

Answer of the Federal Government to the minor interpellation tabled by the Members of the German Bundestag Niema Movassat, Sevim Dağdelen, Annette Groth, Heike Hänsel, Andrej Hunko, Kathrin Vogler, Katrin Werner and the Left Party parliamentary group

(Answers given by Cornelia Pieper, minister of state at the Federal Foreign Office)

- Bundestag Printed Paper 17/6011, 30 May 2011 (question) –
- Bundestag Printed Paper 17/6227, 15 June 2011 (answer) –

Repatriation of the mortal remains of victims of German colonial crimes to Namibia

Preliminary remarks by the questioners:

Between 1904 and 1908, the colonial troops of the German Empire conducted a “war of extermination” against the Herero, Nama and Damara peoples in the former colony of German South West Africa (modern day Namibia). There is almost unanimous agreement among historians that this was “Germany’s first genocide”. Since then, the fate of the Herero, Nama and Damara peoples has been a defining element of Namibian and German history. During this period, numerous skulls from German concentration camps in Namibia were sent to Germany. The circumstances under which this occurred were unspeakable: to prepare the skulls for shipment, Herero women were forced to clean the severed heads of their murdered menfolk and scrape off the flesh using pieces of broken glass (Ursula Trüper: “Gewalt ist meine Politik”, Berliner Zeitung, 21 May 2011).

In 2008, reports about the presence of human skulls from Namibia in German collections generated considerable media interest in the Federal Republic and in Namibia. Even now, German universities and museums still hold an undetermined but substantial quantity of human remains from the former German colonies. These human remains were often supplied at the direct request of German anthropological research institutes and museums for use in “racial science” research, with utter disregard for human dignity, and their misuse for research purposes continued even after 1945. These remains were supplied to order and taken unlawfully by the German colonial authorities. The remains have yet to be returned to their countries of origin to be laid to rest in dignity in accordance with local and family customs. Namibian victim groups are currently urging their Government to initiate a dialogue process with the German Government and, as part of the repatriation of their forebears’ remains, to couple this process with demands for material and moral reparation (“restorative justice”).

Since 2004, successive German governments have acknowledged Germany's "political ("historic") and moral responsibility for the past and colonial guilt", but have yet to follow up this acknowledgement with substantive action. The Federal Republic, as the legal successor to the German Empire, and the companies which profited from the war of extermination – such as Deutsche Afrika-Linien (DAL – formerly Woermann-Linie) and Deutsche Bank – have ruled out any compensation payments.

It is to be welcomed that the Federal Government has responded positively to the official request by the Namibian Government in "the matter of the return of the skulls to the Republic of Namibia" and is "prepared to furnish support (also financial) for the repatriation of the human remains to Namibia as well as for a dignified handing-over ceremony" (Bundestag Printed Paper 17/4350, 27 December 2010, and Minutes of Plenary Proceedings 17/110, 25 May 2011). Berlin's Charité Hospital has already clearly identified 20 skulls as being of Namibian origin. The repatriation of these skulls was originally scheduled to take place before the end of May 2011, but has now been postponed by Namibia. In an article in the Namibian Sun on 9 May 2011, an unnamed member of the German Federal Foreign Ministry's staff is quoted as saying: "However, should this repatriation be seen in the context of 'atrocities', the Ministry (German Foreign Ministry) would find it difficult to fund the process." As a direct response to this alleged statement, the Ovaherero/Ovambanderu Council for Dialogue (OCD) on the 1904 Genocide (OCD-1904) made a statement to the press on 11 May 2011 to the effect that the German Government should not be dictating to the Namibian Government and the Namibian delegation to tell them what, or what not, to say in relation to the handing-over process. In an article published in the Namibian Sun on 13 May 2011, the patron of the Ovaherero Genocide Committee (OGC), Festus Muundjua, described the alleged statement of the German Foreign Ministry as "preposterous and unnecessary blackmail".

