

# **Genocide Matters - Negotiating a Namibian-German Past in the Present**

**Henning Melber**

## **Abstract**

German colonial warfare in then South West Africa between 1904 and 1908 meets the definition of genocide. In this article, the nature and consequences of the war for the mainly affected communities of the Ovaherero and Nama are summarized, followed by the history and meaning of the notion of genocide. But the genocide in the German colony became only since the mid-1960s a matter of scholarly interest. The research results initially remained largely ignored and without major repercussions until the turn of the century. The discourse on genocide and its introduction into a wider German public is presented, leading to developments finally resulting in the official admission of the genocide by the German government in 2015. The subsequent bilateral Namibian-German negotiations over how to come to terms with this shared history are critically assessed. The conclusion seeks to position the efforts of a scholarly engagement with Germany's colonial past in its relevance for today.

## Introduction

*The past is never dead.*

*It's not even past.*

William Faulkner<sup>1</sup>

German colonial rule in then South West Africa (1884-1915) was a relatively short period established during the final stages of the so-called scramble for Africa. But in even a shorter period of time (1904-1908) it marked a military encounter, which in today's perspective of the locally involved and affected communities is termed the Namibian War. The consequences for the colonized communities of the Ovaherero and Nama were considered to be the first genocide of the 20<sup>th</sup> century.

It took almost 110 years until the German government was willing to accept the classification as genocidal warfare. As a result of this admission, this unclosed chapter of German-Namibian relations became finally by the end of 2015 a matter of bilateral negotiations between special diplomatic envoys of both states, tasked to find an adequate recognition of such history. While these negotiations continue at the time of writing, an amicable solution seems not near. This also regards the hitherto inadequate involvement of the representatives of the descendants from the mainly affected groups of the Ovaherero and Nama, which remains among the contentious issues.

This article summarizes numerous past analyses, which for decades diagnosed the genocide, demanded the recognition of the violent history and advocated efforts to find an appropriate way to compensate for the injustices and crimes committed. It engages with the official German policy, which finally acknowledged the genocide, and assesses the current negotiations. It ends with some reflections how to position scholarly advocacy in the specific case.

## The historical record

Much has been researched and published on the German colonial rule in what became as from 21<sup>st</sup> March 1990 the sovereign Republic of Namibia. This article cannot do justice to a comprehensive overall analysis of the 30-year-period. It limits the focus on a summary of the consequences of the warfare during the German settler-colonial occupation. The preludes and

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<sup>1</sup> Requiem for a Nun (1951).

aftermath of the military encounters as from 1904 are adequately summarized in several of the studies referred to during the course of this article.<sup>2</sup> Here, only a short characterization of the genocidal warfare and its consequences presents the point of departure for the following parts of the article.

In January 1904, Ovaherero in a surprise attack killed more than a hundred German farmers to resist further encroachment on and appropriation of their land and subjugation under foreign rule. Following an order of paramount chief Samuel Maherero, they spared the lives of missionaries, women and children as well as Boers and British. Germany responded with a massive mobilization of troops and military equipment dispatched to the colony. In August 1904 the war escalated into a series of military encounters around the Waterberg in the heartland of the Ovaherero. Being unable to defeat the Germans, the Ovaherero were trying to avoid further clashes. On their escape, they were seeking refuge partly in the adjacent Omaheke semi-desert. German soldiers cordoned the area off to prevent those fleeing from clandestinely returning and seeking shelter elsewhere in the country. The German commander, general Lothar von Trotha, issued on 2<sup>nd</sup> October 1904 an extermination order. He declared that Ovaherero were not any longer subjects under German rule and not allowed to surrender. Tens of thousands died of thirst or hunger on their way to neighboring Bechuanaland (today's Botswana), where descendants of the surviving Ovaherero are still living. Others were captured and put into concentration camps for forced labour. Imprisoned women were systematically sexually abused. The treatment of those captured even provoked harsh criticism of the then chief inspector of the Rhenish Mission Society, Johannes Spiecker, who was like most of the missionaries and the institution in full support of German foreign rule, but called von Trotha a "butcher" (cf. Siefkes 2013 and 2014; Melber 2014a).

