundesrat, which together form the legislative body. The German political system operates under a framework laid out in the 1949 constitution known as the Grundgesetz (Basic Law) whose fundamental principles, as expressed in the articles, guarantee that human dignity, the separation of powers, the federal structure, and the rule of law, are valid in perpetuity. Currently, the president and head of state is Frank-Walter Steinmeier, a member of the Social Democratic Party of Germany (SPD). The SPD is firmly committed to the principles of the European Union and claims allegiance to achieving social justice and maintaining its role as a social welfare state. It is one of two parties that have dominated Germany’s government, the other being the Christian Democratic Union (CDU). As the most dominant political party in the Bundestag, the CDU represents a center-right/conservative party that gained major success following WWII and holds foreign policy stances that are anticommunist, pro-American, and pro-European integration. Since 1949, the start of the Federal Republic of Germany, every chancellor has been a member of one of these two parties.

Economically, Germany has a mixed system that includes a variety of private freedoms, combined with centralized economic planning and government regulation. Our country boasts a strong economy; we maintain the largest economy in Europe, the world's fourth-largest economy by nominal GDP, and the fifth-largest by PPP. As a global power in industrial, scientific, and technological sectors, it is both the world's third-largest exporter and importer. As a highly developed country, which ranks ninth on the Human Development Index, it offers social security and a universal health care system, environmental protections, and tuition-free university education. Germany is also a member of the United Nations, the European Union, NATO, and the Council of Europe.

Beyond economics, Germany is ranked as the sixteenth-most peaceful country in the world and strives to both support its citizens and establish itself as a leading figure in global politics. Its ideals are encompassed by the German tricolor flag. The striking black, red, and gold were former colors used by the Holy Roman Empire, which was located in parts of what is now Germany. The saying goes, “Out of the blackness of servitude (black), through bloody battles (red), to the golden light of freedom (gold).” This quote carries from the past to today, serving as a reminder of Germany’s commitment to peace, progress, and freedom for all its citizens.

## **Key Points**

* Multiple countries have issued official requests for reparations from the German government including Poland, Greece, and Namibia; however, the definition of injustice set up by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide does not apply retrospectively to Namibia and cannot be the basis for financial claims by other countries.
* In May 2021, Germany acknowledged that it committed genocide against the Namibian Herero and Nama and set a legal precedent through pledged action of ‘reconciliation.’ Germany seeks to heal the wounds of violent colonialism in Namibia through reconciliation gestures—an apology and monetary support to develop Namibia—but does not seek to establish a legally binding reparations agreement. Germany has also engaged in negotiations regarding the return of Namibian artifacts to rebuild cultural heritage.
* Generally, Germany's highest statute of limitation period for damage claims is 30 years (for voluntary manslaughter) from the time a crime was committed. This raises concerns about compensation for Namibian genocide victims, as the statute of limitations has passed for them to claim damages, unlike most Holocaust victims who have already received compensation within the statute of limitations.
* Educators in Germany instill the idea in students that we must remember what has happened in our past as we continue to move forward. As we take moral responsibility for the atrocities inflicted during Herero and Nama genocide, we will continue to reform our curricula to make sure we educate students on what has occurred. The idea of promoting universal themes of human rights may be highlighted, just as proper teachings about the Holocaust do.
* We are concerned about determining the parties responsible for compensation and tracing who is eligible for reparations. Just as large German industries faced lawsuits for involvement in Jewish persecution under the Nazi regime, it is argued that German industries that exploited Namibia should be financially liable, in addition to our negotiations of reconciliation agreements with Namibia. Additionally, because many records of the colonial period were lost or destroyed over time, making it difficult to trace back communities that should be eligible for payment.

## **History with Slavery/Colonialism**

*Representative: Camilla Hirano*

In 1883, Adolf Lüderitz, one of Germany's first prominent colonialists, signed an agreement with Chief Joseph Frederick of Bethanie in what is now southern Namibia. The treaty gave the German businessman rights to the area around a strategic natural harbor called Angra Pequena, which he renamed Lüderitz. One year later, following the Berlin Conference, the territory of present-day Namibia became a protectorate of the German Empire called German South West Africa, a decision that was made by European powers without local people.

