

## **German Colonial Legacies in Modern Namibia**

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## Introduction

While the colonial empire of Germany ended much earlier than the empires of their contemporaries, such as Britain, France, and the Netherlands, the lasting impacts can still be viewed today, as in many other former colonies. Legacies and impacts of colonialism encompass a large range of things, from statues and monuments, street and city names, to cultural practices and memory practices. In the case of Namibia, which was a former colony of Germany, legacies of colonialism can be seen in all of those aspects listed above, but also in terms of the fight for reconciliation and reparations for the colonial wars against the Herero and Nama peoples, which have in the last two decades been referred to as genocides. The legacy of the genocide is still extremely visible in Namibia today, and the Herero and Nama are still requesting proper reconciliation to this day.

This essay will discuss three main topics in the long list of legacies of German colonialism in Namibia. These topics include the debate surrounding the classification of the colonial wars as genocide, culture and commemoration practices in Namibia, and finally apologies, reconciliation and reparations. These topics have been studied extensively on their own, but are rarely combined to show a full picture of the lasting effects of colonialism in southwest Africa.

## The Genocide Debate

According to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, which was ratified on the 9<sup>th</sup> of December 1948 and entered into force on the 12 of January 1951, genocide “means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.”<sup>1</sup> According to this many instances of colonial violence from multiple colonial powers can be seen as genocide, such as the British campaign against the Zulu or the French conquest of Algeria, which have both been described as

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<sup>1</sup> UN General Assembly, *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277, available at: <https://www.refworld.org/docid/3ae6b3ac0.html>.

wars of extermination.<sup>2</sup> However, there has been a debate not only within the field of history, but throughout many fields, on calling acts of colonial violence that fit within the definition above genocide. Much of the debate is due to the “narrative monopoly” the Holocaust has had on extreme mass violence, as well as the fact that much of the academic literature around genocide suggests that it is purely a modern phenomenon, due mainly to the fact that modern genocides are linked to “irrational” motives and colonial mass violence was supposedly done under “rational” motives.<sup>3</sup> In the last few decades this has been changing and historians have linked colonial genocide to the Nazi genocide; some historians specifically link German colonial genocide in what was then German South-West Africa to the Holocaust. While this may be a new phenomenon in the field of history, in 1947 W.E.B. DuBois wrote “there was no Nazi atrocity—concentration camps, wholesale maiming and murder, defilement of women, or ghastly blasphemy of children—which the Christian civilization of Europe had not long been practicing against colored folks in all parts of the world in the name of and for the defense of a Superior Race born to rule the world.”<sup>4</sup> DuBois may have been one of the first to say this, but many scholars and historians have researched and written about this concept, some of the first being Frantz Fanon, Octave Mannoni, and Aimé Césaire.<sup>5</sup> With this being said there are at least two sides to every argument, if not more.

In 1951, Hanna Arendt wrote *The Origins of Totalitarianism*, in which she argued that European imperialism served as a starting point for racial sciences and bureaucracy that was eventually introduced to continental Europe joined together with racialized anti-Semitism and

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<sup>2</sup> Dominik Schaller, “Genocide and Mass Violence in the ‘Heart of Darkness’ Africa in the Colonial Period”, in *The Oxford Handbook of Genocide Studies*, eds. Donald Bloxham and A. Dirk Moses, 1 online resource (690 pages) vols., Oxford Handbooks in History (Oxford: OUP Oxford, 2010), <http://www.dawsonera.com/depp/reader/protected/external/AbstractView/S9780191572609>, 345-64.

<sup>3</sup> Robert Gerwarth and Stephan Malinowski, “Hannah Arendt’s Ghosts: Reflections on the Disputable Path from Windhoek to Auschwitz,” *Central European History* 42, no. 2 (2009): 281; Dominik Schaller, “Genocide and Mass Violence in the ‘Heart of Darkness’ Africa in the Colonial Period”, 346.

<sup>4</sup> W. E. B. (William Edward Burghardt) Du Bois, *The World and Africa ; and, Color and Democracy*, 1 online resource (xxxiv, 343 pages) : illustrations, maps vols., The Oxford W.E.B. Du Bois (New York: Oxford University Press, 2007), 15, <https://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=705873>.

<sup>5</sup> Andreas Eckert, “Namibia – A German ‘Sonderweg’ in Africa? Remarks on the International Discussion” in *Genocide in German South-West Africa: The Colonial War (1904-1908) in Namibia and Its Aftermath*, eds. Jürgen Zimmerer and Joachim Zeller, Repr (Pontypool: Merlin Press, 2010), 283; Robert Gerwarth and Stephan Malinowski, “Hannah Arendt’s Ghosts: Reflections on the Disputable Path from Windhoek to Auschwitz,” *Central European History* 42, no. 2 (2009): 280.

