

Acknowledgement, Apology, Recovery: The Dutch Kingdom Apologizes for Slavery

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By Tamara N. Lewis Arredondo

Mark Rutte, Prime Minister of the Netherlands, visited President Joe Biden this past January. The White House's readout named several topics covered during the visit— transatlantic cooperation and NATO, humanitarian support for Ukraine, and accountability for Russia. Those themes would echo throughout the Prime Minister's stay, including when he was interviewed by Jake Tapper for CNN's "The Lead."

Rutte appeared at Georgetown University's School of Foreign Service in a joint program with the Atlantic Council where he "share[d] his perspective on Russia's ongoing war in Ukraine, the future of the transatlantic alliance, and how to maintain unity in the face of mounting challenges in Europe and the Indo-Pacific."

During the interview, one student perceptively questioned the Prime Minister about another topic that has dominated the Dutch news channels these last few months – an official apology for slavery.

A Probing Question From a Student

Rutte had ended the formal interview when a second-year security studies student from Colombia, named Juan Solano, posed the following question from the audience:

With the wave of slavery reparations and republicanization that the Caribbean is undergoing, what is your opinion of the political future of the Dutch Caribbean – Saba, Sint Eustatius, Sint Maarten, Bonaire, Aruba, Sint Maarten and Curaçao- within the Kingdom itself?

That question seemed to have materialized out of the blue, in a conversation that largely revolved around Ukraine, but for Dutch audiences, it was fitting and timely.

The “republicanization” serves as a backdrop to the years-long journey during which the Dutch government (and the Dutch crown) seemingly dragged their feet, **refusing** to issue a formal apology for the trade of Africans by the Dutch West Indies corporation. That much-solicited apology was finally issued in December 2022, despite **warnings** that any gesture that excluded reparations would not be favorably received by the Dutch Caribbean nations.

The National Archives in the City of Peace and Justice

“Centuries of oppression and exploitation still have an effect to this very day. In racist stereotypes. In discriminatory patterns of exclusion. In social inequality. And to break those patterns, we also have to face up to the past, openly and honestly. A past that we share with other countries and that has forged a special connection between our societies for all time.”

Prime Minister Rutte **pronounced** those words from the Dutch National Archives building, situated in Den Haag, the seat of the Dutch government.

While Rutte viewed the site of his **speech** as the “home” of “national memory,” many like Juan Solano and other School of Foreign Service students will recognize Den Haag by its English name – The Hague. Called the City of Peace and Justice, The Hague is the seat of the International Court of Justice (ICJ) and the international criminal tribunals. International Law students and scholars acknowledge the historic significance of the city in the signing of conventions dealing with war and peace. Den Haag is the place where crimes against humanity are tried and sentences read from the lofty chambers of the tribunals that have occupied the city.

When Rutte esteemed the National Archives, the literal location of “historical facts,” during the **apology** as the “place to examine our national conscience,” students of International Law might instead see the city as the site for addressing collective guilt. The National Archives are a scant kilometer from the Peace Palace, the grand building that houses the ICJ. Yet, like The Netherlands, which is **struggling** with how to acknowledge and take responsibility for its colonial past, the judicial organ of the United Nations has also struggled, some would argue unsuccessfully, with questions of **decolonization** and **reparations**.

Acknowledgement, Apology, Recovery

Prime Minister Rutte quoted three concepts from the **Slavery History Dialogue Report of 2021**: acknowledgement, apology, recovery. There was an apology and an acknowledgement candidly describing the colonial past as “not always pretty. Often it is ugly, painful, and even downright shameful.” Indeed, Rutte’s words read like the prosecutor’s allegations in an international tribunal. Under present-day international norms, the prohibition of **slavery** is a *jus cogens* or peremptory norm, not to be violated by any state. Rutte rightfully deemed the conditions that African peoples endured at the hand of the Dutch slave traders a crime against humanity. In Rutte’s **words**:

By 1814, more than 600,000 enslaved African women, men and children had been shipped to the American continent, in deplorable conditions, by Dutch slave traders.[...]

