

# Token compensation for some victims of forced labour under the Nazis

**Ute Reissner****17 December 1999**

The chief negotiators for the American and German governments, Stuart E. Eizenstat and Otto Graf Lambsdorff, have arrived at an agreement for the compensation of former forced labourers under the Nazis. The agreement has been officially confirmed by the respective heads of government, Bill Clinton and Gerhard Schröder.

The details are to be announced on Friday at a conference in Berlin attended by all those who took part in the negotiations. US Secretary of State Madeleine Albright is expected to attend.

If one compares the details of the draft agreement and the amount of money proposed for compensation to the dimensions of the historic crimes which were committed, it is clear that German industry has been awarded what amounts to a letter of indulgence, and spared all but the most minimal financial penalty. This agreement, far from rectification, is a new and cynical affront to the victims of Nazi slave labour.

At the centre of the conflicts in recent months between lawyers and representatives of the victims on the one side and the German government and industry on the other has been the extent of the sum to be made available by German companies. While the German side—the state and company representatives—finally came up with 8 billion German marks, the other side demanded a figure, at the minimum, in the double digits. After German Chancellor Schröder increased the share on offer from the federal government, it appears agreement has been reached on a total sum of around 10 billion marks (\$5.1 billion).

It is proposed to use this money to equip a new national foundation: "Remembrance, Responsibility and Future". From the total 5 billion marks made available to the fund by German business, more than 2.5 billion is tax deductible, meaning the concerned

companies must, in fact, pay less than half of their promised share. In comparison, one of the companies concerned, DaimlerChrysler, recorded an after-tax profit of 10.2 billion marks for the business year 1998, the Siemens and Allianz companies both made net profits of around 3.6 billion and Bayer recorded a net profit of over 3 billion.

After the agreement was reached, German lawyers for the victims published on the Internet the first draft of the law for the planned foundation. The heart of the draft consists precisely in drawing the "final line" under the discussion of German National Socialism. Words such as "conclusive", "final" and "irrevocable" pepper the entire text of the draft and, in particular, the commentary on the text. There remains "no legal responsibility for further compensation", the Foundation is "a conclusive sign of moral responsibility" and is making its assets available for "conclusive reparation payments", etc., ad nauseam.

In the third paragraph of the draft one reads: "The Founders have no responsibility for additional payments" and in the commentary on the passage: "The Founders of the institution are furnishing a unique investment. Fifty years after the fall of the Third Reich they want to provide a sign for a positive conclusion to discussion over the responsibility and guilt of German companies."

The draft stipulates that once the foundation has come into being, any future claims on a "third party", i.e., German companies or the government, are legally impermissible. In paragraph 16 of the draft the Schröder government poses the following ultimatum on all claimants: "Every legitimate claimant undertakes in the application process that, upon receiving payment according to this law, he irrevocable abstains from any further claim on public funds and German companies in

connection with National Socialist [Nazi—ed.] injustice.”

In other words, the claimant is expected to relinquish any further demands, prior to even knowing the extent of the payment he is to receive from the foundation! This is even more than had been demanded by the company representatives in the first place.

The law governing the foundation is due to come into effect as soon as an accompanying agreement between the German and American governments is concluded. The latter is designed to ensure that the stipulations of the law also apply to claims which are made before American courts and authorities.

In this way the companies have been able to achieve their long-demanded legal security. The situation for former forced labourers looks entirely different. Of the total number of forced labourers (estimated between 14 and 15 million) who found themselves within the borders of Germany during the years of the Second World War, it is estimated that just 2.3 million are still alive. According to the German National Organisation for Information and Advice for NS victims, the draft law anticipates providing compensation for just 20 to 30 percent of the small percentage of surviving forced labour victims.

The organisation has drawn this conclusion in light of the extremely restrictive paragraphs in the draft which were worked out by the national Ministry of Finance.

First of all, those qualifying for payment have been divided into four groups. Category A includes prisoners in concentration camps or those “in other prisons or in a ghetto where similar conditions existed”. Category B concerns those who were abducted from their homeland to work as forced labour in the German Reich. The victims included under these two categories can only then make valid claims if they were imprisoned for at least two months.

Category C includes people who, up to today, are suffering ill health effects from forced labour and Category D encompasses those who have received no compensation up until now for the loss of assets they suffered.

In addition to this division, a further sub-division has been made according to the countries of origin of the claimants and a quota has been established for this categorisation. Payment is then to be made via locally based “partner organisations”.

Bearing in mind that as of now most of the concerns involved in forced labour have not opened their archives, and the fact that many of the slave labourers were only able to survive with their naked lives, it remains extremely difficult for the victims to come up with the demanded proof to back up their claims.

A further obstacle is the deadline for claims stipulated by the draft law of just six months. Furthermore, in the calculation of payments to victims, account is to be taken of any “payments from the public purse made for the same matter”.

Should the aged, often sick, survivors, who for the most part lack proper legal advice, manage to overcome all the bureaucratic hurdles and make a claim, then, according to their categorisation, they are promised a sum of between 6,000 and 15,000 marks—but that does not mean they will have even this small amount of cash in hand. Of these token sums, just “30 percent in the first place” will paid to legitimate claimants, because it is unclear how many applications will be made and if there is enough money to cover them all.

According to a comment in the draft law: “The presented proposed regulations have been expressly greeted and supported by the governments of the United States of America, Israel, Poland, Russia, the Ukraine and White Russia.”

One can only conclude that the hue and cry of the past few months over the level of the contributions to be made to the Foundation Fund is incidental music to the combined attempts of all those concerned to bury the last remaining survivors of the Nazi terror, and, with them, the memories and lessons to be drawn from that period. The main issue was to arrive at a price, and even this is obscenely low.



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