“*völkisch* nationalism.”<sup>6</sup> Many contemporary scholars have used this idea as a starting point and added more to the argument, as mentioned above, stating that there is a direct relationship between the colonial war and genocide in the former German South-West Africa and the Nazi genocide. Starting in the 1960s, historians started searching for the long term causes of the rise of National Socialism and this led to the thesis of the “German Sonderweg”, or German special way.<sup>7</sup> This thesis argued that the German Empire paved the way for the “radical fascism” of the National Socialists. Two historians, East German historian Horst Drechsler and West German historian Helmut Bley, were two of the earliest scholars who wrote about the events in German South-West Africa as being part of the “pre-history of National Socialism.”<sup>8</sup> While many find this thesis to be compelling, other scholars argue for more nuance when approaching this subject. One such critic is Birthe Kundrus, who has argued that when looking at the similarities between the violence committed by the German colonial administration and the National Socialists, one should not confuse similarity with continuity.<sup>9</sup> Dominik Schaller, writes in detail about the similarities and differences between “modern” and colonial genocides.<sup>10</sup> He argues for more nuance when comparing the two, such as including African agency and the use of African soldiers in colonial wars, as well as recognizing that while the desire to generalize colonial mass violence, it should not be done as colonial administrations differed from colony to colony.<sup>11</sup>

This debate is still going strong and many more scholars are putting their hats into the ring to argue for both sides. Further reading is not only encouraged, but also necessary to fully understand all sides of the debate, as this essay is not able to do the debate justice in the space provided. Scholars such as Jürgen Zimmerer, Dirk Moses, and Pascal Grosse are great places to start.

## Culture and Commemoration

### Culture

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<sup>6</sup> Robert Gerwarth and Stephan Malinowski, “Hannah Arendt’s Ghosts: Reflections on the Disputable Path from Windhoek to Auschwitz,” 281.

<sup>7</sup> Andreas Eckert, “Namibia – A German ‘Sonderweg’ in Africa? Remarks on the International Discussion”, 277-76.

<sup>8</sup> Andreas Eckert, “Namibia – A German ‘Sonderweg’ in Africa? Remarks on the International Discussion”, 277.

<sup>9</sup> Robert Gerwarth and Stephan Malinowski, “Hannah Arendt’s Ghosts: Reflections on the Disputable Path from Windhoek to Auschwitz,” 284.

<sup>10</sup> Dominik Schaller, “Genocide and Mass Violence in the ‘Heart of Darkness’ Africa in the Colonial Period”, 347-50.

<sup>11</sup> Dominik Schaller, “Genocide and Mass Violence in the ‘Heart of Darkness’ Africa in the Colonial Period”, 347-49.

Among the Herero-speaking Namibians, the *Oturupa* is a very important social institution that can be seen throughout the country. The *oturupa* is seen as a Herero tradition and local *oturupa* groups, called *Komandos*, can be found in most large villages in Herero-speaking areas.<sup>12</sup> The *oturupa* is a place for Herero-speaking Namibians to come together to celebrate their history, memory, and culture in a social setting. According to Larissa Förster, a German anthropologist, the “*oturupa* created a picture of a self-confident society, in spite of all of the humiliation and loss of rights.”<sup>13</sup>

The origins of the *oturupa* can be traced back to some practices that were common before the colonial war; however, the war is one of the main origins. Much of the unique parts of the *oturupa* are “entangled” with symbols of German colonial rule.<sup>14</sup> One such part is the uniforms of the *oturupa*, which are styled after German colonial troop uniforms, and often embellished or altered to reflect the individual. There are no binding rules behind the uniforms, which means that as long as they fit into the category of jacket and trousers for men and a short jacket and dress for women, they can be changed.<sup>15</sup> With this being said, genuine German colonial troop uniforms are coveted and seen as very valuable. At the beginning, the colonial administration found it amusing that the African population were imitating their uniforms, however, they later figured out that it was a more subversive practice, instead of just imitation.<sup>16</sup> The uniforms were subversive because the colonial uniform was meant to be the ultimate symbol of power in the colonies, yet the colonized people are not meant to have power, so by wearing the uniforms, they are subversively claiming the power of the uniform.<sup>17</sup> Due to this, the administration banned the wearing of uniforms by Africans in 1905. Another trace of the German colonial rule is pass books. In 1907 a law was put in place that required Africans older than seven years to carry passes which were later replaced with a numbered metal identification tag.<sup>18</sup> The *oturupa* created their own passes for members that are still used today.

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<sup>12</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide’: The Reworking of Traumatic Experiences among Herero-Speaking Namibians,” *Journal of Material Culture* 13, no. 2 (2008): 175–94, <https://doi.org/10.1177/1359183508090898>.

<sup>13</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide,’” 180.

<sup>14</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide,’” 181.

<sup>15</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide,’” 182.

<sup>16</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide,’” 181.

<sup>17</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide,’” 181.

<sup>18</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide,’” 181.

With this being said, the *oturupa* should not be seen as an imitation of the German colonial military; there are many distinctions that prove this to be too simple of a mindset.<sup>19</sup> One difference between the *oturupa* and the German colonial military is that *oturupa* membership is open to all Hereros of any age, which means that men, women, and children are all able to join.<sup>20</sup> While the *oturupa* may have been modeled from colonial military, it has moved past that structure and become their own creation, which while similar colonial military is still different.

### Commemoration

Starting briefly after the end of the colonial war, the Herero commemorated the war in various ways. Most often organized by the *Oturupa*, *Omazemburukiro* are commemoration rituals performed by the Herero people. Held annually at gravesites of prominent leaders and chiefs as well as important battlefields of war, the *omazemburukiro* include the greeting of the ancestors as well as paying homage, speeches, and stories of the Herero people. Stories may range through various topics relating to the reason for the *omazemburukiro*.