Several of the Nama communities (in German insulted as "Hottentotten") under chief Hendrik Witbooi and other leaders rose after witnessing the warfare against the Ovaherero in late 1904. They resorted to a guerilla strategy and engaged the colonial army for years. On 22 April 1905 von Trotha issued another – less widely known - order addressing them. He

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<sup>2</sup> A competent, concise and informed summary overview with full references to the existing literature offers Wallace (2011: 131-203), including a chapter on "The Namibian War, 1904-8" (Wallace 2011: 155-182).

declared that all those who do not find mercy should leave the “German territory” or otherwise they would be shot until all are exterminated. In his mid-seventies, Witbooi died in October 1905 from a wound suffered in battle. Jakob Marengo, of Herero and Nama descent, kept the German soldiers busy until 1907. He was finally killed in the border area of the Cape Province by a German patrol entering the foreign territory with the consent of the British. The captured Nama suffered a similar fate as the Ovaherero.<sup>3</sup> In the harbor towns of Lüderitzbucht and Swakopmund along the Atlantic coast the prisoners died of unprotected exposure to the harsh climate, malnourishment and forced labor. The mortality rate peaked at about 80% on the notorious Shark Island. A rock offshore Lüderitzbucht, it “was perhaps the world’s first extermination camp” (Stapleton 2017: 18). While not being in denial of the high mortality rates, Kreienbaum (2015) refutes this allegation. He dismisses the extreme casualties as having been intentional but rather considers them as a result of neglect and carelessness.<sup>4</sup> – Which, on balance, did not in any way change the horrific result in terms of the number of those who paid for such treatment with their lives.

More importantly, such focus reduces the overall assessment to a matter of the concentration camps alone. This promotes the misleading association, that this was the main factor for qualifying the German warfare and its consequences as genocidal. As is shown below, however, while the camps were part of a genocidal practice, they were not the decisive element. Even in the absence of such camps the ultimate conclusion of what has happened in then “German South West Africa” would have been qualifying it as a genocide: the structures established by the colonial administration and imposed on the local survivors were tantamount to denying them a continuation of their way of life. In Namibia, the creation of Apartheid was a German invention and introduced prior to a similar system in South Africa.

As a result of the war, an estimated two-thirds of the Ovaherero and one third to half of the Nama were eliminated. The Damara (in German

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<sup>3</sup> More than a hundred (including women and children) were even deported to Cameroon and Togo, where most of them did not survive (Hillebrecht/Melber 1988).

<sup>4</sup> As Severin (2017) critically observes, this leads to some dubious downplaying by calling the mortality rates the “unintentional by-product” of the conditions in the camps, while the title of Kreienbaum’s study (“a sad fiasco”), quoting Sir Alfred Milner, in tendency also promotes the assumption that there was no intention to kill.

derogatorily called “Klippkaffern”), living among and in between the various Nama and Ovaherero communities, became victims too. They were in today’s euphemistic jargon a kind of “collateral damage”, since the German soldiers could not (or did not want to) make a difference. The survivors among these local communities were denied their earlier social organization and reproduction. While concrete figures of the numbers killed remain a matter of dispute, there is clear evidence of the “intent to destroy” as regards their established way of life. This is the core definition of genocide. According to this understanding, the “Whitaker Report” presented to ECOSOC in 1985, lists the German warfare against the Herero in 1904 as the first genocide of the 20<sup>th</sup> century.<sup>5</sup> Since then, German historians as well as scholars in international genocide studies have in their overwhelming majority reached the same conclusion.<sup>6</sup>

### **No German “Sonderweg”**

The Ovaherero, Nama and Damara, as well as the victims of the scorched earth warfare in response to the so-called Maji-Maji uprising (1904 - 07) in East Africa, were however by no means a singular phenomenon of a particular trajectory in European colonialism, although discussions over a German “Sonderweg” might be a worthwhile, albeit inconclusive debate - if only to suggest, that such “Sonderweg” could have happened elsewhere too, and therefore was no “Sonderweg”. Numerous colonial atrocities and crimes against humanity testify to the fact that colonialism as a system was by definition including forms of organized violence, oppression and elimination of other people forced under foreign rule and amounting to war crimes, crimes against humanity and ethnic cleansing bordering to genocidal practices.

As regards the case of “German South West Africa”, Grimshaw (2014) presents new evidence from the colonial archives in London that the British Foreign Office and the Cape colonial administration were not only aware of

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<sup>5</sup> United Nations Economic and Social Council Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Thirty-eighth session, Item 4 of the provisional agenda, E/CN.4/Sub.2/1985/6 -SPECIAL DELIVERY 2 July 1985. Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide. Prepared by Benjamin Whitaker, p. 8 < <http://www.preventgenocide.org/prevent/UNdocs/whitaker/>> (24 May 2017)

<sup>6</sup> For detailed summaries of the evidence and references to the literature available see Kössler/Melber (2004 and 2017: 12-39).

the German warfare in the neighbouring territory in all its brutal forms, but also a willing supplier of material and thereby active supporter of the logistics that allowed to execute the intent to destroy. The concentration camp for Nama prisoners (including women and children) erected on the Shark Island at Lüderitzbucht, had been used until 1906 only on lease from the Cape government to the German administration in South West Africa.<sup>7</sup> The actual destruction of the majority of Nama kept there under extreme conditions, causing death by negligence of huge numbers, happened according to the then existing property title and rights on British territory, while the officials in the Cape Colony (and those at the Foreign Office in London) closed their eyes.

