

## “War Reparations”

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### ABSTRACT

Reparations became a major aspect of peace treaties in the aftermath of twentieth-century wars, as demonstrated by the Dawes Plan and the Young Plan in 1923 and 1929 respectively. They sought to resolve the question of the compensation to be paid by Germany to the Allied Powers after the Great War. Today the indemnisation of war and genocide victims is considered, in both Europe and beyond, as a genuine right and a prerequisite to any reconciliation process. This new principle was applied for the first time after the Second World War through compensation for the victims of National Socialism and within a broader context that also saw a ban on the use of force in international relations (Charter of the United Nations from June 26, 1945).



The Warsaw Ghetto after its destruction, 1945 or 1946. Source : [Wikimedia Commons](#)

### From the Nineteenth Century to the Second World War

Before the twentieth century, recourse to armed conflict was not questioned in and of itself. Nor was the right, or at least the political power, to appropriate the property of the defeated in order to pay part of the war costs. Pillaging and destruction were *de rigueur* during the early modern period; during the Thirty Years' War (1618-1648), mercenary armies despoiled civilian populations. In the Napoleonic Wars (1803-1815) the forced collection of taxes by the occupier (called *contribution*) became a common method. It was included in The Hague Convention on the Laws and Customs of War on Land in 1907, a key law that banned pillaging and established the



contribution amount based on the needs of the occupying army (art. 47).

Destroying housing, damaging industrial complexes, border areas ravaged by a war of position, and approximately ten million civilian victims—such as the First World War, which was seen in Europe as an unprecedented upheaval that served as a backdrop for territorial remapping and war reparations. The Treaty of Versailles (1919) notably ascribed responsibility to Germany and her allies for “causing all the loss and damage” (article 231), and forced the new Weimar Republic to make financial payments and territorial handovers to the Allied powers. While these reparations met the expectations of populations that had suffered war violence, the article led to highly controversial political debates in Germany.

## **Postwar reparations policies**

The Second World War presented unprecedented dimensions, including the scope of material and immaterial losses, the great number of soldiers killed, as well as civilian and Holocaust victims. Consequently, any use of armed force was formally condemned by the United Nations, which stipulated in art. 2 (4) of their Charter that “all members shall refrain in their international relations from the threat or use of force”.

The Allies began taking stock of their losses well before the end of hostilities. The major European powers asserted their demands at the Potsdam Conference (August 1945) by partitioning Germany into occupation zones. The demilitarization and denazification of the country were inseparably linked to the reorganization of its industrial complex only completed during the Cold War.

According to this logic, individual requests for compensation made by victims of German occupation and deportation fell under the jurisdiction of the formerly-occupied countries. They would present their expenses to the Federal Republic through the bilateral agreements signed with eleven Western European countries between 1959 and 1964. However, the victims of Nazism in Eastern Europe generally did not receive compensation before 1989, while their demands suddenly and unexpectedly arose upon reunification.

German legislation involved mainly German nationals, however victims of Nazism. The first laws for restitution and compensation were passed in 1945 at the instigation of the Allies, especially in the American occupation zone. The Soviet occupation zone took its own path, which in the end amounted to a rejection of the requests made by these individuals.

The inequality resulting from these different compensation programs characterized the history of compensation of the Second World War from the very beginning. This involved both the categories of beneficiaries as well as the amount paid, all while generating methods for the inclusion or exclusion of victims and survivors within national commemorative cultures. A collective commemorative site still does not exist today, with the possible exception of the German-Israeli Treaty of 1952, an essential diplomatic process implemented by the Bonn Republic to regain its sovereignty three years later.

## **Reparations, Colonialism, and Genocides**

The question also arose of whether reparations qualified for retroactive validity, and would apply to earlier periods in an effort to lessen the traumatic effects of state crimes and historic injustice. In France, the Taubira law in 2001 recognized slavery as a crime against humanity. The topic had hitherto offered no hopes for material compensation for slavery and the slave trade. It was debated the same year during the UN's World Conference Against Racism held in the South African port town of Durban, and the principle was affirmed by human rights and humanitarian specialists (resolution adopted by the United Nations General Assembly in 2006). The topic of restitution—in the current context of debates surrounding objects taken by force for the benefit of the ethnological collections of European metropolises—emerged only gradually and fairly late (Felwine Sarr/Bénédicte Savoy report,



2018).

The same is true of reparations for genocidal crimes, especially in Cambodia and Rwanda. The demands of Armenian victims of the 1915-1916 genocide remain unresolved. South Africa's Truth Commission favored gestures of reconciliation in its handling of the apartheid system (until 1994). Civilian victims of the wars in Yugoslavia received no material compensation; indemnisations for the damage that occurred during the civil war (1991-1995) remains an open question. The question is, in practice, closely connected to victims' access to justice, especially through the International Criminal Court established by the Rome Statute (CPI) in 1998 and based on the example of the Nuremberg International Tribunal (1945-1946). The proceedings against serious violations on the part of competent judiciary bodies has opened the way for reparations. Similarly, compensation have proven essential to any gesture of reconciliation or symbolic reparations, especially public apologies and respects paid to victims.

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