While Germany increasingly seized land and distributed it to German settlers, skirmishes between German soldiers sent to protect the settlers and local Herero, Nama, and Witbooi clans increased. In 1890, for instance, German Governor Curt von Francois's men attacked Nama Chief Hendrik Witbooi and the village of Hornkranz, massacring women, children, and the elderly. These clashes became more frequent, but resistance was largely broken and rebels were forced into concentration and labor camps to work for German businesses and infrastructure projects to build up the German colony. German soldiers also shot Herero, hanged them, drove them into the desert, and sealed off watering holes to stop those who survived rebellions from returning. While figures remain in dispute, conservative estimates say that about 65,000 of 80,000 Herero (up to 75% of the population at the time), and at least 10,000 out of 20,000 Nama were killed under German rule.

After Germany's defeat in the First World War, the Treaty of Versailles forced it to give up its colonies. Although the mass murder of the Herero and Nama people has since been deemed the “forgotten genocide,” Germany has recognized the atrocities committed and made efforts of amendment to ensure that it is not only remembered but also formally addressed.

**Committee on The Politics of Reparations**

*Representative: Travis Fong*

**Discussions of Reparations in Germany:**

* Adolf Hitler rose to power through the Nazi Party that ruled Germany over the course of World War II and committed global human rights abuses most notoriously against Jewish people. After Germany was defeated in World War II, denazification took place across Germany in an attempt to remove Nazis and Nazi political ideologies from society.
* In 1952, a Reparations agreement between Israel and West Germany was signed, called the Luxembourg agreement which has since paved the way for more than $84 billion in financial reparations to the global Jewish community.
* In 2019, Germany paid $564 million to the Claims Conference (Conference on Jewish Material Claims Against Germany), an organization established in 1951 representing the World’s Jewish people, that has since been at the forefront of German reparations.
* Since 1990, the German government has issued around $2.6 billion in reparations for property lost as a result of Nazi persecution, and as of mid-2019, the German Federal Office for Central Services and Unresolved Property Issues had 5,000 pending claims.
* In 2015, The German government established the German Lost Art Foundation (DZK), Germany’s national and international contact partner for matters concerning the illegal seizure of cultural assets since 1933, and the government fully funds the DZK, with a budget of $8.95 million in 2019.

**Supporting and Opposing Groups to Reparations:**

* In 2022, the Polish foreign minister requested Germany pay about $1.3 trillion in reparations for the damage caused during World War II, and the German government has since refused to enter into these negotiations.
* In 2019, the Greek government asked the German government to enter into negotiations for reparations from both World Wars. Germany has since refused.
* The Namibian government has been outright in its condemnation of Germany’s colonial past, repeatedly asking for reconciliation and reparations.

**Political Leaders and Reparations:**

* Currently, Germany is a federal, constitutional democracy with various political parties, regional governments, an independent judiciary, and a Head of State or German President. We also hold strong alliances with the West, European Union, and NATO.
* Current political parties include the Social Democratic Party of Germany, the Christian Democratic Union, Alliance 90/The Greens, the Free Democratic Party, and Alternative for Germany parties.
* Since 2015, the German minister Heiko Maas has condemned the past atrocities committed in Namibia, and a total of $940 million has been paid to Namibia while recognizing the Herero-Nama genocide.
* In 2022, Germany’s Finance Minister, Christian Lindner, attempted to reduce the annual amount of reparations to Holocaust survivors which caused international criticism from the United States, Great Britain, and Israel.

**The Legal Concerns of Reparations**

*Representative: Andrew Chen*

**Legal Precedent (Holocaust Reparations):**

* The Luxembourg Agreement of 1952 was a significant milestone, as it was the first example of a legal precedent set to acknowledge and redress the injustices of the Holocaust.
* Late 1990s class action lawsuits were filed against German industries, including Deutsche Bank AG, Siemens, BMW, Volkswagen, and Opel. In response, we created the "Remembrance, Responsibility and the Future" foundation.
* While legal precedent for Holocaust reparations was established in the 1950s, we remain neutral and uninvolved in further advancing international human rights law for remedy and reparations. The largest UN resolution passed regarding reparations to date is the 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (GA Res. 60/147). Over 40 countries voted in favor, none voted against it, and Germany was one of 12 nations that abstained.

**Germany’s Responsibility for Namibia Reparations:**

* In May 2021, we set a legal precedent when we acknowledged committing genocide against the Namibian Herero and Nama people during its colonization. We reached an agreement with the Namibian government on recompensation, including an official apology, infrastructure projects, and €1.3 billion for developing descendant communities to be used to support, reconstruct, and develop communities of descendants of the Herero and Nama.
* The money provided under the agreement is neither ‘reparations’ nor ‘compensation.’ We seek to heal the wounds of colonialism in Namibia through a gesture of reconciliation—an apology and monetary support to Namibia—but do not seek to establish a legally binding agreement of reparations.

