

The Ovaherero/Nama Genocide: A Case for an Apology and Reparations

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Abstract

This research examines the consequences of the Ovaherero and Nama massacres occurring in modern Namibia from 1904-08 and perpetuated by Imperial Germany. Recent political advances made by, among other groups, the Association of the Ovaherero Genocide in the United States of America, toward mutual understanding with the Federal Republic of Germany necessitates a comprehensive study about the event itself, its long-term implications, and the more current vocalization toward an apology and reparations for the Ovaherero and Nama peoples. Resulting from the Extermination Orders of 1904 and 1905 as articulated by Kaiser Wilhelm II's Imperial Germany, over 65,000 Ovaherero and 10,000 Nama peoples perished in what was the first systematic genocide of the twentieth century. This study assesses the historical circumstances surrounding these genocidal policies carried out by Imperial Germany, and seeks to place the devastating loss of life, culture, and property within its proper historical context. The question of restorative justice also receives analysis, as this research evaluates the case made by the Ovaherero and Nama peoples in their petitions for compensation. Beyond the history of the event itself and its long-term effects, the paper adopts a comparative approach by which to integrate the Ovaherero and Nama calls for reparations into an established precedent.

Keywords: Ovaherero, Herero, Nama, Namibia, Southwest Africa, Germany, genocide, Lothar von Trotha, Kaiser Wilhelm II

Introduction

In 2006, the Honorable Kuaima Riruako, then the Paramount Chief of the Ovaherero people, delivered an address before the Namibian Parliament. During the course of his oration, Riruako—who spoke on behalf of the

Ovaherero peoples—evoked the pain and suffering inflicted upon his people as a consequence of colonialism. He specifically invoked the rapine of Ovaherero land and cattle, the brutalities committed against prisoners and other vulnerable groups, the violation of Ovaherero women, and “the mass impoverishment and humiliation of an otherwise wealthy, self-sufficient, and proud African nation” (Riruako, 2006). Perhaps most forcefully, however, Riruako concluded his statement by reciting the account of a soldier who pursued the Ovaherero through Sandveld (Omaheke) to Botswana. The soldier’s harrowing testimony underscored the decimation of the Ovaherero people and the extent to which the destruction of their livelihoods and culture affected the population as a whole. While referring to the indigenous people as the “enemy,” the soldier then acutely describes the scenes that unfolded before him as he and his fellow combatants gave chase. Bodies littered the path taken by the Ovaherero in their flight—“men dead and dying and staring blackly. A number of babies lay helplessly languishing by mothers whose breasts hung down long and flabby, others were lying alone, still living, with eyes and nose full of flies. All of this life lay scattered there, both men and beast, broken in the knees, helpless, still in agony, or already motionless” (Riruako, 2006). Confronted with this excess of anguish, the witness recounts that someone “sent out black driver [sic] and I think they helped them to die,” no doubt perceived as a mercy on behalf of the pursuers. At noon, they “halted by water holes which were filled to the brim with corpses” (Riruako, 2006). Though originally recorded in the early years of the twentieth century, this harrowing statement Riruako offers as part of his plea paints no less a vividly horrific picture to the contemporary imagination, even over a century later. Yet, that was precisely Riruako’s point in including the soldier’s account. If the hostilities that caused the ruin of his people remain powerfully evocative to modern sensibilities, it illustrates that the Ovaherero victims of a past generation—as well as those who drove them into such conditions and the incidents in general—persist in their relevancy and importance.

Of course, the incident cited by Kuaima Riruako before the Namibian Parliament was the pursuance of extermination by Imperial Germany’s colonial government towards the Ovaherero and Nama peoples living in *Deutsch-Südwestafrika* (German Southwest Africa, modern-day Namibia). Indeed, Riruako’s speech was no mere condemnation of German colonial policies, but an articulation of the Ovaherero experience as colonial subjects of the German Empire, and a plea that the Namibian government support Ovaherero claims for reparations weighed against crimes committed in the name of imperial expansion. Beginning on the 12th of January 1904, in German South West Africa, Imperial Germany systematically pursued war against the Herero and Nama peoples with decided military fanaticism that

far exceeded the already brutal limits of colonial administration (Sarkin, 2009). These German soldiers, as glimpsed in the above account, carried out arguably one of the most brutal and unforgiving colonial wars fought in modern history. The result was that the Ovaherero people lost eighty-one percent of their population and over ten thousand Nama perished at the hands of Imperial Germany's *schutztruppe*. The Ovaherero and the Nama people had land, cattle, and other property necessary to the maintenance of their way of life taken from them without financial compensation. Furthermore, German colonial authorities, apparently not satisfied with the annihilation of physical life, attempted to eradicate the language and culture of the Ovaherero and the Nama peoples as well. (Remarks by Dr. Ngondi A. Kamaṭuka, Non-Governmental Congress "Restorative Justice After Genocide," 2016).

