



# Germany and reparations: the reconciliation agreement with Namibia

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## ABSTRACT

In 2015 Germany admitted that the warfare in its colony South West Africa was tantamount to genocide. Bilateral negotiations with the Namibian government resulted in May 2021 in a so-called reconciliation agreement. This is not yet ratified. This article critically examines its limitations. It explains why this – despite being a step in the right direction – has so far been insufficient and a form of tokenism. In the absence of true efforts to reconcile with the descendants of the local communities most affected by the genocide, the government-to-government negotiations have failed so far to achieve any meaningful reconciliation.

## KEYWORDS

Germany; Namibia; South West Africa; colonialism; genocide; Ovaherero; Nama; reparations; reconciliation

## Introduction

In mid-2019, Germany's Foreign Ministry published a position paper on transitional justice, which 'advocates a *comprehensive understanding of confronting past injustices*' (The Federal Government, 2019, p. 8, original emphasis). The approach includes 'violations of economic, social and cultural rights' and 'various dimensions of justice (such as retributive, distributive and restorative justice)', with transitional justice as part of social transformation processes (p. 8 f.). It advocates, '*(P)articipative processes with a broad scope . . . to ensure that transitional justice is not perceived as a project of the elites, and that the expertise and political ideas from civil society organisations and groups (particularly those that represent victims and survivors, or have direct access to them) can be put to use*' (p. 16, original emphasis). This article presents examples of transitional justice in Germany: '*acknowledging and providing reparations for past injustices*'. Reference is made to 'reparations and compensation for National Socialist injustices' and it maintains: 'Given its decades-long and multifaceted experiences in this policy area, Germany can provide information about basic requirements, problems and mechanisms for the development of state and civil-society reparation efforts' (p. 23, original emphasis). Strikingly, the term *colonialism* (my emphasis) does not feature once in the 32-page document.

In December 2021, the Social Democratic Party (SPD), the Green Party (B. 90/*Die Grünen*) and the Liberal Party (FDP) formed the new German coalition government. Under the heading 'colonial legacy' its coalition agreement expressed the will for a reappraisal of German colonial history with special reference to the restitution of objects from colonial contexts. It also commits to develop a concept for a place for

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learning about and remembrance of colonialism. The coalition wants to overcome colonial continuities and initiate independent academic studies processing colonialism (Aljazeera, 2021, pp. 125 f.). Under foreign cultural and educational policy, it adds that reconciliation with Namibia remains an indispensable task resulting from the historical and moral responsibility. As it declares further, the reconciliation agreement (entered by the previous government) can mark the beginning of a joint process of reappraisal (p. 126).

In June 2022, the monthly newspaper of the German Cultural Council (*Deutscher Kulturrat*), a public funded umbrella organisation of the German cultural associations, published short statements by the speakers of the six party-political factions in the German Parliament on the priorities for foreign politics on culture and education.<sup>1</sup> The representatives of the so-called ‘traffic light coalition’ (*Ampelkoalition*, with reference to green, yellow and red for the colours associated with the three parties) had remarkably little to say on the agreed reference points: nothing at all in the statement by the SPD MP Michael Müller; the Green MP Erhard Grundl mentioned in passing a culture of remembrance in particular with regard to collections from a colonial context and the exchange and collaboration with their countries of origin; and no words from the FDP MB Thomas Hacker either, who instead stressed that they would of course not promote cultural imperialism but advocate self-consciously their European values. On behalf of the Christian Democratic parties CDU and CSU Monika Grütters only referred in passing to the discussions about the return of the Benin Bronzes (in which she was involved in the previous government as Minister of State for Culture).