The Cape administration knowingly made business with the genocide in the adjacent German colony through the supply chain fuelling the military machinery implementing the infamous extermination order issued by the general-in-command and governor Lothar von Trotha. As the Cape governor stated in a letter of 16 February 1906 to the Colonial Secretary Earl of Elgin in London: “the large expenditure by the German government is of great benefit to the Cape of Good Hope, and my ministers are evidently anxious to do nothing to interfere with it”. That this was an attitude not to be excused by ignorance over what took place is underlined by the further explanation that they “will shut their eyes to the real destination of the supplies and will not take steps to interfere with the existing arrangements” (Grimshaw 2014: 69).

The British “Report On The Natives Of South West Africa And Their Treatment By Germany” (dubbed as the “Blue Book”) released in 1918 (and withdrawn from public access in 1926) disclosed such atrocities with the aim to discredit the Germans as unfit for colonization.<sup>8</sup> But eyewitness reports from members of the Cape colonial police as well as British army officers accompanying the German troops already during the war as from 1904 onwards offered in minute detail shocking revelations, which were only made public in this document. Presenting convincing evidence tantamount to complicity of the British in the German genocide, Grimshaw (2014: 85) ends with a revealing episode translating the matter into current policy:

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<sup>7</sup> As Grimshaw (2014: 56) observes, the British ownership of the terrain was even overlooked in the comprehensive study by Erichsen (2005).

<sup>8</sup> See Silvester/Gewald (2003). For extensive reviews of this somewhat controversial historical source see Kössler (2004) and Adhikari (2008).

Confronting the official in charge of the South Africa desk in the Foreign and Commonwealth Office in London with his findings, he received a letter dated 8 May 2014 insisting that these events were not genocide but rather atrocities.

In contrast to such official view, Wallace (2011: 181) puts the German warfare in its colony into the appropriate perspective:

“The atrocities in Namibia can be understood as standing at the extreme end of a continuum of violence and repression in which all the colonial powers participated. Nevertheless, it is important to name what happened in 1904-8 as genocide, not least because those who deny this continue to foster a debate that is really ‘a constant exercise in denial of historical evidence’ (quoting from an article by Werner Hillebrecht, then head of the Namibian National Archives; H.M.). Because of the tenacity with which they make their arguments, it needs to be restated that the way in which they minimise African suffering is contrary to the weight of historical evidence and the conclusion of most recent research.”

### **The notion of genocide**

On 9 December 1948 the United Nations General Assembly adopted the Convention for the Prevention and Punishment of the Crime of Genocide. This was after lengthy negotiations a response to the hitherto unprecedented scale of targeted mass extinction of defined groups of people by the German Nazi regime, which Winston Churchill had termed in a broadcasted speech of 1941 “a crime without a name”. Only in 1944 the lawyer Raphael Lemkin, a Jewish Polish refugee, coined the term genocide (Lemkin 1944).<sup>9</sup> He had worked relentlessly to find an international, legally defined and anchored response to the Holocaust. But significantly enough, his concept reached far beyond the singularity of the Shoah and explicitly referred to earlier colonial wars of extermination. Due to his perseverance, the concept and ostracisation of genocide entered the normative framework of the United Nations system (Segesser/Gessler 2005; Elder 2005).

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<sup>9</sup> For popularized summary versions explaining and advocating the use of this term as presented in chapter 9 of this book see also Lemkin (1945 and 1946).

On 11 December 1946 the United Nations General Assembly had unanimously adopted Resolution 96(1) on "The Crime of Genocide".<sup>10</sup> It states categorically that,

"genocide is a crime under international law which the civilised world condemns, and for the commission of which principals and accomplices - whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds - are punishable".<sup>11</sup>

It took more lobbying and several compromises - in fact watering down the original definition, reducing it to a much narrower concept - before essentials of this Resolution were finally adopted as the Convention.<sup>12</sup> It went into force three years later. It defined genocide as "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group", and made genocide a punishable crime under international law.

For Raphael Lemkin genocides have their roots in colonial minds (cf. Schaller 2008; Moses 2008 and 2010; Schaller/Zimmerer 2009). Frontiers were battlegrounds when "Waiting for the Barbarians" (Coetzee 1982) at the periphery of empires, while in the centres of empire organised industrial mass production translated into the willingness to resort to corresponding organised mass killing. By "uncovering the colonial roots of the genocide concept itself", these "operationalize Raphael Lemkin's original but ignored insight that genocides are intrinsically colonial and that they long precede the twentieth century. The history of genocide is the history of human society since antiquity." (Moses 2008: ix) But the school of thought representing such an understanding as most prominently represented in a hitherto mainly inner-German debate with regard to the possible (but in no way predetermined) links between Windhoek and Auschwitz<sup>13</sup> remains

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<sup>10</sup> See for a detailed report on the interactions leading to this pioneering resolution Lemkin (1947).