We address the following questions to the Federal Government:

- 1. To what extent does the present Federal Government share the view of most historians and of former Federal Minister Heidemarie Wieczorek-Zeul (Spiegel Online: "Deutschland entschuldigt sich für Kolonialverbrechen", 15 August 2004) that Germany's conduct towards the Herero, Nama and Damara peoples in what was then German South West Africa can be described as genocide in accordance with the definition established under international law, specifically the Convention on the Prevention and Punishment of the Crime of Genocide?*

The Convention on the Prevention and Punishment of the Crime of Genocide was adopted on 9

December 1948 and entered into force on 12 January 1951. The Federal Republic of Germany has been bound by its provisions since 22 February 1955. The Convention does not apply retrospectively. The Federal Government has repeatedly acknowledged Germany's special historic and moral responsibility towards the Republic of Namibia. The German Bundestag reaffirmed this special responsibility toward Namibia *inter alia* in its resolutions of April 1989 and June 2004. The Federal Government is meeting this responsibility primarily through increased bilateral cooperation, which also involves development cooperation.

2. To what extent does the Federal Government share the view that the use of the euphemism of Germany's "special historic responsibility" towards Namibia – which is the term used in the resolutions adopted by the German Bundestag in 1989 and 2004 and in the official statements of previous German governments – rather than "genocide" in the former German South West Africa is problematical?

Please refer to the answer to Question 1.

3. To the Federal Government's knowledge, since it furnished its reply to the minor interpellation tabled in 2009 (Bundestag Printed Paper 16/12521), to what extent have members of the Namibian Government endorsed the Namibian National Assembly's decision to support Herero demands for reparations from the German Government, and to what extent has the Namibian Government taken "ownership" of this parliamentary decision by addressing these demands to the Federal Republic of Germany?

The Namibian National Assembly adopted a motion supporting the Herero people's demands for compensation in October 2006. The Federal Government was informed of the parliamentary resolution through diplomatic channels in November 2007, without the Namibian Government expressing any view on the matter. To date, the Namibian Government has not taken "ownership" of the reparation demands. On the contrary, in a cabinet release in October 2010, the Namibian Government stated explicitly that the issue of the return of the remains is separate from the demand for reparations and that the latter falls outside the scope and mandate of the Ministry of Youth, National Service, Sport and Culture, which is dealing with the repatriation of the remains.

4. To what extent does the Federal Government share the view that establishing a fund, to which the Federal Government and German companies which profited from the colonial crimes in Namibia would contribute on a non-conditional and non-reciprocal basis, to be

used to pay for infrastructural measures in the areas inhabited by those ethnic groups which endured particular suffering during the colonial era, would be a meaningful way of providing compensation, mitigating the disadvantages created by colonial rule and rooted in society ever since, also in post-colonial Namibia, and thus benefiting the descendants of the victims?

There are no plans to pay compensation or to establish funds for this purpose with contributions from the Federal Government and German companies. Instead, mindful of Germany's special responsibility towards Namibia, the Federal Government focuses its development cooperation on sustainable poverty reduction processes which benefit all disadvantaged groups in Namibia. In accordance with the wishes of the Namibian Government, the Federal Government does not maintain special relations with individual ethnic groups.

5. To what extent does the Federal Government share the view that the financial contributions that it makes within the framework of development cooperation are no substitute for compensation payments for the injustice committed against the Herero, Nama and Damara peoples, for unlike compensation payments, these contributions are not unconditional and non-reciprocal, nor are they made with no expectation of an involvement in the funds' disposal?

Please refer to the answer to Question 4.

6. How has the reconciliation initiative agreed by the Namibian and the German Governments in 2007 (Memorandum of Understanding on the Special Namibian-German Initiative for Community-driven Development Projects in Specific Regions) been implemented to date, and which measures are being taken for its continued implementation at the present time (please provide a precise breakdown, to include strategies and objectives, programmes and projects planned or implemented to date, conditions attached, volume of funding spent or still available, timescales in each case and in total, time limits, target groups, evaluation results, attitude of target groups towards the reconciliation initiative, implementation modalities and results)?

Under the Namibian-German Special Initiative, which actively supports the Namibian policy of national reconciliation and for which the Federal Government has provided a total of 20 million euros for financial cooperation, funds are earmarked for small projects that pursue economic, social or cultural goals in order to foster community development in areas inhabited by those ethnic groups that endured particular suffering under German colonial rule. The aim is to improve living conditions

in these areas. The small projects implemented during the “fast-track” phase of the initiative were completed in July 2009. In total, this phase comprised 28 projects in the following sectors: rural water supply, agriculture/horticulture, transport, and provision of equipment for schools and fire services. In all, more than 40 rural communities benefited from fast-track project implementation. An evaluation is currently being carried out by the Namibian Government. The main phase of the programme is now under way and after further consultation with the project communities, 90 projects have been identified, focusing primarily on the following sectors: rural water supply, agriculture/horticulture, construction of schools and student accommodation, community centres, community-based tourism, and social housing.