**Legal Concerns Around Reparations:**

* Generally, Germany's highest statute of limitation period for damage claims is 30 years (for voluntary manslaughter) from the time a crime was committed. This raises concerns about compensation for Namibian genocide victims, as the statute of limitations has passed for them to claim damages, unlike most Holocaust victims who have already received compensation within the statute of limitations.
* There is a lack of legal framework for reparations in German law. Currently, the government negotiates reparations on a case-by-case basis but does not have any laws defining the amount and form of reparations owed to its victims.
* It is challenging to trace who is eligible for reparations, mainly because a significant amount of time has passed since the Namibian genocide. Another limitation is the lack of records during the colonial period. Many records were lost or destroyed over time, making it difficult to trace back communities that should be eligible for reparations.
* One final concern is determining the parties responsible for reparations and compensation payments. Just as large German industries faced lawsuits for involvement in Jewish persecution under the Nazi regime, it is argued that German industries that exploited Namibia should be financially liable, in addition to our negotiations of reconciliation agreements with Namibia.

**Symbolic Reparations**

*Representative: Arjun Sharma*

**The Meaning of Symbolic Reparations:**

* Symbolic reparations in practice include official apologies, public memorials, and holidays. Our official apologies are important attempts to rebalance the distorted scale of justice, aligning us more closely with our national moral identity. Memorials and holidays help promote public awareness; they reflect and shape national consensus about the errors of the past.
* In terms of their value, symbolic reparations serve as a starting point for rebuilding trust and community. We believe that once consensus about past errors is established, the ensuing conversation can promote progress that both prevents future errors and builds a more just society for all.
* As for the case of a holiday created specifically to pay tribute to the victims of the Holocaust, the most important thing we can do at this point is to remember it. We already have an official day of remembrance: The People's Day of Mourning. Any further gestures toward specific commemoration of this painful event would only invite more strife at a time when Germans have rightly unified against it.

**Past Reparations to or from Germany:**

* We have found it more useful to increase development aid to Namibia instead of paying reparations.
* We dispatched Willy Brandt, the Chancellor of Germany in 1970, to express our heartfelt sentiment for the victims of the Warsaw Ghetto Uprising.

**Recognizing Past Wrongs, Internally and Internationally:**

* As for why we called the atrocities committed in Namibia “genocide” and omitted the words “reparations” or “compensation” from a joint statement: we have found it more appropriate to use the term “development aid,” as opposed to “reparations” or “compensation,” because we believe it is more important to focus on the future by benefiting people’s lives substantially than to confine ourselves in the past by arguing over psychologically fraught labels.

**The Impact of Different Forms of Reparations:**

* The returning of cultural artifacts to their rightful owners is an important symbolic gesture that demonstrates our commitment to take accountability for even that which we as a nation are not directly responsible for.
* We have returned the Benin bronzes, which we had initially bought from Britain to the Nigerian government, even though it was not us that stole the artifacts.

**Financial and Material Reparations**

*Representative: Chloe Luterman*

**Past Financial and Material Reparations - Holocaust Reparations to the Jewish People:**

* In 1952, FRG signed the Luxembourg Agreement, compensating Israel $714 million over 14 years for the costs of resettling 500,000 Jewish Holocaust survivors. The money was invested in Israel's infrastructure and played a crucial role in establishing its economy. The agreement also provided $107 million to compensate Jews through the Conference on Jewish Material Claims Against Germany for losses due to Nazi persecution.
* In 1956 the FRG enacted the West German Federal Indemnification Law (BEG) to compensate Holocaust survivors for physical injury, harm to health, personal freedom, and property. A year later, the FGR also enacted the Federal Restitution Law (BRüG), which provided restitution for confiscated property that could no longer be returned.
* In 1990, the Open Property Questions Act allowed Jewish property owners and their heirs to file claims for assets lost or confiscated during the Nazi era in former East Germany.
* In 1998, the German government signed the Washington Conference Principles on Nazi-Confiscated Art and has since returned over 16,000 objects to Holocaust survivors or their heirs.
* The post-WWII German reparations program is the largest, most comprehensive reparations program ever implemented. In the past 70 years, more than $90 billion has been paid by the German government to victims of the Holocaust.
* In 2023, the Claims Conference and German government increased annual funding to $1.2 billion for 280,000 Holocaust survivors worldwide. The increase included $130 million for home care and $12 million for emergency humanitarian payments to Ukrainian survivors. A $170 million hardship fund was designated for 143,000 Holocaust survivors globally. Germany also committed to funding Holocaust education with €25 million for 2023, €30 million for 2024, and €35 million for 2025.