<sup>11</sup> Full text accessible at <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/033/47/IMG/NR003347.pdf?OpenElement>>. (11 December 2016)

<sup>12</sup> Accessible at < <https://treaties.un.org/doc/publication/unts/volume%2078/volume-78-i-1021-english.pdf>>. (23 April 2017)

<sup>13</sup> Suggested among others already in Melber (1992) and later much further detailed and more prominently elaborated by Jürgen Zimmerer (for a summary see Zimmerer 2015).

contested if not a matter of outright dismissal, often based on misleading distortions and simplifications of the proponents' arguments (see for a clarification Kössler 2005).

### **The long denial**

Political office bearers and the wider public in the Federal Republic of Germany refused for a long time after World War II to acknowledge the dark sides of Germany's colonial past. But claiming to be the legal successor to the German empire, Holocaust commemoration entered the wider public domain since the late 1960s. This was not entirely voluntarily. Dealing with the Nazi-era also in domestic politics and remembrance was brought about not least through a generation linked to the student movement of the 1960s. Since then, Germany emerged as a celebrated champion in engaging with one of her darkest chapters in history. But demands to go further back in time to put the Nazi-regime into a wider historical context, relating also to the earlier colonial period, fell on deaf ears. In contrast, East German historiography tended to disclose the imperial German history in much detail.<sup>14</sup> But the ideological perspective suggested that neither Nazis nor colonialism had anything to do with the German Democratic Republic.

In the second half of the 1960s, historians from the German Democratic Republic (Drechsler 1966) and the Federal Republic of Germany (Bley 1968) presented similar ground breaking conclusions in their doctoral theses as regards the German colonial era in then South West Africa. Despite different approaches they both tackled the taboo of the "good old days" and provided complementary evidence for and analysis of the totalitarian mindset, methods, practices and consequences of mass destruction. The more theoretical thesis of Peter Schmitt-Egner (1975) added a largely ignored but important dimension to the early seminal works.

However, it was fiction, which for the first time managed to draw attention to and promote a new perspective on colonial history within a wider West German public. Jacob Morenga (also referred to as Marengo) was the title figure in the semi-documentary anti-colonial novel by Uwe Timm (1978).<sup>15</sup> It was a creative blend of facts and phantasy, qualified by Göttsche (2013: 7) as "a pioneering work in the critical memorialization of German colonialism"

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<sup>14</sup> For the first detailed comparative study of its kind see Bürgers (2017).

<sup>15</sup> Though its main character was the German veterinary Gottschalk, who served in the colonial army.

and “a benchmark for the poetics and politics of postcolonial memory”. As “the literary rediscovery of colonialism” (Göttsche 2013: 70) it contributed to a growing awareness in then West Germany as regards this history.<sup>16</sup>

Notwithstanding such remarkable exception, efforts by parts of West German civil society and politically engaged scholarship to initiate a wider (self-)critical engagement with the colonial past showed initially little effect. During 1984, a century after the infamous Berlin Conference, several initiatives also in form of publications (for example Hinz/Patemann/Meier 1984; Melber 1984, but also already Mamozai 1982) failed to translate into wider public awareness. Rather, colonial-apologetic reasoning remained more effective than the critical reminders provided by emerging anti-colonial civic actors demanding a decolonization of the mindset. Voices pointing to the violent trajectory from the mass atrocities in the German colonies to subsequent two World Wars remained sidelined. For Bürgers (2017: 276) this was evidence that during the 1980s colonial-revisionist networks were still publicly more effective and able to drive and influence a selective discourse.

The German-Namibian historical axis was until the late 1980s mainly alive through a considerable number of German-speaking whites in the former colony, the so-called “South Westers” (cf. Rüdiger 1993; Wentenschuh 1995; Schmidt-Lauber 1998; Melber 2015: 13-22). Then the geostrategic consequences of glasnost and perestroika created a new constellation leading not only to German unification. While in November 1989 the Berlin Wall fell, Namibians were voting for a government of their own, ending South African foreign rule. Unified Germany and the Republic of Namibia entered in parallel the world stage. This also impacted on their new relations.

Members of the West German Bundestag were aware of the need to respond to the common history. Following a parliamentary debate in mid-March 1989, a resolution recognized a “special historical responsibility” for Namibia.<sup>17</sup> But the euphemism made no reference to the genocide or any

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<sup>16</sup> The novel served as a script for a film televised 1985 in three parts in the public owned German television channel. It was received with mixed responses. A later, much less convincing effort to translate the historical events into a novel blending fact and fiction was undertaken by Seyfried (2003).

