

The Ohaneze Ndigbo has presented to the Oputa Panel (Human Rights Violation Investigation Commission) its case for the payment of reparations of N8.6 trillion to the Ndigbo (Igbo people) as financial compensations for the injustices suffered by the Igbos within Nigeria from 1966 to date.

The actual amount is irrelevant and the extension of time after the civil war is problematic but the heart of the matter is the issue of reparations for the pogroms of 1966 and the civil war. This request for reparations from the defeated side of a civil war is unprecedented and the way it will be handled will have implications and repercussions far beyond Nigeria.

Reparation is dictionary-defined as "the money paid to a victorious enemy by a defeated country" and "money or service paid by a defeated nation as compensation for the destruction and loss it has inflicted".

As can be seen, the emphasis is on a demand made by the victorious country(ies) on the defeated country(ies). Such has been the case in the last 150 years.

At the end of the war between France and Prussia in 1871, Victorious Prussia (which then became Germany) demanded enormous reparations from France. This was one of the reasons that at the end of the First World War, the victorious allies (France, the U.K, U.S etc.) imposed very heavy reparations on Germany and her allies (Turkey, Romania, Albania). To justify the reparations (20 billion marks in gold), the Versailles Treaty included Article 231, the war-guilt clause, which identified Germany and its allies as the aggressors and held them responsible for all the losses and damages suffered by the victorious nations.

These reparations, in turn, were one of the causes of the second world war because they generated intense resentment within Germany which Hitler was to exploit and were also criticized by the US senate which rejected the treaty. This influenced US isolationism in the interwar period.

After the Second World War, Germany was again made to pay reparations to those countries that had borne the main burden of the war and suffered the heaviest losses but at the same time, Germany was given assistance to rebuild its economy. Germany's allies (Italy, Romania, Hungary and Bulgaria) also paid reparations, but no reparations were imposed on Japan.

There have also been some civil wars in the last 150 years, the most historic being the one in America in the 1860s and Spain in the 1930s. In neither case did either the victorious or defeated side demand financial reparations despite enormous losses and sufferings on both sides in both wars? In Spain, the victorious Franco-led government continued to slaughter its Republican opponents, or force them into exile, in tens of thousands for years afterwards.

Before and during the Second World War, the Hitler-led Nazi (National Socialist) government embarked on genocide, that is the deliberate extermination of the Jews in Germany and the Germany-conquered areas of Europe. In the holocaust, six million Jewish men, women and children were killed. After the war, Germany was divided into the Russian and Allied controlled sectors, eventually leading to the Federal Republic of Germany (West Germany) and the German Democratic Government (East Germany). When the Allies withdrew, the new government of West Germany decided to try to make restitution to the Jews and offered reparations.

On 27 September 1951 at a session of the Bundestag, Chancellor Adenauer made a statement relating to the promulgation of legislation to compensate for the crimes perpetrated against the Jews in the period of the national socialist regime.

The following are the extracts from the chancellor's declaration:

"The federal government, and with it the great majority of the German people, are aware of the immeasurable suffering caused during the period of national socialism to the Jews in Germany

## Nina' Mba's Insider / Outsider's Account



# Ohaneze and calls for reparations

and the occupied territories.

".....unmentionable crimes were committed in the name of the German people which call for moral and material compensation regarding damage to individual Jews as well as to property, the ownership which can be traced no more.

"The federal government is prepared to solve, in cooperation with the Jewish representatives and representatives of the state of Israel which has given a home to so many homeless fugitives, the problem of material compensation, and thus to ease the path of an emotional purification of limitless sufferings."

A sharp conflict of opinion subsequently arose within World Jewry as to the moral propriety of accepting restitution from Germany.

It was contended by many that the wrong caused to the Jewish people by the Nazis were of such a nature and magnitude that it was irreparable and to exchange this wrong for monetary compensation was morally and historically repugnant.