**Stance on Future Reparations - German Aid for Namibian Colonial Genocide:**

* In May 2021, Germany officially took responsibility for the genocide of tens of thousands of Herero and Nama people in Namibia in the early 1900s and offered to pay Namibia $1.34 billion in aid over 30 years as a gesture of reconciliation.
* Germany classified this money as “aid payments” for the Namibian government to put towards infrastructure, healthcare, and job-training programs in areas populated by the descendants of the Herero and Nama tribes.
* Germany has categorically ruled out classifying these payments as “financial reparations” amid fears this could set a legal precedent for further claims. Our stance is that definition of injustice set up by the 1948 convention on the prevention and punishment of genocide does not apply retrospectively and cannot be the basis for financial claims by other countries.
* Germany’s official line is that formal claims for reparations relating to World War II were settled with the two-plus-four treaty of 1990. Outstanding loan debts relating to WWI reparations were settled in 2010.
* Countries such as Greece and Poland, which were not part of the 1990 agreement, have since repeatedly reiterated their demands to be compensated for economic and human losses sustained at the hands of German forces in the first half of the 20th century.
* Greece is still attempting to win €9.2 billion in reparations for WWI and €309.5 billion for WWII. Poland is still attempting to win €1.2 billion in reparations for WWII.

**Descendants and Population**

*Representative: Maya Smith*

**Past Reparations for Slavery:**

* On September 20, 1952, the Federal Republic of Germany, the State of Israel, and the Conference on Jewish Material Claims Against Germany signed a reparations agreement in Luxembourg.
* This came to be known as the Luxembourg Agreement and its two protocols stated that West Germany paid for the integration of half a million Holocaust survivors in Israel, as well as individual reparations to Nazi victims.
* In 1988, the German government allocated $125 million for reparations to enable remaining Holocaust survivors to receive monthly payments of $290 for life.
* Germany also agreed to fund Holocaust education and allocated:
  + 10 million euros for 2022
  + 25 million euros for 2023
  + 30 million euros for 2024
  + 35 million euros for 2025

**Recipients of Reparations - Symbol or Financial/Material:**

* In the recent years after the Namibian Genocide, Germany has recognized the consequences of their actions and apologized for what it caused in Namibia.
* On August 14, 2004, the German Minister for Development and Economic Cooperation, Heidemariee Wieczorek-Zeul, officially apologized at Omahakari, Namibia, for the atrocities that had been committed by German forces against the Herero and the Nama.
* Subsequently, other German government officials referred to the atrocities as genocide and sought forgiveness for their transgressions against the people of Namibia.
* Germany negotiated with the Namibian government in a series of meetings between 2015 and 2021 regarding how to handle the consequences of the genocide.
* On May 28th, 2021 Germany issued an announcement that it had reached a Reconciliation Agreement with Namibia. This agreement acknowledged that it committed genocide against the Herero and Nama people in Namibia between 1904 and 1908.
* The governments of both countries agreed to compensation of 1.1 billion euros over a period of 30 years.
* The payment would be a kind of reconciliation fund that would provide financial, cultural, and other assistance to Namibia.
* The Herero and Nama rejected the financial offer as insufficient in public statements, but the Namibian government is considering accepting the offer.
* The tentative plans of the Namibian government are to provide development assistance in 7 of the country’s 14 regions where the Herero and Nama represent a majority of the residents. There would be no payouts to individuals or communities.
* The draft Reconciliation Agreement stresses that Germany recognizes the genocide in the moral and political sense.
* However, Germany’s position is that it has ruled out financial reparations to individuals for the genocide. What this means is that Germany does not want to set a legal precedent for paying reparations that might require the German government to provide financial compensation to victims of its colonial and post-colonial policies.