<sup>17</sup> Deutscher Bundestag, Plenarprotokoll 11/134, Stenographischer Bericht. 134. Sitzung, 16. März 1989, pp. 9935-9941.

other negative connotation. Instead, special mention was made of the interests of the German-speaking minority in the country. German policy seemed more concerned about those reminding of (though not being) the colonial perpetrators, than the descendants of the victims. Tellingly, the resolution's core phrase of a "special responsibility" remained the official reference point for the next 25 years, during which the growing demands for recognition of the genocide remained largely ineffective as regards the official position (cf. Kössler/Melber 2017: 40-68).

### **Genocide is genocide**

Meanwhile, since the turn of the century, genocide studies had internationally emerged as a new field, adding to and transcending the former exclusive focus on Holocaust studies. Despite ill-motivated accusations of questioning the singularity of the Shoa (at times mounting to blames of being anti-Semitic), genocide scholars thereby added important perspectives to the domain. The contextualization of genocides (in the plural) also included and promoted engagements with the South West African case. Within a short period of time since the end of the 20<sup>th</sup> century aspiring young (mainly German) scholars produced a variety of new insights on matters related to the genocidal warfare in South West Africa. These included most importantly studies by Gewalt (1999), Krüger (1999), Zeller (2000), Zimmerer (2001), Bühler (2003), Kundrus (2003a), Schneider (2003), Böhlke-Itzen (2004), Eichsen (2005) and Brehl (2007). Their findings were complemented by the rigorous analysis of Hull (2005) and the non-fictional books by Olusoga/Erichsen (2009) and Sarkin (2011).<sup>18</sup>

2004 marked a century since the beginning of the Namibian War. Challenging the official denialism, the centenary resulted in unprecedented public awareness campaigns from German civil society actors. Mainly

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<sup>18</sup> The latter two publications imply not only in their titles (*The Kaiser's Holocaust: Germany's Forgotten Genocide and the Colonial Roots of Nazism* and *Germany's Genocide of the Herero: Kaiser Wilhelm II, His General, His Settler, His Soldiers* respectively) that the German Emperor was directly involved in the extermination strategy executed. Such a claim is however not convincingly supported by factual evidence and supports a perspective that the genocidal warfare was based on individual choices and not a systemic phenomenon. This is also in so far problematic, as colonial-apologetic advocates are eager to look for the tiniest windows of opportunity to discredit what they do not like – though it really does not matter, if the Emperor was personally implicated. More importantly, he was not on record to object to such a strategy.

locally operating post-colonial initiatives raised the critical aspects of a largely neglected colonial legacy. So did a growing number of scholars through a series of edited volumes (see i.a. Van der Heyden/Zeller 2002; Kundrus 2003b; Zimmerer/Zeller 2003; Förster/Henrichsen/Bollig 2004; Melber 2005). The critical engagement produced further results since then (see i.a. Hobuss/Löhlke 2006; Van der Heyden/Zeller 2007; Perraudin/Zimmerer 2011 and Zimmerer 2013).

In parallel, a marked (albeit unplanned) shift occurred in official policy pronouncements. The then social democratic Minister for Economic Cooperation and Development Heidemarie Wieczorek-Zeul attended the main commemorative event by the Ovaherero communities in August 2004 at Hamakari. Situated at the Waterberg, the military encounters there had triggered the subsequent genocidal practices. In her speech she declared that the atrocities were in today's understanding genocide and that von Trotha would be prosecuted for war crimes. Seemingly moved, she asked for forgiveness in the sense of the Christian prayer. When the audience demanded an apology, she stated that her whole speech was an apology. This was mistaken as a change in official German policy. But Germany's Foreign Minister Joseph Fischer of the Green Party dismissed this as a purely personal statement. German media ridiculed her as a woman emotionally carried away.<sup>19</sup>

While Wieczorek-Zeul initiated a unilateral reconciliation initiative financed by funds from the development cooperation portfolio, such follow up was considered not enough by the affected Namibian groups. Since the Namibian government felt not properly consulted, it only reluctantly engaged with this initiative. On 19 September 2006, Kuaima Riruako (1935-2014), Paramount Chief of the Ovaherero and a member of parliament for an opposition party, introduced a motion in the Namibian National Assembly demanding adequate commemoration of and reparations for the genocide.<sup>20</sup> In a later session the same year, this motion was adopted with the SWAPO majority, though the government did not follow up on this politically within the bilateral relationship with Germany. The resolution, however, recognized the legitimate demands for compensation by the

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<sup>19</sup> See for her statement and the experiences afterwards Wieczorek-Zeul (2007: 47-49).

<sup>20</sup> For details on the numerous initiatives of the Ovaherero from Independence to 2014 see Melber (2014b).

affected communities and their direct involvement in matters related to the genocide.