One of the more prominent *omazemburukiro* commemorations is “Maharero Day”, a commemoration for Samuel Maharero, the paramount chief of the Herero during the war.<sup>21</sup> This *omazemburukiro* is held every year in Okahandja, where he lived and where the war started, around August 26<sup>th</sup>, the date of Maharero’s death in 1923.<sup>22</sup> Speeches and stories told during this commemoration usually include topics of his life, such as living in exile as well as the reasons for his exile, which includes the war and the genocide. Stories of survival are also told.

Another important commemoration is “Ohamakari Day” which in 2004 was one of the more prominent events of the centenary commemorations and celebrations.<sup>23</sup> This *Omazemburukiro* in 2004 was organized to be a “nationwide get-together” for the Herero people to commemorate the memory of the war and genocide that took place during the German colonial rule.<sup>24</sup> This commemoration was to commemorate the battle at Ohamakari in early August of 1904, and according to Förster, the battles that occurred here are “To this day, these battles are considered as having been decisive by both German-speaking and Herero-speaking

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<sup>19</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide,’” 182.

<sup>20</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide,’” 182.

<sup>21</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide,’” 178.

<sup>22</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide,’” 177.

<sup>23</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide,’” 183.

<sup>24</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide,’” 183.

Namibians alike.”<sup>25</sup> Förster goes on to discuss the meaning of “Ohamakari” in Herero oral history. Meanings include “an extraordinarily fierce battle against a strong enemy, a battle that was bravely fought, but finally lost by the Hereros”, as well as “the site where the world died at the place of war, the land where the people split”, and “where we were scattered,” the last of which is the meaning of the word to Herero-speaking exiles in present day Botswana, where many Herero fled to due to the extermination order.<sup>26</sup> These meanings show the importance of the battles that took place at Ohamakari to the Herero people.

The Herero are not the only population in Namibia who have commemorated the war. While there is relatively little public commemoration of colonialism in Germany, the German-speaking population in Namibia commemorated the war up until 2003.<sup>27</sup> The commemoration by German-speaking Namibians was banned in 2003 by the Namibian President Sam Nujoma.<sup>28</sup>

The commemoration held by the German-speaking population in Namibia was at the German Cemetery at Waterberg plateau. The celebration, which was known as “Waterberg Day” was celebrated as early as 1905; however, it was not celebrated at the cemetery until 1923.<sup>29</sup> From then on Waterberg Day was celebrated annually, up until the Second World War. In 1954, Waterberg day was re-established as an annual event.<sup>30</sup> This commemoration was not without criticism, especially from the communities affected by the genocide, and attempts were made throughout the end of the 20<sup>th</sup> century to change the commemoration to be more politically accepted. This included adding graves for the African members of the German forces, who were often a group that rarely received recognition, changing the name to “National South West Africa/Namibian Day of Remembrance”, inviting members of the affected communities to

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<sup>25</sup> Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide’,” 184.

<sup>26</sup> Kirsten Alnaes, “Living with the Past: The Songs of the Herero in Botswana,” *Africa: Journal of the International African Institute* 59, no. 3 (1989): 292, <https://doi.org/10.2307/1160229>; Larissa Förster, “From ‘General Field Marshal’ To ‘Miss Genocide’,” 184.

<sup>27</sup> Monika Albrecht, “Negotiating Memories of German Colonialism: Reflections on Current Forms of Non-Governmental Memory Politics,” *Journal of European Studies* 47, no. 2 (2017): 203–18, <https://doi.org/10.1177/0047244117700076>.

<sup>28</sup> Reinhart Kössler, “The Postcolonial Aftermath of Genocide: The Politics of Heritage in Namibia and Germany,” in *History and Politics: Remembrance as Legitimation*, ed. Katarzyna Kačka (Newcastle upon Tyne, UK: Cambridge Scholars Publishing, 2017), 25-43.

<sup>29</sup> Larissa Förster, “The German Cemetery at Waterberg,” in *Genocide in German South-West Africa: The Colonial War (1904-1908) in Namibia and Its Aftermath*, eds. Jürgen Zimmerer and Joachim Zeller, Repr (Pontypool: Merlin Press, 2010), 253; Joachim Zeller, “Symbolic Politics: Notes on the Colonial German Culture of Remembrance”, in *Genocide in German South-West Africa: The Colonial War (1904-1908) in Namibia and its Aftermath*, eds. Jürgen Zimmerer and Joachim Zeller, Repr(Pontypool:Merlin Press, 2010), 235.