Only the party representatives at the right and left side of the political spectrum paid more attention to the issues. For the AfD (*Alternative für Deutschland*) MP Matthias Moosdorf declared that ‘our history, our values and achievements are unique, often exemplary for other cultures and societies worldwide’. He asked, ‘who if not we should carry into the world the knowledge about the mutual conditionality of freedom and responsibility’. The sensible processing of the colonial legacy should not ignore that many markers of civilisation offer orientation until today. Collaborations would be much more sustainable than singular symbolic acts of ethics of making amends.<sup>2</sup> The counter position was personified by MP Sevim Dagdelen of the Left (*Die Linke*). With half of her statement devoted to the colonial legacy, she was the only one giving the topic priority. She diagnosed the need for a ‘critical reflection and decolonization of the public commemoration culture in Germany’ and a foreign policy impregnated by colonial mindset patterns with reference to the reconciliation agreement, which she criticised in much detail. She concluded that reconciliation with Namibia had to be a point of departure for the further processing of German colonial and war crimes to decolonise German foreign policy on all levels.<sup>3</sup>

As these statements as well as the following analytical overview suggests, much remains to be done to live up to the declared noble goals in search of reconciliation over the crimes committed during the times of colonial rule. The interim results of the German-Namibian bilateral negotiations to address the genocide executed during the early 20<sup>th</sup> century in South West Africa document that reconciliation in the true sense of the word seems still a remote goal.

## Admitting genocide

It took 110 years until Germany in passing and semi-officially admitted, that the extermination strategy between 1904 and 1908 in the German colony of South West Africa (today's Namibia) was tantamount to genocide.<sup>4</sup> The long road included a resolution of the (West) German parliament in 1989 declaring its 'special responsibility' for the former colony at the dawn of independence, an exceptional admission of guilt and a sign of remorse by the German Minister for Economic Cooperation, Heidemarie Wiecek-Zeul at a local centenary commemoration ceremony at the Waterberg in August 2004, and many evasive subsequent efforts by high-ranking representatives of the German state and government to avoid acknowledging the elephant in the room when it comes to German–Namibian relations in the shadow of genocide. The final admission happened almost in passing at a press conference in July 2015 by a spokesperson of the Foreign Ministry after repeated enquiries by a journalist. As a subsequent initiative, bilateral negotiations were resumed between special envoys appointed by the Namibian and German governments at the end of 2015.

The core issues negotiated were the form of an official apology and its consequences in terms of somewhat adequate compensation. That is, if a compensation could be only remotely adequate given the dimensions of human costs and the lasting structural consequences of the atrocities of the time, shaping parts of Namibian society and the living conditions for several population groups until today.<sup>5</sup> Both an apology and the forms of compensation are closely intertwined, since the nature of the apology (as acknowledgement of the genocide) has legal implications on the degree of compensation. The term 'reparations' has therefore deliberately been avoided by the German side. After all, this would create a far-reaching precedence.

The Namibian case could open a Pandora's box – not only as regards unresolved reparation claims from World War II but also as motivation for subsequent claims based on similar crimes committed in other German colonies. Moreover, other former colonial powers may fear legal precedents should Germany find a solution in recognition of the demands and claims brought by the descendants of mainly Ovaherero and Nama (but also the Damara and San), as victims of German colonial warfare and the subsequent annihilation strategies destroying their hitherto practised way of life and forcing them into bondage-like dependencies.<sup>6</sup> One does not have to employ conspiracy theories to assume that the German negotiations have not only been closely followed by other former colonial powers, but most likely have also been a subject of informal exchanges behind closed doors among some foreign ministers in Brussels.

After a total of nine meetings, a 'Joint Declaration' was initialled by the special envoys in mid-May 2021.<sup>7</sup> The accord announced made international headlines (Oltermann, 2021). For the first time a former colonial power offered on a state-to-state level an official apology for state sponsored mass crimes.<sup>8</sup> Despite criticism following, this is a widely acknowledged pioneering step. From a German perspective, the admission of guilt is a step to reduce colonial amnesia.<sup>9</sup> Some therefore consider the accord as a potential template for efforts towards postcolonial reconciliation, involving also other former colonies and colonial powers. This remains a relevant step forward even while this first case has gone lamentably wrong.

## Too little too late?

The result of the protracted negotiations has triggered divided responses.