A turn around finally happened in 2015 (cf. Kössler/Melber 2017: 69-74 and 80-84), after the German Bundestag on occasion of another centenary recognized the Armenian genocide. This had not only provoked havoc by an enraged Turkish president Erdogan, who pointed to the hypocritical dimension of such selective perspective given the unacknowledged German colonial genocide. Also many of the established German media questioned the double standards. For the first time, the genocide in Namibia became a wider public issue. Even conservative political party officials realized that only recognition of the historical facts would restore some moral high ground. Last but not least, the social democratic Foreign Minister Walter Steinmeier of the coalition government by the Social and the Christian Democrats could not escape the fact that his party while being in opposition had tabled a (dismissed) parliamentary motion on Namibia jointly with the Green party, which had introduced the term genocide. At a press conference in July 2015, the spokesperson of the Foreign Ministry confirmed that the term genocide is now applicable also to what had happened in South West Africa. As a consequence, by the end of 2015 the German and Namibian governments had appointed special envoys to negotiate how to come to terms with such recognition and its implications.

### **Negotiating genocide**

The German side entered the negotiations without offering any apology. Rather, it declared that finding an adequate form of such an apology would be one of the agenda items. But admitting genocide as a precursor to negotiations over the implications of such an admission should require an immediate apology as a first sign of remorse. In the absence of such a symbolically relevant gesture, the point of departure for negotiations based on mutual respect seems at best dubious. In total five meetings took place between the two government envoys until mid-2017. Not surprisingly, they have not produced any concrete results but rather created some embarrassing moments due to the lack of German diplomacy.<sup>21</sup> Much to the frustration of the Namibian government, the German side was at times setting the agenda unilaterally and making its views public on pending

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<sup>21</sup> For some of the details see Kössler/Melber (2017: 84-93).

matters discussed behind closed doors. It also tried to influence the schedule according to domestic German policy matters, arguing that an agreement would be essential for allowing President Gauck to render an official apology before leaving office. This has failed.

Both governments have so far also not offered any meaningful direct representation to the descendants of the affected communities. While these do not speak with one voice and some smaller groups cooperate with the Namibian government, their main agencies have remained marginalized. For the Namibian government this is an affair between two states and the German counterpart gladly complies. Such understanding, however, also ignores those who as a result of the genocide live in the diaspora and are therefore by implication denied any representation.

Already towards the end of 2001, the late Herero Paramount Chief Kuaima Riruako had initiated private claims for reparations from the German government and a few German companies in a United States Court (Sarkin 2009). While the claim was dismissed for formal reasons, it provided international media coverage and drew attention to the case. On 5 January 2017 Riruako's successor, Paramount Chief Vekuii Rukoro, together with Chief David Fredericks as Chairman of the Nama Traditional Authorities Association as the main plaintiffs, together with the Association of the Ovaherero Genocide in the USA Inc., filed a federal class action lawsuit in a US federal court in New York. The plaintiffs claim "the legitimate right to participate in any negotiations with Germany relating to the incalculable financial, material, cultural, intellectual, religious and spiritual losses suffered". Their complaint submitted under the Alien Tort Statute asks for the award of punitive damages and the establishment of a Constructive Trust. Into this the defendant (Germany) should pay the estimated "value of the lands, cattle and other properties confiscated and taken from the Ovaherero and Nama peoples".<sup>22</sup> They refer among others as a substantial new dimension to the Declaration on the Rights of Indigenous Peoples, adopted on 13 September 2007 with the votes of Germany and Namibia by the United Nations General Assembly.<sup>23</sup> Its Article 18 stipulates that, "indigenous peoples have the right to participate in decision-making in

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<sup>22</sup> For the full text of the claim and the media responses see <http://genocide-namibia.net/2017/01/05-01-2017-herero-und-nama-verklagen-deutschland-ovaherero-and-nama-file-lawsuit-in-new-york>. (7 January 2017)

<sup>23</sup> [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf) (7 January 2017)

matters which would affect their rights, through representatives chosen by themselves”.

Commenting in German media, the German special envoy Ruprecht Polenz created the impression that the plaintiffs asked for individual reparation payments. A joint press statement issued on 9 January 2017 by the German initiative “Berlin postcolonial” and the Ovaherero Paramount Chief dismissed this as “a blatant lie” and “calculated misrepresentation to deliberately discredit our legitimate and justified campaign for restorative justice”.<sup>24</sup> A first hearing was scheduled for 16 March 2017. But the German government did not appear in court. It had successfully avoided receiving (and thereby acknowledging) the summons and complaint.<sup>25</sup> The judge therefore ordered that the first hearing (which still has to decide if the complaint is accepted) was postponed to 21 July. But since then all efforts to transmit the summons to the German government were in vain and the hearing was again postponed to 13 October. The Senator for Justice in the Federal State of Berlin, to whom the summons were finally handed over, refused to forward it to the Foreign Ministry with the argument, that states are not subject to legal claims in foreign courts for sovereign acts such as the deeds of their soldiers. Meanwhile the Foreign Ministry declares it is unable to send a representative to New York since it officially has not been informed about the case. At the core of the reasoning is the interpretation of state immunity, which in the German (albeit not generally accepted) understanding protects governments from such claims. This position had been already a matter of controversy in cases related to claims by descendants of Greek and Italian victims of war crimes.<sup>26</sup> This underlines, that the issue of reparations is anything but confined to the case of the German genocide in South West Africa, but has much wider implications not only but also for the German state.