<sup>30</sup> Larissa Förster, “The German Cemetery at Waterberg,” 253.

participate, and adding a memorial plaque dedicated to the Herero “who fell in the battle at the Waterberg”.<sup>31</sup> After Namibia gained its independence from South Africa in 1990, the Waterberg commemoration lost much of its significance. Only a few German-speaking Namibians participated after independence, and as stated previously in 2003 the President of Namibia banned the commemoration stating that it was “a provocation of the highest order.”<sup>32</sup>

Another group of Namibians who commemorate the war and genocide are the Nama. One of the commemorations is the commemoration of Hendrik Witbooi, who was wounded and killed by German colonial soldiers in 1905. This commemoration takes place over three days and includes many different parts, including a church service, re-enactments, and public speeches.<sup>33</sup> After Namibian independence in 1990, the Namibian army also participated in the event with performances. *Witbooi Fees* as it was known until 1980 when the name was changed to a more nationalist “Heroes Day”, has in the past shown some effort towards reconciliation, with the inclusion of German-speaking and white Namibian participation.<sup>34</sup> An example of this is the 1995 keynote speaker being a German-speaking deputy minister.<sup>35</sup>

Overall, commemoration by any group is an important dimension of memory, and it is for the most part positive, giving victims a chance to use their history in a productive way.<sup>36</sup> Memorials and commemorations are a way for survivors of violence, such as the Herero and the Nama, to create and establish identity.<sup>37</sup> Commemorations are also used to keep a memory or part of history alive for the coming generations, as well as to bring attention to a history that is forgotten or ignored.

### Apologies, Reparations, and Reconciliation

On May 28<sup>th</sup>, 2021 it was announced that after six years of negotiation, the German and Namibian government came to what is being called a “reconciliation agreement” between the two in regard to the colonial genocide that took place when Namibia was colonized by

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<sup>31</sup> Larissa Förster, “The German Cemetery at Waterberg,” 253-57.

<sup>32</sup> Larissa Förster, “The German Cemetery at Waterberg,” 257.

<sup>33</sup> Reinhart Kössler, “Entangled History and Politics: Negotiating the Past between Namibia and Germany,” *Journal of Contemporary African Studies* 26, no. 3 (2008): 313–39, <https://doi.org/10.1080/02589000802332531>.

<sup>34</sup> Reinhart Kössler, “Entangled History and Politics: Negotiating the Past between Namibia and Germany,” 318.

<sup>35</sup> Reinhart Kössler, “Entangled History and Politics: Negotiating the Past between Namibia and Germany,” 318.

<sup>36</sup> Reinhart Kössler, *Namibia and Germany: Negotiating the Past*, 1 online resource (xiii, 377 pages) vols. (Windhoek: UNAM Press, 2015),

<https://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=1070719>.

<sup>37</sup> Joachim Zeller, “Symbolic Politics: Notes on the Colonial German Culture of Remembrance” 231.



Germany.<sup>38</sup> The agreement promises developmental aid to Namibia to be payed out by Germany over the next 30 years.<sup>39</sup> This agreement is seen by some as the start of the end of the decades long demands by affected Namibians for reparations, however, to said Namibians, whose ancestors were affected by the genocide, it is just another seemingly empty gesture.<sup>40</sup> The desire of many of the affected communities is for their land to be returned to them, and this has been their desire for decades, yet this has been either avoided or ignored for years. The argument for reparations from these communities is not about the money, but about the recognition of what occurred and the return of their ancestral land.

### **The UN, Michael Scott, and the Herero**

During the first World War, the Union of South Africa invaded German South-West Africa, and the Namibians were excited at the prospect of the Germans being forced out of their lands.<sup>41</sup> At the end of the war, South-West Africa was made a mandate by the League of Nations.<sup>42</sup> According to the League of Nations, a mandate was to be “a sacred trust of civilization” between a country that was ‘well developed’ and one whom was “not yet able to stand by themselves in the strenuous conditions of the modern world.”<sup>43</sup> Originally, the mandate of South-West Africa was entrusted to Britain, however, Britain gave the responsibility of the mandate to the Union of South Africa.<sup>44</sup> This change of power created many problems for the indigenous populations of South-West Africa, including the Herero and the Nama people. After taking over administration of South-West Africa, the Union of South Africa allowed German settlers to remain on their properties and did not bar new Germans from entering the country. The hope for return and restoration of tribal lands had been lost; in 1925, South Africa forced many tribes out of the areas they had been allowed to live in up until that point and required

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<sup>38</sup> Heike Becker, “Germany’s Namibia Genocide Apology: The Limits of Decolonizing the Past,” *ROAPE* (blog), June 22, 2021, <https://roape.net/2021/06/22/germanys-namibia-genocide-apology-the-limits-of-decolonizing-the-past/>.

<sup>39</sup> Charmaine Ngatjiheue, “Germany should speak directly to the descendants”, *The Namibian*, January 13, 2022.

<sup>40</sup> Charmaine Ngatjiheue, “Germany should speak directly to the descendants”.

<sup>41</sup> Freda Troup, *In Face of Fear: Michael Scott’s Challenge to South Africa* (London: Faber and Faber, 1950), 56.

<sup>42</sup> Anne Yates and Lewis Chester, *The Troublemaker: Michael Scott and His Lonely Struggle against Injustice* (London: Aurum Press Ltd., 2006), 76-77.

<sup>43</sup> League of Nations, *Covenant of the League of Nations*, 28 April 1919, available at: <https://www.refworld.org/docid/3dd8b9854.html>; Yates and Chester, *The Troublemaker*, 76-77.

<sup>44</sup> Yates and Chester, *The Troublemaker*, 76-77

them to move to native reserves.<sup>45</sup> The next two decades would be very difficult for the native populations of South-West Africa.