Those who favored negotiations did not dispute the basic assumption of the irreparability of the wrong but emphasized the difference between material claims and moral-historical claims which later would remain unaffected by the former.

In 1951, a body known as the Conference on Jewish Material Claims against Germany ("the claim conference") comprising 23 Jewish organizations, was established with two major objectives;

(i) To obtain funds for the relief, rehabilitation and resettlement of Jewish victims of Nazi persecution and to aid in rebuilding Jewish communities and institutions that Nazi persecution had devastated.

(ii) To gain indemnification for injuries inflicted upon individual victims of Nazi persecution and restitution for properties confiscated by the Nazis.

It was only after a heated three-day debate in January 1952 that the Israeli parliament (the Knesset), by a small majority, passed a resolution to enter into direct negotiations with the Federal German government. In March 1952, the government of Israel and the claims conference opened formal negotiations with the German federal government at The Hague.

Ultimately, on 19 September 1952, two sets of agreements were signed at Luxembourg between the government of the German Federal Republic, on the one hand, and the government of Israel and the claims conference respectively, on the other.

The funds allocated to the claims

conference were applied to three major programmes:

(i) Relief and rehabilitation to Nazi victims;

(ii) Jewish cultural and educational reconstruction;

“(iii) the rebuilding of Jewish communities and institutions devastated by the Nazis.

The uniqueness of the agreement

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was that it was signed by the two countries which did not maintain diplomatic or any other relations and that one of the parties to the agreement, the Jewish Claims Conference, had no international legal status.

From the beginning, the Arabs pressured Germany not to reach an agreement with Israel. They argued that reparations in the form of goods would increase Israel's military capability and pose a threat to them. In October 1952, the Arab League informed the Federal Republic of Germany that ratification of the agreement would harm Germany's economic interests in the Arab states which at this time stood at DM3 billion (Three billion Deutsche marks). Nevertheless, the Bundestag ratified the agreement on May 4, 1953.

The agreement was of vital importance to both sides. For Germany, willingness to repent was an important step towards its integration in the Western Alliance. In this way, Adenauer hoped to further the reunification of Germany which would be placed at the center of East-West relations. For Israel, the agreement was a mini-Marshall plan of the greatest economic im-

portance. Nevertheless, it was received in Israel with mixed feelings, since many felt that mixing reparations and Germany's moral obligation was objectionable.

The Ohaneze petition to the Oputa Panel refers to the Holocaust but in a gratuitous and insensitive manner which does no justice to its case. It refers to three waves of pogroms in most sadistic and inhuman methods that made the Jewish Holocaust appear like mercy killings, 50,000 Igbo were slaughtered (Vanguard April 26, 2001, emphasis mine). Fifty thousand compared to six million? Nazi torture, Nazi medical experiments on Jews without anesthesia, mass graves dug by those to be killed, gas chambers in which Jews choked, and burned to death... is that mercy killing?

The appropriate and useful point of comparison with the Holocaust reparations is the fact that half was paid not to a country but to an international non-governmental organization (the World Jewish Congress which took over from the claims conference) representing Jewish communities and individuals all over the world. Ohaneze is a non-governmental organization with an international dimension (the world Igbo congress based in the USA). Should the demand for reparations for the African Atlantic slave trade ever be accepted, the payment might well be handled by a similar international organization. Another useful lesson of the Holocaust is that there was a moral as well as a material dimension to the reparations. The Germans sought restitution, the righting or unspeakable wrongs, a collective absolution. The Jews knew the wrongs were irreparable and must never be forgiven or forgotten. Besides, Germany which offered the reparations was only half of the country which carried out the holocaust: East Germany the GDR, refused to acknowledge that it was a successor state to Nazi Germany before its partition into East and West. It was only after the fall of the Berlin Wall and the reunification of Germany a decade ago that reparations were paid to the Jews by the former communist East Germany.

Herein lies another parallel for Ohaneze: the current civil government can well argue that it is not a successor to the military government under which the programs and civil war were waged and therefore has no moral or material responsibility.