They were wrenched from their families and stripped of their humanity. They were transported – and treated – like cattle. Often under the governmental authority of the Dutch West India Company.

However, the apology contained no mention of a plan for recovery.

Danger: Recovery As Neo-Colonialism

As the Prime Minister answered Juan Solano, he assured him that each island-nation to whom the Kingdom apologized “has full power to decide to leave the Kingdom. They are not colonized. They are independent.” Rutte **described** the current role of The Netherlands as that of a “gateway” to bring their products to Europe. Rutte depicted The Netherlands as a “unique gateway to Middle America and Latin America.”

The emphasis on trade relationship smacks of neo-colonial interests. How free are these states to leave the Kingdom knowing that the debtor approach to development has severely **restricted** the economic freedom of many former colonial lands?

Rutte’s portrayal of The Netherlands acting as the “in” to the European market for the former colonies is far from the recovery that one would expect for the descendants of the enslaved. In fact, the **Slavery Past Dialogue** made a number of recommendations to the Dutch Kingdom, including “[a]ctive prevention of discrimination and institutional racism throughout society” and “[t]he establishment of a Kingdom Fund [...] for structural and sustainable financing of recovery measures.”

The Dutch Prime Minister's comments belie a singular focus on trade with the Caribbean nations rather than a holistic approach, looking at non-pecuniary interests involving the well-being of the descendants and the societies in which they live today.

Reparations

The Dutch apology did not address or speak of recovery, nor did it evoke another "r" word: reparations.

Discussions about reparations for Trans-Atlantic slavery have percolated for decades in The Americas and The Caribbean. CARICOM – the Caribbean regional integration movement – adopted a **10-point plan for reparations in 2014**. The plan calls for, among other initiatives, the possibility to return to one's homeland (repatriation), development of indigenous communities, and eradication of illiteracy. While one can question the motives of the CARICOM nations – after all, the initiative requires monetary investment from European capitals – the plan does have action points that go beyond acknowledgement and apology.

That the apology was remiss in its failure to address recovery should not surprise students of international law. International law has struggled with decolonization and reparations since the Second World War, itself subject to **accusations** of neo-colonialism.

E. Tendayi Achiume, the former Special Rapporteur **on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**, issued a **report in 2019** on reparations for the descendants of Trans-Atlantic slavery. There are two findings worth considering in the Dutch apology context.

Firstly, the Report makes a **recommendation** emphasizing that colonial wrongs are not relics of the past:

Member States should adopt an approach to reparations that accounts for not only historical individual and group wrongs, but also the persisting structures of racial inequality, discrimination and subordination that have slavery and colonialism as their root causes. Reparations entail accountability, including the transformation and rehabilitation of those structures and relations fundamentally distorted by slavery and colonialism, and that sustain contemporary racial inequality, discrimination and subordination.

The rapporteur emphasizes that the wrongs of slavery do not remain in the past. In contrast, much of the Dutch apology and even the locale of the apology emphasized the historic nature of slavery rather than the present-day impact and ongoing injustices linked to slavery and its legacy. Part of the

acknowledgement must include efforts to trace and acknowledge those present-day connections.

A second **recommendation** by the special rapporteur relates to the laws that reinforce slavery and colonial injustice. These are the same laws that enable international law to argue against reparations as a legal way to address past wrongs of slavery:

Member States should decolonize the very laws applicable to reparations for slavery and colonialism. In other words, States should reform existing laws where necessary to make them fit for the purposes of undoing the legacies of historical racial discrimination and injustice, including by looking to indigenous and other value and legal systems to inform the process. International lawyers and judges must play their parts to ensure the decolonization of the applicable legal doctrines.

The call to decolonize legal systems leaves former slave powers with no arguments to avoid reparations. The Dutch government will have opportunities for further consultations with the Dutch descendants of slavery in the summer of 2023 as the nation prepares to dedicate a period of one year July 1, 2023 to July 1, 2024 to the slavery **memorial**. Will the Kingdom also take concrete steps toward a genuine recovery?

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