In late 1947, Reverend Michael Scott, a man known across the southern part of Africa for being a champion of the oppressed, was invited to Bechuanaland, modern day Botswana, by Tshekedi Khama, the Regent of the Bamangwato tribe, and Frederick Maharero, the Paramount Chief of the Hereros living in exile in Bechuanaland.<sup>46</sup> At this time South Africa was attempting to incorporate Namibia into the Union of South Africa as a state, instead of being a mandate, or transitioning over to trusteeship, as was the new United Nations system.<sup>47</sup> The Herero people, both those living in South-West Africa and those in exile did not want this to happen, as the South African administration “adopts the same oppressive policy towards the native people as the Germans.”<sup>48</sup> According to the Union of South Africa, a referendum had taken place and showed that both the native and the white populations favored incorporation into the Union.<sup>49</sup> This findings of this referendum were, however, untrue, as the way the voting took place was considered a manipulation and fraudulent by many tribes and leaders throughout South-West Africa, especially the Herero.<sup>50</sup> Frederick Maharero requested that Scott go to South-West Africa and investigate the living conditions that the Herero people were subject to under the South African government, as well as to find out their true feelings regarding joining the Union of South Africa.<sup>51</sup> In the end, Maharero wanted to send a petition to the United Nations asking for the Herero ancestral land back, as well as to allow the exiled Herero to return. Scott agreed to help, and this was the start of his long battle with the U.N.

After his visit with Frederick Maharero and Tshekedi Khama, Scott traveled to South-West Africa, and met with the Herero people living there. He first met with Chief Hosea Kutako,

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<sup>45</sup> Freda Troup, *In Face of Fear: Michael Scott's Challenge to South Africa*, 63-70; Jan-Bart Gewald, “Herero Genocide in the Twentieth Century: Politics and Memory”, in *Rethinking Resistance: Revolt and Violence in African History*, eds. J. Abbink, Mirjam de Bruijn, and Klaas van Walraven, 1 online resource (x, 368 pages) : illustrations, maps. vols., African Dynamics, 1568-1777, v. 2 (Leiden, the Netherlands; Brill, 2003), <http://public.eblib.com/choice/publicfullrecord.aspx?p=253666>, 290-91; Yates and Chester, *The Troublemaker*, 77.

<sup>46</sup> Freda Troup, *In Face of Fear: Michael Scott's Challenge to South Africa*, 137; Yates and Chester, *The Troublemaker*, 77-78.

<sup>47</sup> Freda Troup, *In Face of Fear: Michael Scott's Challenge to South Africa*, 101.

<sup>48</sup> Frederick Maharero, “I should not like my country to be brought under the Union Government because that Government adopts the same oppressive policy towards the native people as the Germans.”, in: Freda Troup, *In Face of Fear: Michael Scott's Challenge to South Africa*, 147.

<sup>49</sup> Yates and Chester, *The Troublemaker*, 81.

<sup>50</sup> Yates and Chester, *The Troublemaker*, 81.

<sup>51</sup> Freda Troup, *In Face of Fear: Michael Scott's Challenge to South Africa*, 139.

who told Scott of his attempts to request that the Herero be able to send spokesmen to the UN, and to ask that the UN conduct the referendum themselves, instead of the Union administration.<sup>52</sup> Kutako was denied on both counts. He then helped Scott to hear the grievances and wishes of the Herero people still living in South-West Africa. Scott returned to Bechuanaland and with the help of the two Chief, Khama and Maharero, drafted a petition to the United Nations.<sup>53</sup> The petition requested the return of the land that historically belonged to the Herero people, the return of the Paramount Chief, Frederick Maharero, as well as the 14,000 Herero people living in exile in Bechuanaland.<sup>54</sup> The last request in the petition was for South-West Africa to be placed under the new UN Trusteeship system, and if that was not possible to become a British Protectorate like Bechuanaland.<sup>55</sup>

In August of 1947, Scott made a return journey to South-West Africa to get the signatures of the many leaders of the Herero living there.<sup>56</sup> He was also able to statements of support from the Nama, Berg Damara, and Ovambo peoples while there.<sup>57</sup> Scott's next challenge was to get to the UN General Assembly in New York. While the petition had also been sent ahead of time, it was still important for Scott to be there in person to lobby for the Herero people. He was denied a visa to the United States multiple times, however, due to connections he had with Indians living in South Africa, he was able to be brought on to the Indian delegation as a personal advisor, and therefore was able to travel to the United States and was given some access at the UN assembly.<sup>58</sup> Scott was not allowed to address the committee which was responsible for the decision in the case, however, he was able to lobby and canvas for the Herero people privately, again with his connections from the Indian delegation.<sup>59</sup> The Fourth Committee, who handled the Herero case and all other Trusteeship issues, responded by providing the South African government with fifty more questions regarding their past actions with South-West Africa and what their future intentions were.<sup>60</sup> This was not a victory, but it was also not a complete loss.

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<sup>52</sup> Yates and Chester, *The Troublemaker*, 81.

<sup>53</sup> Freda Troup, *In Face of Fear: Michael Scott's Challenge to South Africa*, 149; Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 290-91; Yates and Chester, *The Troublemaker*, 82.

<sup>54</sup> Freda Troup, *In Face of Fear: Michael Scott's Challenge to South Africa*, 149-50.

<sup>55</sup> Freda Troup, *In Face of Fear: Michael Scott's Challenge to South Africa*, 150.

<sup>56</sup> Yates and Chester, *The Troublemaker*, 82.

<sup>57</sup> Yates and Chester, *The Troublemaker*, 82.