On a closer look, the declaration avoided a far-reaching precedent. For the European Center for Constitutional and Human Rights it represented a 'lost opportunity':

That the 'reconciliation agreement' will be published as a mere Joint Declaration speaks volumes. The preceding negotiation process furthermore disregarded international participation rights based both in treaties and customary international law. (Imani et al., 2021, p. 1)

Critics bemoan among other matters that governments were 'seeking forgiveness without listening to descendants' (Hitchcock & Kelly, 2021). Reactions among considerable parts of the descendants of the most affected communities were overall negative and considered an insult (Petersen & Ngatjiheue, 2021). The agreed package stipulates an amount of 1.1 bn Euro, of which 1.05 bn are earmarked for development projects over the next 30 years, 'to assist the development of descendants of the particularly affected communities', as the Joint Declaration revealingly so clarifies. This equates roughly to the amount spent by German development cooperation with Namibia during the last 30 years.<sup>10</sup> Germany had always maintained that as a kind of historical obligation Namibia since Independence received the highest per capita development aid of all countries.<sup>11</sup> For the Ovaherero Paramount Chief Vekuii Rukoro and others, this added insult to injury (Kasuto & Kathindi, 2021).<sup>12</sup>

The official German statement issued by the Foreign Ministry stressed that the recognition of genocide does not imply any 'legal claims for compensation'. The 'substantial programme ... for reconstruction and development' is declared as a 'gesture of recognition' (Federal Foreign Office, 2021). The German special envoy justified the amount with reference to Namibia's limited 'absorption capacity' (Polenz, 2021). But what does this mean: that the purchase of land for restitution falls not inside of retributive justice? – As is argued further below, there would be a lot of 'absorption capacity' there.

Whichever argument applies: German generosity remains in comparison rather modest and limited. After the Tsunami disaster at the end of 2004, Germany raised 1.1 bn Euro through private donations and official humanitarian aid (Hibbeler, 2005). For 2021, Germany's capital Berlin had budgeted expenditure of 10.5 bn Euro for personnel costs only (Zawatka-Gerlach, 2019). Construction costs for the new Berlin airport had by the time of its opening exceeded seven billion Euro (Sieben, 2020). Costs for the new underground railway station in Stuttgart are currently estimated at over nine billion Euro (Handelsblatt, 2022).

Another 50 million Euro 'will be dedicated to the projects on reconciliation, remembrance, research and education' over the same period. In contrast, the annual maintenance costs of the controversial Humboldt Forum (Kushner, 2020), which in the reconstructed Berlin castle displays artefacts looted during colonialism, amount to an estimated 60 million Euro alone. The Declaration stresses: 'that these amounts ... settle all financial aspects of the issues relating to the past'. Even leading members of the governing South West Africa People's Organisation (SWAPO) expressed frustration. For the country's Vice President Nangolo Mbumba the money was not enough (Deutsche Welle, 2021).

## Reconciliation without reparation?

But at dispute is not only the laughable amount offered. A related, more profound and serious omission of the Declaration is sharply observed and criticised by the ECCHR statement, which diagnoses ‘a mere shift of an initial refusal to call it genocide to a refusal to apply the legal term ‘reparations’” (Imani et al., 2021, p. 6). As summarised:

Given the joint declaration’s wording and lack of the term reparation therein, it avoids comprehensively acknowledging Germany’s legal responsibility for its colonial legacy. . . . the gesture of an apology will remain purely symbolic if it is not connected to other means of reparations. (p. 2)

It remained indeed a bone of contention between the two governments, that the term ‘reparations’ was omitted from the Declaration. The claim for reparations regarding colonial crimes is indeed not a far-fetched ‘wishful thinking’ but a matter of intense debate.<sup>13</sup> This closely relates also to the discussions on intertemporal law, which raises the issue which law is applicable at which times. Intertemporality as a principle deals with a legal question based on the laws effective at the specific time. This includes the willingness to endorse the legality of laws considered as a justification of crimes. Germany herself applies rules of intertemporality ambiguously by dismissing recognition of certain Nazi-era laws or those of the German Democratic Republic, but willingly concealing other historical, including colonial criminal acts by recognising laws of the time through the intertemporal principles. As put in an earlier principled legal reflection:

There are therefore two elements, the first of which is that acts should be judged in the light of the law contemporary with their creation, and the second of which is that rights acquired in a valid manner according to the law contemporaneous with that creation may be lost if not maintained in accordance with the changes brought about by the development of international law.’ (Elias, 1980, p. 286)<sup>14</sup>

It also raises the issue of legitimate agencies in specific historical (in this case colonial) contexts. This includes

a conceptual disconnect between the international system and its constitution through imperialism, colonialism and genocidal violence. Consequently, claims for redress of injustices based on substantive colonial relations and their legacies are deflected to a system of rule still infused with imperial law and legislation. (Weber & Weber, 2020, p. 107)

But as put aptly:

Colonial injustice is not a distant wrong that passes away with time. It is an everyday reality that reproduces itself. . . . The (after)life of colonialism remains present in our relations to spaces, objects, persons or history. (. . .) Contemporary forms of historical injustice, such as the holocaust, are deemed to be open to legal redress for individuals because some of the perpetrators or (direct and indirect) victims are still alive, while other types of historical injustice are excluded because perpetrators and (direct and indirect) victims have deceased. This agent related understanding neglects the structural nature of colonial injustice. It restricts redress to inter-personal relations and liability structures. It disregards the fact that colonial injustice results often not so much from the injustice done between particular persons, but rather from the structures of abuse or the institutional systems put in place at the time. (Stahn, 2020, pp. 823, 829)

The genocide of 1904 to 1908 and the effects for the descendants of the main affected communities remain a challenge for efforts to come to terms with the past in the present and are rightly so a matter of intensive advocacy and debates, which pose fundamental challenges to a ‘Reconciliation Agreement’. Despite the acknowledgement of genocide (notably ‘from today’s perspective’) and some words of remorse, this agreement avoids the full consequences of bearing responsibility. It is in practice the continued doctrine of an apology without damage payment coined by the Foreign Minister Fischer some twenty years earlier. As a soft version of denialism, it offers no true reconciliation. The Joint Declaration simply reconfirms despite all rhetoric the nature of Germany’s engagement with independent Namibia over the issue of genocide as a refurbished version of asymmetric power relations. It is based on continued exclusion of those who should be the prime counterparts in efforts seeking restitutive justice. Instead, the two governments in total contempt of the people decide for them ‘to accept Germany’s apology’. In reality, German-Namibian bilateral interaction remains a story of aid recipients and the ‘White Saviour’ (cf., Brehl, 2022, pp. 67–69).

### **Not without us**

The main agencies of the descendants and the political opposition parties did not waste any time to manifest their disagreement. The opening debate in the National Assembly in early June 2021 ended in turmoil (Aljazeera, 2021). For the main agencies of the descendants of the most affected communities the motto is ‘Nothing about us without us’. This reflects a substantive clause in the United Nations Declaration on the Rights of Indigenous People. Adopted in 2007 and signed by both countries, article 18 states in no uncertain terms,

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures. (United Nations, 2008)

Due to the escalating Covid-pandemic, the parliamentary debate was postponed. Opening in late September 2021, it lasted until the end of the parliamentary sessions on 1 December 2021. Numerous speakers from all parties expressed concerns, criticism, and rejections regarding the shortcomings. Deputy minister Ester Muinjange, leader of the National Unity Democratic Organisation (NUDO) – the only member of government not from SWAPO – set the tune: ‘We have the feeling our government is not supporting us. You hear government-to-government, but where are we?’ (Nebe & Ikela, 2021)<sup>15</sup> MacHenry Venaani, leader of the official opposition Popular Democratic Movement (PDM) lambasted the agreed compensation for the crimes committed as a flagrant display of arrogance by the German government lacking empathy (Ngatjiheue, 2021). Bernadus Swartboo, leader of the second-biggest opposition party Landless People’s Movement (LPM), concluded with reference to the exclusion of the most affected indigenous communities ‘that this nation-state does not belong to all’.<sup>16</sup>

SWAPO MPs voiced their frustration too. Minister Tom Alweendo was concerned about the growing divisions:

I am troubled by how the conversation has gone thus far. It is now so apparent that the debate has become so divisive. We call each other names. We refer to each other as puppets and sell-outs . . .