7. To what extent would the present Federal Government endorse the view of its predecessor, in that it is not aware of any cultural objects held in German museums which originate in former colonial states and whose lawful ownership may be in doubt (please refer to the answer to Question 14 of Bundestag Printed Paper 16/12521)?

The Federal Government has no information of its own about any cultural objects held in German museums which originate in former colonial states and whose lawful ownership may be in doubt. In view of the sovereignty of the *Länder* in cultural matters, no such information is expected to become available.

8. What level of support is being provided by the Federal Government for the repatriation to Namibia of those skulls that have already been clearly identified as originating in Namibia and for ensuring that a dignified handing-over ceremony takes place (please provide figures in euros), and what level of financial support is the Federal Government willing to provide for their repatriation, given that it has indicated that it will provide financial support (reply of Dr Wolf-Ruthart Born, State Secretary of the Federal Foreign Office, 22.12.2010, to a written question from Uwe Kekeritz, Member of the German Bundestag (Printed Paper 17/4350) and answer of Dr Werner Hoyer, Minister of State at the Federal Foreign Office, 25.05.2011, to an oral question from Niema Movassat, Member of the German Bundestag (Minutes of Plenary Proceedings, 17/110))?

The Federal Government has repeatedly stated its willingness to provide support for the transportation of the human remains back to Namibia and to bear a share of the other costs associated with their repatriation. The precise level and type of support offered by the Federal Government will depend on the plans made by Namibia, which have not yet been finalized. It is therefore not possible, at this stage, to provide a precise figure in Euros.

9. To what extent will the Federal Government do justice to the historically significant handing-over of the skulls to Namibia, in accordance with the two resolutions adopted by the German Bundestag in 1989 and 2004 and previous Federal Governments' acknowledgement of Germany's special historic and moral responsibility towards Namibia, by ensuring that the Federal Chancellor, the Federal President and/or the Federal Foreign Minister attend and speak at the handing-over ceremony?

A new date for the German delegation's visit, which was postponed by Namibia, is currently the subject of internal debate in Namibia and has not yet been notified to the Federal Government. The scheduling and detailed arrangements for the repatriation of the skulls to Namibia, as well as the programme for the handing-over ceremony and the choice of participants, have therefore not yet been finalized. The Federal Government reaffirms its continued willingness to provide support for the repatriation of the human remains to Namibia and for a dignified handing-over ceremony.

10. Are there any plans to ensure that German civil society, diaspora organizations and/or individuals from the Namibian/African diaspora can also participate in the handing-over ceremony? If so, will they merely attend the ceremony as observers, or will they have the chance to speak? If not, why not?

Please refer to the answer to Question 9.

11. As part of the repatriation ceremony, will the Federal Government follow the lead of former Federal Minister Heidemarie Wieczorek-Zeul in 2004 and acknowledge that the actions of the German "Schutztruppe" (colonial troops) in Namibia constituted genocide? If not, why not?

Please refer to the answer to Question 1.

12. Will the Federal Government work for the establishment of a foundation and/or a fund with contributions from the federal budget and from the legal successors to those companies which profited especially from German colonial rule, the purpose of the foundation or fund being to raise historical awareness of the German colonial past in Germany itself and promote study of this still largely unexplored chapter in German history?

Please refer to the answer to Question 4.

13. Is there any truth in the statement reported in the Namibian Sun on 9 May 2011 (“However, should this repatriation be seen in the context of ‘atrocities’, the Ministry (German Foreign Ministry) would find it difficult to fund the process”)?

- a) Did the Federal Government or its representatives make any statements to this effect, as quoted in the Namibian Sun?**
- b) Was any pressure brought to bear on the Namibian Government to conduct itself in a particular manner in relation to the repatriation of the remains? If so, what type of conduct was required?**
- c) To what extent would the financial support provided by the Federal Foreign Office be affected if the repatriation of the skulls to Namibia were to be seen in the context of the atrocities committed by the German “Schutztruppe” (colonial troops) at that time? ?**

The statements quoted are inaccurate and have no basis in fact. The Federal Government has never imposed such conditions on Namibia, nor has it made its support for the repatriation of the human remains to Namibia conditional on any particular conduct by the Namibian partners. On the contrary, the Federal Government is unbiased, constructive and responsive to Namibia’s wishes in relation to arrangements for the repatriation. The Federal Government has a great interest in ensuring that the handing-over ceremony is dignified and is fully commensurate with its historic and spiritual significance. From the outset, Namibia has made it clear that the shared interest in close and future-oriented relations between our two countries should also be given expression within this framework.