<sup>58</sup> Freda Troup, *In Face of Fear: Michael Scott's Challenge to South Africa*, 155; Yates and Chester, *The Troublemaker*, 83-84.

<sup>59</sup> Yates and Chester, *The Troublemaker*, 83-85.

<sup>60</sup> Yates and Chester, *The Troublemaker*, 86.

Scott returned to South-West Africa to inform the Herero people the results, however, he was barred from having official contact with the Herero people, apart from one four-hour meeting with Chief Kutako.<sup>61</sup> He spent two months living just outside the city fences of Windhoek in a tent, waiting for permits to visit the native reserves where the Herero lived.<sup>62</sup> While Scott was not officially able to speak with the Herero, unofficially he had many meetings held in the middle of the night with people who snuck out the reserves to meet with Scott.<sup>63</sup> After a while, it became apparent that Scott would be given the permits needed, so he traveled to Johannesburg and wrote to General Smuts in order to try once more to get the permits he needed.<sup>64</sup>

Meanwhile, in May of 1948, South Africa provided the answers to the UN Fourth Committee's fifty questions. South Africa did so with a disclaimer that the answers were given voluntarily and that the answers "should not be taken as recognition by South Africa of any obligation to transmit information" to the United Nations.<sup>65</sup> Also in May 1948, were the general elections of South Africa, which saw the rise of the Nationalist Party, and ultimately the start of Apartheid.<sup>66</sup> Scott wrote to the new administration again asking for permits to visit the Herero reserves and was again denied. When the new Prime Minister of South Africa announced he was planning to visit the white community in Windhoek, Scott wrote him asking for the Prime Minister to meet with the Herero as well as himself to find a solution or at least put the case before the British and the UN officially.<sup>67</sup> The response from the Prime Minister stated that the Union government did not see themselves as accountable to either the UN or the British government when it came to the administration of South-West Africa.<sup>68</sup> Furthermore, the Union government did not recognize Scott as a representative of the Herero or any other tribe in South-

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<sup>61</sup> Yates and Chester, *The Troublemaker*, 89.

<sup>62</sup> Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 290-91; Yates and Chester, *The Troublemaker*, 89.

<sup>63</sup> Michael Scott, *A Time to Speak*, [1st ed.] (Garden City, N.Y.: Doubleday, 1958), 235.

Yates and Chester, *The Troublemaker*, 89.

<sup>64</sup> Yates and Chester, *The Troublemaker*, 90.

<sup>65</sup> Yates and Chester, *The Troublemaker*, 90.

<sup>66</sup> Yates and Chester, *The Troublemaker*, 95-96.

<sup>67</sup> Yates and Chester, *The Troublemaker*, 96-97.

<sup>68</sup> Yates and Chester, *The Troublemaker*, 96-97.

West Africa.<sup>69</sup> It was clear to Scott that South Africa was more than willing and ready to defy the UN.<sup>70</sup>

In November of 1949 Scott was granted a hearing by the UN.<sup>71</sup> After the hearing the authorities in Namibia started a campaign to discredit Scott, and he was vilified. However, the Herero still supported Scott.<sup>72</sup> In 1950 he was declared a prohibited immigrant of South Africa and was never allowed to return to Namibia.<sup>73</sup> Scott's last appearance before the United Nations was in 1982, where he was still petitioning on the behalf of the Herero people. Even though he was ultimately unsuccessful in his quest for the Herero, Scott never did stop fighting even though he had to do it from abroad.

### **Namibian Independence**

Due to mounting tension in the 1950s between Namibians and the South African government, the Herero played down their desire for reparations and remembrance.<sup>74</sup> During this time the Hereros who were living in exile used the memory of the genocide as a part of anti-colonial propaganda against South Africa.<sup>75</sup> The nationalist movement, led by the South West African People's Organization or SWAPO, used the genocide as propaganda as well, even going so far as to say that the "atrocities committed by the Germans were linked directly to the atrocities being committed by the South African security forces."<sup>76</sup> In the 1980s, the South African government sought collaboration with the Herero and other affected communities in order to prevent more people from joining the nationalist movements.<sup>77</sup> In turn, SWAPO used propaganda against the Herero who cooperated with the South Africans.

In 1990, Namibia gained their independence from South Africa and SWAPO formed the new government.<sup>78</sup> However, while SWAPO used the genocide of the Herero and Nama as propaganda before independence, after independence, SWAPO sought to keep claims or

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<sup>69</sup> Yates and Chester, *The Troublemaker*, 96-97.

<sup>70</sup> Yates and Chester, *The Troublemaker*, 97.

<sup>71</sup> Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 292.

<sup>72</sup> Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 292.

<sup>73</sup> Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 292.

<sup>74</sup> Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 293.

<sup>75</sup> Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 293.

<sup>76</sup> SWAPO, *To Be Born A Nation*, as cited in Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 294-95.

<sup>77</sup> Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 296.