International media follow the German-Namibian negotiations with great interest. So certainly do the governments of other former colonial powers.

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<sup>24</sup> <http://genocide-namibia.net/2017/01/09-01-2017-pm-voelkermordklage-gegen-deutschland-ovaherero-und-nama-fordern-keine-individuellen-entschaedigungen/> (10 January 2017)

<sup>25</sup> <http://genocide-namibia.net/wp-content/uploads/2017/03/Status-report-for-release-to-public.pdf> (2 April 2017)

<sup>26</sup> See “Nicht zustellbar”, German-Foreign-Policy, 20 July 2017. Accessible at <<http://genocide-namibia.net/wp-content/uploads/2017/03/Status-report-for-release-to-public.pdf>>.

After all, despite its degree of violence, the German colonial adventure was relatively limited. Putting the likely material reparations in relation to the size of the German state coffers, a compensation for damages could solve a problem and might even be an investment into Germany's reputation. But it would not only open a can of worms for other claims against the German state, relating to its other colonial territories and – more importantly – to crimes during World War II. Over and above such still limited perspective this would create a precedence other states with a colonial-imperialist past would certainly not want to see happen. These implications turn the negotiations into much more than an affair between two countries. One does not need to entertain any conspiracy theories to assume that the German-Namibian negotiations have in all likelihood already been a matter also discussed on the level of foreign ministers in Brussels.

In July 2016 the Namibian special envoy officially submitted to his counterpart a position paper on behalf of his government. During subsequent meetings the same year in September (Berlin) and November (Windhoek), the German special envoy explained “in detail and great clarity”, as self-confidently claimed by the German embassy in Namibia, “the German assessment of the Namibian paper”.<sup>27</sup> On 27 June 2017 the German ambassador to Namibia, Christian-Matthias Schlaga, finally presented the “detailed German assessment of the Namibian paper” in writing. It requires indeed a rather selective view on the matters to declare, as the press release does, that this “development shows that the negotiations between Namibia and Germany are on track”.

Already ahead of the official communication, ambassador Schlaga disclosed on 15 June 2017 in his speech to the annual meeting of the association in charge of the German higher private school in Windhoek some of the essentials presented in the document. This in itself was a rather disturbing act of indiscretion, given that the document was declared not public due to the confidentiality agreed between the two governments.<sup>28</sup> According to Schlaga, there are three core issues guiding the German approach: a) To find a common language for the events of 1904 to 1907, with the way of using the

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<sup>27</sup> Embassy of the Federal Republic of Germany, Windhoek. Press Release, no. 43/2017, Germany presents 'position paper'. 29 June 2017.

<sup>28</sup> Walter J Lindner, permanent secretary (Staatssekretär) of the Foreign Ministry, in his official reply dated 10 July 2017 to Niema Movassat, member of parliament, in reference to the question no. 6-245 for the month of June 2017.

term “genocide” as the central matter; b) Germany is willing to apologize for the crimes committed in the German name, assuming such apology is accepted by Namibia as a clean break of the political-moral discussion; c) to establish a common memory culture and to support financially initiatives for the development especially of those regions in which at present the then most affected communities are living. Schlaga emphasized further, that Germany is guided by the conviction that the events dating back more than a century can only be tackled by a historic-moral approach. Every attempt towards a judicial clarification would not be adequate. This means also, that the German government would see no legal basis for demands for financial compensation. The way of claims in court with a focus on judicial terms such as the one of “reparations” would lead astray.<sup>29</sup>

In an interview with the German radio station Deutsche Welle, special envoy Ruprecht Polenz towards the end of July 2017 stressed again, that Germany does not negotiate over reparations and that this position was declared right at the beginning when entering the bi-lateral talks. For Germany, the genocide is not an issue to be discussed under international law. While the term reparation is a legal category, the matter is a political-moral but not a judicial question. This, according to Polenz, is not something less but something different. He did however not elaborate why this would exclude adequate forms of compensation as a political-moral consequence (tantamount to, though not necessarily declared as reparations). Polenz had earlier on stated that the efforts to come to terms with this past are about healing wounds. Interviewed too, the Namibian special envoy Zed Ngavirue is quoted with reference to this. He pointed out that such approach seems to suggest, that the medical prescription is issued by a doctor in Berlin. But from a Namibian point of view, he added, a medical practitioner in Berlin cannot alone decide on an adequate treatment. He insisted that the matter of reparations will remain on the table during the next round of negotiations (Pelz 2017).