**Education and Awareness**

*Representative: Caroline Ginsberg*

**Education on the Past Initiatives:**

* The German school system is divided into 5 sections: early childhood education, primary education, secondary education, tertiary education, and continuing education. All Public Schools are funded by individual states.
* All Germans are obliged to attend primary and secondary education, starting at age 6, up until they complete a 9-year full-time school.
* 97% of German citizens attend secondary school, schooling from ages 10-16, which focuses heavily on teaching students independence, decision making as well as a social and political responsibility.
* There are slight variations from state to state in Germany as each state has its own school system and decides what they want to add to the general history curriculum.
* Germany aims to teach history as open, unbiased, and factual as possible. Focusing on what really happened in its past and standing by it, hoping students will form their own opinions and learn from past flaws.
* We are instilling the idea in students that we must remember what has happened in our past as we continue to move forward.

**Confronting Enslavement Issues Directly:**

* Students must learn about past atrocities such as the Holocaust and World War II. Since 1992, both have been a mandated part of the German curriculum in high schools. Teachers aim to give students all the facts of what has happened in an unbiased open manner.
* The teaching of the Holocaust also aims to promote universal themes of human rights, tolerance, and acceptance of diversity as it is a very specific and powerful example of what happens when these fail. The proper teachings about the Holocaust highlight the important values of acceptance and inclusion.

**Dealing with our History of Enslaving Namibian People:**

* We have now recognized what happened in Namibia as a genocide and are working to come up with a true understanding of exactly what happened from 1904 to 1908.
* On May 28th, 2021 our Foreign Minister Heiko Maas released a formal apology to the public. He stated that we will find a common path to real reconciliation in memory of the victims and we acknowledge the immeasurable suffering we inflicted on the victims.
* Since then, the German association *Gemeinsam für Afrika* (Together for Africa) has put together information sheets highlighting the Namibian heroes who fought against the German colonial rule, such as Hendrik Witbooi that are available for teachers to use in their classrooms.
* As we take moral responsibility for the atrocity that was the Herero and Nama genocide we will continue to alter textbooks and curricula to make sure we teach about what has happened to students in primary and secondary schools.

**Building the Future**

*Representative: Camilla Hirano*

**The Persistence and Presence of Slavery in the Modern World:**

* In 1807, Prussia (which formed the German Empire when it united the German states in 1871) implemented the Stein-Hardenberg Reforms. The Edict of 1807 freed peasants from hereditary servitude and permitted landowners to dispose of their property as they saw fit.
* Germany was a participant in the 1890 Brussels Conference Act, a collection of anti-slavery measures to put an end to the slave trade on land and sea, especially in the Congo Basin, the Ottoman Empire, and the East African coast.
* Germany ratified the 1926 Slavery Convention in 1929. The Convention was adopted by the League of Nations and aimed to suppress and abolish all forms of slavery, including the slave trade, debt bondage, and serfdom. The Convention has since been replaced by the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.
* Slavery was officially abolished in Germany in 1949, following the end of World War II and the fall of the Nazi regime. The German Basic Law, which serves as the country's constitution, includes provisions that explicitly prohibit slavery and the slave trade.
* Germany has laws criminalizing human trafficking, forced labor, and other forms of exploitation that can be considered modern-day slavery. However, the Global Slavery Index estimates that on any given day in 2016, there were 167,000 people in conditions of modern slavery in Germany.

**The Enduring Legacies of Slavery:**

* The colonization of Namibia by Germany involved the suppression of Herero and Nama cultures and traditions, resulting in the erasure of their languages and cultural practices. Germany has engaged in negotiations regarding the return of Namibian artifacts in an effort to rebuild the cultural heritage of the country.
* The German genocide and enslavement of the Namibian population had implications for the country's economic and physical development. One of the most profound impacts of German colonization was the forced removal of Namibians from their ancestral lands, this hindered their ability to accumulate wealth and resources which limited the country’s economy and ability to develop infrastructure.

**Lessons Learned from Slavery:**

* The importance of acknowledging and reckoning with past wrongs. Germany has recognized the historical injustice committed against the Namibian people and has officially apologized for the genocide and enslavement that took place during colonial times. This acknowledgment is an important step toward healing and reconciliation.
* The need to promote and protect human rights. Germany has since become a vocal advocate for human rights and has played a leading role in international efforts to promote and protect human rights around the world.

**Addressing Slavery at the International Level:**

* Germany can strengthen its domestic laws and policies to prevent slavery and ensure that companies operating within its borders do not engage in slavery or other forms of human rights abuse.
* Germany can participate when possible in UN forums that aim to combat modern slavery and human trafficking.