<sup>78</sup> Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 298.

restitution or reparation quiet.<sup>79</sup> In the 1990s, due to Namibia becoming a newly independent state, many foreign leaders visited Namibia. In 1995, Helmut Kohl, former German chancellor, visited and in 1998 Roman Herzog, former German President, visited. Both refused to meet with Herero representatives and instead focused on the German-speaking minority in Namibia.<sup>80</sup> In 2006 the National Assembly of Namibia adopted a motion that stated they wanted to call for an official apology from Germany as well as their support for reparations.<sup>81</sup> This was significant because SWAPO still had a majority in the government, however, just because they passed the motion does not mean their viewpoints and desires align with the victims.<sup>82</sup>

### **Court Cases and Legal Ramifications**

Another dimension to the case of the Herero people is the legal routes and ramifications in relation to reparations. The fields of law and history are two areas that can either compliment or work against each other. One important piece of information in understanding some of the problems in using the legal system for reparations is that term genocide did not exist in a legal sense until 1948 when the United Nations passed the Convention for the Prevention and Punishment of the Crime of Genocide.<sup>83</sup> In the article “Cash for Genocide? The Politics of Memory in the Herero Case for Reparations” David Bargueno explains in detail the potential benefits and issues in using the law to remedy violence in history and asks the question “when should law exert dominance over historiography for the sake of transitional, historical, or reformatory justice?”<sup>84</sup> This question is very relevant in this case.

In August of 1999, Dr. Kuaima Riaruako, a Herero Chief, announced that “the ‘Herero nation’ as a whole” had approached the International Court of Justice (ICJ) in the Hauge and a

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<sup>79</sup> Jan-Bart Gewald, “Herero Genocide in the Twentieth Century”, 298.

<sup>80</sup> Peter Brett, “Who Represents Namibians?”, in *Human Rights and the Judicialisation of African Politics*, 1 online resource. vols., Routledge Studies in African Politics and International Relations (London ; Routledge, Taylor and Francis Group, 2019), <http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=1892542>; 89-97; Reinhart Kössler, “The Postcolonial Aftermath of Genocide”, 30; Jan-Bart Gewald, “Herero Genocide in the Twentieth Century”, 298; Henning Melber, “‘We Never Spoke About Reparations’: German-Namibian Relations Between Amnesia, Aggression, and Reconciliation”, in *Genocide in German South-West Africa: The Colonial War (1904-1908) in Namibia and Its Aftermath*, eds. Jürgen Zimmerer and Joachim Zeller, Repr (Pontypool: Merlin Press, 2010), 265-66.

<sup>81</sup> Reinhart Kössler, “The Postcolonial Aftermath of Genocide”, 32.

<sup>82</sup> Reinhart Kössler, “The Postcolonial Aftermath of Genocide”, 32.

<sup>83</sup> David Bargueño, “Cash for Genocide?”, 397-99.

<sup>84</sup> David Bargueño, “Cash for Genocide?: The Politics of Memory in the Herero Case for Reparations,” *Holocaust and Genocide Studies* 26, no. 3 (2012): 394–424.

charge of genocide against Germany was to be made, as well as that war reparations would be demanded.<sup>85</sup> The ICJ is the judicial body of the UN. This was found to be false, as a few days after Riaruako's announcement the ICJ put out their own statement which said that only states can put cases before the ICJ and therefore only states can submit cases to the ICJ against other states.<sup>86</sup> This means that the only people who can bring cases to the ICJ are nations themselves and not individuals or groups. Regardless, the statement from Riaruako was not true, however, it was successful in bringing more attention to the desire for justice.

In the United States, the Alien Torts Statute gives non-citizens the opportunity to file torts that violate international law. A tort is any behavior that causes harm or loss; meaning that the Alien Torts Statute gives opportunity for those harmed in violation of international law to bring the case in front of a judicial body.<sup>87</sup> In 2001 the Herero Peoples Reparation Corporation (HPRC) filed a suit in the Superior Court of the District of Columbia, using the Alien Torts Statute, to sue for approximately \$600 million in damages.<sup>88</sup> The HPRC were helped by American lawyers who had success in winning cases for Jewish organizations from private German companies. The purpose of suing private corporations and companies, instead of nations was due to the perception that private companies will be more willing to pay damages in fear of negative publicity, as well as the fact that they have more resources in terms of payment.<sup>89</sup> The companies accused in the HPRC case were the Deutsche Bank, for being the financier of the German Colonial government; Woermann Linie, also known as Deutsch-Afrika Linien, for running a concentration camp and benefiting from slave labor; and the Terex Corporation, for crimes against humanity.<sup>90</sup> The charges against the Terex Corporation were dropped, as they were under different management at the time of the genocide.<sup>91</sup> With the Terex Corporation being dropped from the case, the HPRC then added the Federal Republic for Germany as a

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<sup>85</sup> Jan-Bart Gewald refers to Dr. Kuaima Riaruako as "the self-appointed paramount chief of the Herero". Peter Brett calls Riaruako the Herero Paramount leader but goes on to mention Chief Alfons Kaihepavozandu Maharero who challenges Riaruako's paramountcy. Due to this he is here referred to only as Chief. Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 301; Peter Brett, "Who Represents Namibians?", 97.

<sup>86</sup> David Bargeño, "Cash for Genocide?", 399; Peter Brett, "Who Represents Namibians?", 91; Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 301.

<sup>87</sup> "The Alien Tort Statute – CJA," accessed April 10, 2022, <https://cja.org/what-we-do/litigation/legal-strategy/the-alien-tort-statute/>.

<sup>88</sup> David Bargeño, "Cash for Genocide?", 399-400.

<sup>89</sup> David Bargeño, "Cash for Genocide?", 400.