I am afraid that should we continue with this path, then the legacy left by the divide and rule philosophy will continue to flourish. (Tjitemisa, 2021a)

Reconciliation between the people of the two countries but also within Namibia is further away than before. The parliamentary debate closed without any decision taken. Government announced that taking into consideration the contributions, it will seek further negotiations with the German side. Once an improved agreement is ratified, it would be submitted to Parliament for acceptance (Tjitemisa, 2021b).

### Land matters

Most of the territory in the Eastern, Central and the Southern regions of the country remains the private property of predominantly white (and often German-speaking) commercial farmers.<sup>17</sup> For obvious historical reasons linked to the genocide and its aftermath, the issue of land remains visible evidence of the structurally embedded inequality and injustice. It is not only an economic affair, but even more so a highly emotional topic related to identity and home. Reversing the skewed land distribution therefore should be a matter of priority to delegate responsibility to the German side. However, Namibian government policy so far does not indicate such concerns. The beneficiaries of the land policy since Independence were often originally from Namibia's northern region's population groups, who formed the basis of SWAPO, the national liberation movement and the single ruling party in government since Independence. But these groups were never robbed of their land by the encroaching colonial system. Transfer of land to members of the groups originally living in the Northern part of Namibia triggers frustration and anger among the local Nama, Ovaherero and Damara communities (while the even more marginalised San or Bushmen so far never had any meaningful agency and are not heard or listened to anyway).

The German side therefore has managed until now to get away with some lukewarm responses to the issue of land as a necessary part of any serious effort to come to terms with the past. But it will remain a festering wound. Land is, far beyond economic considerations, ultimately a matter of identity – for those who currently own it as much as for those who feel it should be theirs. Colonialism in the territory of then South West Africa resorted to brutal crimes, culminating in genocidal practices to force people off their land. Today's commercial agrarian sector in Namibia remains heavily associated with that violent land theft. Therefore, the current distribution of land in private ownership is a constant reminder that colonialism did not end with independence. It continues as long as restorative justice is not infused into the land debate. The second land conference stated in a resolution under topical issue 38 ('ancestral land rights and claims') that 'measures to restore social justice and ensure economic empowerment of the affected communities' should be identified. The next resolution then suggests 'use the reparations from the former colonial powers for such purpose' (Resolutions of the Second National Land Conference, 2018). This might offer a way

out of the current stagnation in the negotiations between the Namibian and German governments over how to deal with their intertwined history – provided both sides are willing to hand over the land to the descendants of those, from whom it was stolen.

As part of the long-overdue necessity to satisfactorily compensate for the historical injustices that have laid the foundations for the current blatantly skewed land distribution, Germany could provide the necessary funds for a just (in the sense of fair) expropriation of commercial farmers. Their land was utilised by the indigenous communities, and their ancestors are buried there. But the transfer of such land would only constitute a first step. The German state should then finance the necessary investments – both in terms of infrastructure as well as know-how – empowering local communities to fully benefit from resettlement and to gain access to land under the condition of climate change adaptation. The Namibian government, on the other hand, would have to accept that resettlement considers the main beneficiaries hereof to be the descendants of those robbed of their land, and should not privilege those whose land was never taken. This would be an investment by both governments in an act of reconciliation contributing to a relative enhancement of social stability. This perspective also includes a continued German policy concern. After all, the situation of the German-speaking community (often still German citizens) has been an explicit point of reference for its Namibia policy. In early 1989, ahead of the UN supervised transition process towards Independence, the West German Parliament had adopted a resolution on the special responsibility for the former German colony. It made explicit reference to the German-speaking local community, though not to the victims of the genocide (Brehl, 2022, p. 57).

### **Unfinished business**

Any lasting solution is far from achieved. Even if the two governments could come to a re-negotiated compromise, considerable parts of the descendants of the most affected communities are not inclined to surrender their claims. They do not acknowledge the Namibian government as the legitimate agency advocating their interests and negotiating on their behalf. Despite the differences in their approaches, both governments seem to agree that those agencies of the descendants should have no direct say in the negotiations.