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<sup>29</sup> Translation from the script “Ansprache des deutschen Botschafters in Namibia Christian-Matthias Schlaga: Jahreshauptversammlung Deutscher Schulverein; 15.06.2017”.

## Conclusion

This brings back the issue of perspectives. This is also a matter of concern as regards the general engagement. As observed by Bürger (2017: 278), postcolonial theory has since the late 1990s strongly advocated a fundamental change in the perspectives and methods of narratives to critically deconstruct colonial formations of knowledge and history. As a consequence it is doubted whether colonial discourses are adequately transcended or abandoned even in Western anti-colonial counter narratives and their norms of presentation. Academic writing remains largely (and often uncritically) confined to the standardized modes anchored in the Western traditions, often without being aware of and self-critically reflecting on these limitations. Bürger therefore asks, if not rather much more radical than so far tested, other forms of narratives need to be explored.

This is a noble and necessary reflection. Notwithstanding this insight, however, her study remains like this text within the confinements of our socialization and the mindsets molded by and based on our own experiences and perspectives. Transcending these and looking at the world through the eyes of others is not only a huge challenge. It borders to a mission impossible. Eagerness to comply with such a shift of perspectives might even risk becoming patronizing or paternalistic again by claiming to speak on behalf of those who continue to remain either silent or unheard.

This article and the debate it summarizes reproduce such limitations in the absence of easily accessible and recorded counter narratives. Partial exceptions are Förster (1999) and Kössler (2015), who intentionally include oral history and local perspectives on the subject.<sup>30</sup> But this does not transcend their work as one created within certain parameters. Scholarship like the one of this article might have to humbly accept its limitations in representing the 'other' views. Wallace (2011: 181) already expressed concerns that "the genocide debate can also be a hindrance to inquiry, and, above all, to situating the Namibian War as an event in *Namibian*, rather than German history" (emphasis in the original). While this is a necessary caveat, it should certainly not prevent those confronted with the consequences of such history in Germany, from addressing them in an effort to come to terms with such past. After all, it has been an event that would

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<sup>30</sup> For a local project compiling such perspectives see Biwa (2010).

have not taken place without German colonial intervention in the South Western part of the African continent, with long-term implications for Germans not only there but back in Europe too. This merits critical engagement by German or Western scholars as an effort to create awareness of and deal with the consequences. Decolonisation (especially when including the mindset) requires engagement by the descendants of those involved on all sides.

This does not prevent creating space for the voice of those, who represent such experiences our Western molded perspectives and forms of communication cannot articulate. Post-colonial initiatives in the former colonial states can provide such platforms. But scholars and activists there alike will have to accept that their engagement is limited to their own voices and perspectives, which confront other narratives seeking to downplay the trauma of colonialism and its devastating effects on colonized societies and generations of colonized people. After all, we are addressing matters through our views, which relate to a shared history with others. But we cannot replace our upbringing by an upbringing of someone else. We can only engage in our own way. This also means to fight not mainly for the adequate recognition of humanity for others but for one's own humanity and human values, shared in the general conviction that humanity has essentially a common ground and bonds reaching beyond the existence of otherness.

In the case of the Namibian-German history and its treatment in the present, it seems therefore justified to end with a quote from one of the so far few local engagements with the subject communicated to a wider audience:

“We cannot free ourselves from the past until both the victims and villains are atoned with Germany's imperial past in Namibia. The past is like the shade of a thorn tree that covers a pile of thorns for those stepping on it ... It is like a weeping grave of an angry ancestor.”  
(Tjingaete n.d.: ii)

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### **Zusammenfassung**

Die deutsche Kriegsführung in der Kolonie Südwestafrika zwischen 1904 und 1908 entspricht der Definition von Völkermord. Die Eigenschaften und Folgen des Krieges für die hauptsächlich betroffenen Ovaherero und Nama werden zusammenfassend dargestellt. Dem folgt die Entstehungsgeschichte und Interpretation der Völkermordkonvention. Doch der Völkermord in der deutschen Kolonie wurde erst ab Mitte der 1960er Jahre Gegenstand wissenschaftlichen Interesses. Die Forschungsergebnisse wurden anfangs weitgehend ignoriert und hatten bis zur Jahrtausendwende keine gravierenden Auswirkungen. Der Artikel resümiert den seitherigen Völkermord-Diskurs und dessen Einzug in eine breitere deutsche Öffentlichkeit. Er bietet einen Überblick über die Entwicklungen, die 2015 schließlich in ein offizielles Eingeständnis des Völkermords durch die deutsche Regierung mündete. Die daraufhin aufgenommenen bilateralen deutsch-namibischen Verhandlungen zum Umgang mit dieser Vergangenheit werden kritisch untersucht. Eine Schlussfolgerung ordnet das Bemühen wissenschaftlichen Engagements mit Deutschlands kolonialer Vergangenheit in dessen Bedeutung für die Gegenwart ein.