<sup>90</sup> David Bargeño, "Cash for Genocide?", 399-400; Peter Brett, "Who Represents Namibians?", 92; Jan-Bart Gewald, "Herero Genocide in the Twentieth Century", 302.

<sup>91</sup> David Bargeño, "Cash for Genocide?", 399.

defendant and requested \$2 billion more in damages.<sup>92</sup> Germany rejected the American jurisdiction, as was their right to do so, and the HPRC voluntarily dropped the suit.<sup>93</sup> The other defendants did this as well and the cases were dismissed. The Deutsche Bank used the argument of their American office being in New York as the reason for their claim against jurisdiction, which led to the HPRC filing another case in a U.S. District Court in New York.<sup>94</sup> The HPRC held to making claims against corporations and businesses, because they believe that the interests of the colonial government and commercial industry were indistinguishable.<sup>95</sup> Overall, these cases were unsuccessful as well, but showed the dedication of the Herero people and the HPRC in their aims for both reparations and justice.

### The Centenary

To many scholars, the 2004 Centenary commemoration of the German-Herero War was a turning point in the politics surrounding recognition for the genocide. While the centenary commemorations spanned the entire year over 2004, the main event was the Ohamakari Battle Commemoration, which took place near the actual battle site, as the site is now privately owned.<sup>96</sup> This was the first nationwide commemoration that the Herero organized. There were 23 speeches given at the commemoration from various chiefs, politicians from Namibia, Botswana, and Germany, and other important figures.<sup>97</sup> The speech that stands out from this event was given by the then German Federal Minister of Economic Cooperation and Development, Heidmarie Wiczorek-Zeul.<sup>98</sup> In her speech Wiczorek-Zeul offered words of apology in the form of the Lord's Prayer, saying "I am asking you to forgive us our trespasses."<sup>99</sup> She then goes on to state "Without a conscious process of remembering, without sorrow, without apology, there

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<sup>92</sup> David Bargeño, "Cash for Genocide?", 400.

<sup>93</sup> David Bargeño, "Cash for Genocide?", 400.

<sup>94</sup> David Bargeño, "Cash for Genocide?", 400.

<sup>95</sup> David Bargeño, "Cash for Genocide?", 400.

<sup>96</sup> Larissa Förster, "From 'General Field Marshal' To 'Miss Genocide'," 183-85; Reinhart Kössler, "Facing Postcolonial Entanglement and the Challenge of Responsibility: Actor Constellations between Namibia and Germany", in *Reconciliation, Civil Society, and the Politics of Memory: Transnational Initiatives in the 20th and 21st Century*, Birgit Schwelling ed., 1 online resource (372 pages) : illustrations vols., Memory Cultures, vol. 2 (Bielefeld: Transcript Verlag, 2012), <http://oaresource.library.carleton.ca/oareconciliation-9783839419311.pdf>, 283.

<sup>97</sup> Larissa Förster, "From 'General Field Marshal' To 'Miss Genocide'," 184.

<sup>98</sup> Larissa Förster, "From 'General Field Marshal' To 'Miss Genocide'," 184; Reinhart Kössler, "The Postcolonial Aftermath of Genocide", 30.

<sup>99</sup> Heidmarie Wiczorek-Zeul, "Gedenken," accessed April 10, 2022, <http://www.namibia-botschaft.de/gedenken.html>; Reinhart Kössler, "Facing Postcolonial Entanglement and the Challenge of Responsibility," 297.



can be no reconciliation – remembrance is the key to reconciliation.”<sup>100</sup> This was taken as an acknowledgement and apology for the war that they were commemorating, however, this apology did very little to change anything in terms of the official stance of the German government on the genocide.<sup>101</sup> It would take Germany another eleven years to classify the colonial wars in Namibia as genocide and an official apology from the German government would take nearly two decades to come to fruition, and while the Namibian government has accepted said apology, many among the affected communities have not.<sup>102</sup> The reason for the affected community’s reluctance to accept the reconciliation agreement decided upon by the two governments, is because they have not been involved in the negotiation process, and their desires for reparation or reconciliation are not being heard.

### Conclusion

Many people think that we live in a postcolonial world, however there are legacies and aftereffects of colonialism that can be seen even to this day. Scholarship today follows many different aspects of colonialism and colonial legacies, and it is just scratching the surface of what is out there. In Namibia, the legacy of the German colonial rule is extremely visible and is a large part of the memory culture of the affected communities. Whether it is seen during a commemoration celebration, through cultural practices, or the debate around reparations and restitution, colonial legacies are important to understanding a postcolonial society. This essay hopes to have been an introduction into the topic, but there is always more to research and understand.

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<sup>100</sup> Heidemarie Wieczorek-Zeul, “Gedenken,”; Reinhart Kössler, “Facing Postcolonial Entanglement and the Challenge of Responsibility”, 298.

<sup>101</sup> Reinhart Kössler, “The Postcolonial Aftermath of Genocide”, 30.

<sup>102</sup> Henning Melber and Jephtha Nguherimo, “Reconciliation is Different: The Flaws in the German-Namibian Joint Declaration on the Genocide”, *The Namibian*, December 17, 2021, <https://www.namibian.com.na/6216459/archive-read/Reconciliation-is-Different-The-Flaws-in-the-#>.

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