The Namibian government has the interest to claim its monopoly over the centralised state to represent the Namibian people and does not consider the local ethnic agencies constituted as Nama Traditional Leaders Association (NTLA) and Ovaherero Traditional Authority (OTA) as legitimate negotiators, despite representing considerable parts of their ethnic groups. Germany has conveniently dodged the contested matter of representation by the descendants of the genocide victim groups by declaring it a purely internal Namibian affair. This evasive – albeit formally correct – position suits the German side well. After all, Germany would have to expect the least compromises from the side of those who represent the claims of the descendant groups. This applies especially to the issue of restitution of ancestral land robbed under German colonialism and the further expropriation after defeat in what they term the Namibian-German War. Retributive justice is indeed a term missing from the vocabulary.



In October 2021, the German special envoy Ruprecht Polenz confirmed in an interview that the declaration will not be re-negotiated (Hoffmann, 2021). As mentioned in the introduction, however, the German government in office since early December 2021, stressed in its coalition agreement the commitment to pursue reconciliation with Namibia as an ‘indispensable task’. If the foreign minister from the Green Party will be willing and able to find a way out of the impasse remains to be seen. Even if re-negotiations would be a viable option, the major challenge lies in the inclusion of the communities in Namibia and the diaspora, who are most affected by the violent past in the present. It points to the limitations of government-to-government negotiations as long as these do not adequately recognise those, who mainly bear the trauma and consequences of the genocide.

Given the further entrenchment of inter-Namibian ethnic-regional animosities and identities not least by the denial of adequate representation of these groups at the negotiating table, the following is a noteworthy argument applicable also for indigenous communities such as the Ovaherero, Nama, Damara and San:

The recognition and realization of the right to reparation for such peoples – translating in practice to no more than allowing them to ‘regain control of their lives and their lands’ – would not destabilize any state. On the contrary, it would provide great assistance in the realization – in a stable manner – of a fairer society and a more serene social environment, which, in the long run, is favourable to everybody, indigenous or not. (Lenzerini, 2008, p. 622)

## Conclusion

Notwithstanding any considerations avoiding a precedent in terms of international law it would be possible to address the Namibian case without entering the obligation to acknowledge a general commitment for reparations concerning colonial crimes. After announcement of the Joint Declaration the German MP Sevim Dagdelen of the Left Party had asked the Scientific Services of the German Parliament to explore options for direct payments to Ovaherero and Nama in compensation of the losses (Dagdelen, 2022). The report indicated that it would be possible to legislate a tailor-made Compensation Act for the specific case (Wissenschaftliche Dienste, 2021). This would have required a negotiated agreement with the Namibian government representing the state. No such initiative was however taken, suggesting that a willingness to explore this potential solution did not exist. After all, Germany would have to expect the least compromises from the side of those who represent the claims of the descendant groups. This applies especially to the issue of restitution of ancestral land robbed under German colonialism and the further expropriation after defeat in what they term the Namibian-German War. Retributive justice is indeed a term missing from the vocabulary.

The view of the descendants as the ultimate reference point for any meaningful efforts to come to terms with the past has been summarised by Ester Muinjangué. As she declared in an interview:

Only those whose ancestors went through that horrible experience understand the pain and impact inflicted by the genocide. We can never solve these issues by trying to beat around the bush – we need to call a spade a spade. As long as Germany avoids using words such as genocide and reparation, we can forget about coming closer to closing this chapter.

We need to go back to the drawing board; Level the playing field, identify stakeholders, clear terminology because you don't want to be in the middle of negotiations and still not know whether you are negotiation (sic) for genocide or past dark history, reparation or development aid. It is critical to have representatives of the two communities at the negotiating table, selected and appointed by themselves. It is simple, we follow the same model that was applied at the Claims Conference with the German Government, State of Israel and 23 groups representing the Jews. If Germany could negotiate with 23 groups what is difficult to negotiate with 23 groups of Ovaherero and Nama? (Jason, 2022)<sup>18</sup>

According to the Joint Declaration:

Germany apologizes and bows before the descendants of the victims (...) The Namibian Government and people accept Germany's apology and believe that it paves the way to a lasting mutual understanding and the consolidation of a special relationship between the two nations.