14. Has the Federal Government and/or the German Embassy made any statements, voiced concerns or made requests to the Namibian Government in an effort to influence

- a) the scheduling of the repatriation, and**
- b) the composition of the delegation, its size and, coupled to that, the level of funding provided?**

The scheduling of the repatriation and the composition of the delegation are entirely a matter for Namibia. The Federal Government has not involved itself in this issue, nor will it do so in future. Nonetheless, for proper preparation of the visit, especially given that an approach must be made to high-ranking political figures, a certain lead time is required, along with firm details of the proposed programme for the visit. On the issue of funding, please refer to the answer to Question 8.

15. What were the main reasons for the Federal Government's decision that the date for the return of the remains should coincide with the bilateral intergovernmental negotiations on development policy (23 and 24 May 2011)?

Scheduling the delegation's visit during the 21st week of 2011 was an option which was considered at working level between the Namibian groups with an interest in the repatriation and the Namibian Government. The Federal Government had no role to play in this planning process, which was entirely a matter for Namibia. The plans apparently could not be finalized by the Namibian side in time for the 21st week. The Federal Government and the Namibian Government had reached agreement on the scheduling of the regular bilateral intergovernmental negotiations on development policy long before the Namibian groups concerned with the repatriation became involved in the scheduling process. There was therefore no substantive connection between the timetabling of the intergovernmental negotiations and the delegation visit for the repatriation of the human remains, which has now been postponed. The Federal Government abides by its pledge to provide support for the repatriation of the remains and is still waiting for Namibia to suggest a new date.

16. What are the outcomes of the intergovernmental negotiations on development policy, which took place in Bonn on 23 and 24 May 2011 (please provide a breakdown by strategy, sector priorities, priority regions, target groups, funding commitment and possible relevance to Germany's special historic and moral guilt in relation to Namibia)?

At the intergovernmental negotiations on development policy in Bonn on 23-24 May 2011, the Federal Government reiterated its special historic responsibility towards Namibia and its commitment to the two countries' special relationship that results from this responsibility. Development cooperation is a key pillar of this special relationship. For the period 2011/2012, Germany has committed 127 million euros to Namibia – the highest level of development funding per capita from the German Government to any African country – for the following areas of cooperation: transport, sustainable economic development and management of natural resources as priority areas, as well as energy and prevention of HIV/AIDS. Development cooperation focuses primarily on the poor population in the north of the country, which is particularly affected by poverty.

17. How does the Federal Government intend to ensure that as far as possible, all the human remains sent from Namibia to Germany are repatriated?

The Federal Government supports the repatriation of the human remains to Namibia and is

encouraging German institutions known or thought to hold skulls of Namibian origin to research their anatomical collections, with a view to repatriating any human remains found to have come from Namibia. The Federal Government is engaged in continuous dialogue on this issue with the Namibian Government on the one hand and, on the other, with the German institutions which are thought to hold human remains of Namibian origin. The Federal Government's role, in this context, is to mediate with the relevant German institutions, and it is tireless in its efforts to draw attention to the foreign policy significance of a swift return of the remains. However, due to the division of competences between the Federation and the *Länder* and the highly diverse organizational and governance structures within the German university and museum system, the Federal Government itself cannot decide on the remains' return. Research into the provenance of the human remains in the relevant German institutions is still ongoing. In principle, however, the German institutions concerned have already consented to the repatriation, partly at the behest of the Federal Government.

The repatriation to Namibia of the 20 skulls held by the Charité Hospital, which have already been identified as originating in Namibia, can take place at any time, whenever the Namibian side is ready. From the Federal Government's perspective, this is only the first step in the repatriation process.

18. Has the Federal Government provided financial support for the process of identifying the stolen human remains which are held in Berlin's Charité Hospital and other German institutions (e.g. Freiburg University Archives) and will it provide financial support for the return of any other human remains?

The costs of researching the provenance of the skulls will generally be borne by the German institutions concerned (universities, museums). The Charité Hospital has already identified 20 skulls as originating from Namibia and has stated its willingness to return them to the Namibian Government. An application by Charité to the Deutsche Forschungsgemeinschaft (German Research Foundation) for funding for a two-year research project for provenance research in its anatomical collections was approved in September 2010. The research project is now under way and could provide useful information about the Namibian origins of other human remains. The University of Freiburg is also willing in principle to return skulls held in its anatomical collection which are thought to be of Namibian origin. It commenced its research into the provenance of the human remains in its collections from its own funds and has approached the Federal Foreign Office for financial assistance. The Federal Foreign Office has suggested expanding the research project into a joint German-Namibian project, which would mean involving Namibian scientists in researching the German collections, with funding for this purpose to come from the Federal Foreign Office budget via its Directorate-General for Culture and Communication. A relevant funding application from the University of Freiburg is still awaited, however.

19. What action has been taken, and which initiatives have been launched, by the Federal Government in order to identify the whereabouts of any human remains taken from the former German South West Africa and other former German colonies, in other words, the museums in which such remains are held?

At the Federal Government's instigation, Charité Hospital has coordinated a survey of all the German anatomical institutes to establish whether any of these institutions are holding other unidentified human remains which may be of Namibian origin. The Federal Foreign Office supported this initiative with an accompanying letter explaining Germany's historic and moral responsibility, requesting assistance in identifying other skulls of Namibian origin and encouraging the institutes to signal their willingness to hand over the remains for repatriation to Namibia. The detailed feedback received so far provides no indication that there are other skulls of Namibian origin in Germany, beyond those held at the known sites. To the Federal Government's knowledge, there is no evidence to suggest that German institutions are holding human remains from other former German colonial territories.

20. What is the process for the identification of the human remains held in German archives, and which system is in place to manage the data collected?

- a) Which procedures are used to determine the provenance of the remains?***
- b) How does the Federal Government intend to ensure that the data obtained from the identification of the remains are not used for inappropriate purposes, e.g. for other dubious "scientific" research projects?***
- c) What happens to the collected data? Which data protection safeguards are in place?***
- d) Are the data obtained destroyed once the identification process is complete, or will they be handed over together with the remains?***

The research projects currently under way apply an interdisciplinary approach to the study of the skeletal remains, combining the techniques of physical anthropology with historical research in existing archives, catalogues, contemporary publications etc. as well as searches for as yet unidentified archival sources. The data collected are used primarily to establish provenance, i.e. to determine the origin, of the remains. This is the only use to which they are put in negotiations with institutions demanding restitution, and they are published as scientific findings only within this context. It is not possible for the remains to be identified as belonging to named individuals. The documentation will be handed over together with the remains, provided that this is the wish of the Namibian side, in order to provide as much evidence as possible of their correct identification.

21. In the event that human remains are identified from countries other than Namibia, will the Federal Government make contact with these countries and offer to return the remains?

In the event that institutions in the Federal Republic of Germany approach the Federal Government in relation to the return of human remains which are not artefacts, the Federal Government will consider the issue of repatriation in consultation with the institutions' governing bodies and, if appropriate, make contact with the relevant country. The appropriate and rightful recipients of the remains will be determined on a case-by-case basis.

22. Is the Federal Government working towards the establishment of an international or European repatriation process for human remains stolen from former colonies? If not, why not? If so, how does the Federal Government intend to organize the process?

No. An international or European process for the return of human remains would require a uniform, or at least an agreed, position on issues relating to repatriation of human remains among the countries concerned. No such position exists, even within Europe, partly due to the countries' different approach to their colonial history, varying ethical positions and diverse legal systems.

23. Will the Federal Government work for accelerated ratification of the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects, which establishes detailed legal rules for the return of cultural objects, and will it urge more stringent compliance by German museums with the Code of Ethics for Museums adopted by the International Council of Museums (ICOM) and revised in 2004?

At the present time, the Federal Government sees no reason to diverge from the position of the German Bundestag and the Bundesrat, which in 2007 voted for Germany's accession to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property but not for Germany's accession to the 1995 UNIDROIT Convention. The Code of Ethics adopted by the International Council of Museums (ICOM) establishes the values and principles shared by ICOM and the international museum community and sets minimum standards of professional practice and performance for museums. It is a voluntary code of conduct, and it is neither suited, nor intended to be enforced by government agencies.