Without the descendants of the genocide survivors being substantially involved and willing to reconcile, this remains as patronising and paternalistic as colonialism had been. It underlines the continued asymmetries. There is a long way to reconciliation. The question the late Jewish historian Yerushalmi (1996, p. 117) once posed remains valid also for this case: 'is it possible that the antonym of "forgetting" is not "remembering", but justice?'

## Notes

1. 'Was steht an in der Auswärtigen Kultur- und Bildungspolitik? Die Sprecherinnen und Sprecher der Fraktionen geben Auskunft', *Politik & Kultur*, June 2022, pp. 06–07.
2. Translation by the author.
3. Translation by the author.
4. For a detailed account from the historic events until early 2017 see, Kößler and Melber (2017) and Melber (2017b). Parts of this paper are based on subsequent engagements, in particular Melber (2020; 2021), Kößler and Melber (2021), and Melber (2022). I acknowledge with thanks the constructive comments by two anonymous reviewers.
5. See among others the contributions to Zimmerer and Zeller (2008).
6. Notably, the definition of genocide goes beyond the 'intent to destroy' in terms of the deliberately planned (though not necessarily consequently executed) physical annihilation of people targeted on the basis of a shared group belonging, and also includes the destruction of cultural identities and hitherto practiced forms of reproduction by societies – all integral part of settler colonial rule and frontier societies with fatal consequences, as the cases of Australia and the Americas show as much as Southern Africa. See, i.a. Adhikari (2014), Moses (2005), Moses and Stone (2007), and Moses (2008), as well as H. with Jones Melber and Y (2008) and Melber (2017a).
7. Joint Declaration by the Federal Republic of Germany and the Republic of Namibia 'United in Remembrance of Our Colonial Past, United in Our Will to Reconcile, United in Our Vision of the Future'. <https://u9t7p8p4.stackpathcdn.com/wp-content/uploads/2021/06/deutsche-afrika-stiftung-joint-declaration-by-the-federal-republic-of-germany-and-the-republic-of-namibia.pdf>, accessed 16 June 2022.
8. <https://www.nytimes.com/2021/05/28/world/europe/germany-namibia-genocide.html?searchResultPosition=1>.

9. See on German colonial amnesia Kößler and Melber (2021b). A recent overview on Germany's colonial legacy present Geiger and Melber (2021), some chapters in Melber (2019a) and – with a main focus on Namibia – H. Melber and Platt (2022).
10. See the posting on the website of the German Embassy in Namibia: <https://windhuk.diplo.de/na-de/themen/weitere-themen/dt-entwicklungszusammenarbeit/1032324>, accessed 16 June 2022.
11. But notably, given the relatively small size of the country's population (estimated at some 2.3 million in 2022), this did not amount to any lead position among countries being recipients of German aid in absolute figures.
12. Chief Rukoro, like the Namibian special envoy Dr Zed Ngavirue, succumbed to Covid-19 in June 2021, just weeks after the Joint Declaration was initialled.
13. See among others Paulose and Rogo (2018), Präfke (2019), and Goldmann (2020).
14. See more recently among others Wheatley (2021) and Von Arnould (2021).
15. Until joining the government as deputy minister, she was also Chairperson of the Ovaherero Genocide Foundation.
16. Bernadus Swartbooi, Contribution to the National Assembly Debate. On the Joint Declaration on the 1904–1905 Genocide between Germany and Namibia, 29 September. This speech as well as a few others are accessible on the web site of the National Assembly at <https://www.parliament.na/statement-on-genocide-apology-and-reparation/>.
17. See on the following in more detail Melber (2019b).
18. See for a list of the 23 Jewish non-state organisations in the Conference on Jewish Material Claims Against Germany Protocol No. 2 of the Agreement signed between Israel and the Federal Republic of Germany at Luxembourg on 10 September 1952 at <https://treaties.un.org/doc/Publication/UNTS/Volume%20162/volume-162-I-2137-English.pdf>, accessed 16 June 2022.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

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