That Imperial Germany committed atrocities against its colonial subjects is a topic of little debate, but how to remember, categorize, and compensate for those atrocities is still a hotly contested issue. Did Germany act in violation of human rights and if so, by later standards or the standards of the time? Did German actions against the Ovaherero and Nama peoples constitute genocide and, if so, does it correspondingly necessitate equalizing and apologetic ventures such as reparations? Before attempting to unravel these complicated legal and political entanglements, we must first address the issue of terminology. Though still officially unrecognized by the German government, a spokesperson for German Chancellor Angela Merkel's government announced in July 2016 that Germany would issue a formal recognition and apology to Namibia, albeit without reparations ("Germany to recognise Herero genocide and apologise to Namibia," 2016). This declaration follows a slow-moving evolution by Germany on this issue, from offhand remarks made by a German minister at the centenary of the German war with the Ovaherero in 2004, to political guidelines issued by Social Democrat Foreign Minister Frank-Walter Steinmeier in 2015 ("Germany moves to atone for 'forgotten genocide' in Namibia," 2016). The actions taken by Imperial Germany toward the indigenous Ovaherero and Nama peoples of South West Africa have long been regarded as the first genocide of the twentieth century. In fact, on the 10th of July 2015, the spokesperson for the German Federal Foreign Office said, "The war of extermination in Namibia from 1904 to 1908 was a war crime and genocide," and on the 24th of September 2015, "speakers from all parliamentary groups spoke of genocide" (Bundestag printed paper no.: 18-8859 of 22.06.2016).

This paper does not dispute that these actions constituted genocide, and refers to the German military endeavors toward the Ovaherero people as such. Copious research exists dedicated to determining the appropriateness of using the term in the German/Ovaherero context, which alleviates the

responsibility of proving the term's applicability to the current subject. Indeed, according to law professor Jeremy Sarkin (2009), academics almost unanimously agree that Germany committed genocide—as legally defined—against the Ovaherero of then-German South West Africa. Jürgen Zimmerer (2008) maintains that the policy of genocide was already well under way in South West Africa when General Lothar von Trotha issued his extermination order, and continued to be the norm thereafter. Others examined the relevant diplomatic information necessary to render a verdict—including the 1948 Universal Declaration of Human Rights, the Hague Convention of 1899, and the 1885 treaty between Germany and Paramount Chief Samuel Maharero of the Ovaherero—citing both past and present diplomatic restrictions and dictations that exposed German actions against the Ovaherero as genocidal (Rivera, 2012). Despite this evidence, outside of academia—especially in legal and political circles—consensus about the use of genocide as a term, its retroactive application, and what steps should be taken toward formal apology and reparations remains an issue of much contention. How, then, could something seemingly already decided, behind which a majority of the academic community seems united, maintain its controversy?

Partially, the difficulty of defining and understanding the Herero genocide derives from its occurrence over one hundred years ago, which complicates the central question when assessing the legacy of colonial destruction: Who is to blame? The contemporary conversation about properly placing the problematic legacy of Imperial Germany's actions in German South West Africa revolves around the memory of the German colonial administration—especially in the Herero Wars—and the repercussions of that rule for the present-day Namibians. Thus, as the Honorable Kuaima Riruako delivered his petition asking the government of Namibia to support Ovaherero claims for reparations from Germany, he cited not just the brutalities of the past, but also reminded his listeners that “loss is not only felt by the family and community, but also by the generations to come. When people are displaced, they lose [sic] a sense of security and belonging. They experience fear and anxiety and lose [sic] hope for the future. As [a] result, they are deprived of knowledge, goals, and aspirations which could help them build the future and wealth of their families and communities” (Riruako, 2006). The effects of colonial genocide are far reaching, indeed.

When attempting to appreciate the compound situation in which the Ovaherero people find themselves, and properly contextualize their claims for reparations, both the events of the past and the present reverberations of the past remain pertinent to the process of understanding and recovery. The immortal words of William Faulkner remind that the past is not dead, nor is it even past, a consideration that the Ovaherero and Nama people would

doubtless meet with wry agreement. That the past defines the present is no secret. Therefore, to understand the predicament of the modern Ovaherero, precisely why they call for reparations—even the entire context of Riruako’s speech before the Namibian Parliament—one must begin with the actions of the past.

German Colonization of Southwest Africa

The Ovaherero are a nomadic, Bantu speaking group of people living in Southwest Africa. Before 1830, South West Africa contained five primary tribal groups—the Ovambo, the Ovaherero, the Nama, Berg-Dama, and the Bushmen. As the three largest settled groups, the Ovaherero, Ovambo, and Nama all occupied the same Southwest African geographic space (Bley, 1971). The Ovaherero and Nama, both of whom are cattle raising nomadic tribes, quarreled amongst themselves for land, cattle grazing grounds, and the scarce resources of the region. War broke out between the two peoples in 1863, throughout the 1870s and 1880s, and into the 1890s (Bley, 1971). These conflicts presented European colonialists with an exploitable gap within the indigenous power structure, into which they placed themselves. Through that avenue, the Germans established the beginnings of the colonial relationship that eventually resulted in genocide.

As a relatively recent arrival upon the colonial stage—especially compared to the French and British colonial endeavors, which began as early as the sixteenth and seventeenth centuries—the colonial ambitions of Imperial Germany in the nineteenth century rapidly grew to match its more powerful European neighbors. In the early 1800s, German settlers and missionaries arrived in South West Africa where they first encountered the nomadic, livestock-raising Ovaherero. They officially established the German South West Africa protectorate in April 1884 based upon a series of protective treaties completed between a German government representative and various indigenous peoples (Hull, 2005). By 1890, more than eighteen mission posts existed in the midst of Ovaherero lands alone, wielding considerable influence between the Ovaherero and Nama tribal squabbles (Rivera, 2012). As German expansion in South West Africa increased throughout the nineteenth and early twentieth century, so did the demand for land allocated for settlement, consequently straining further the relationship with the native tribes of the area. The resulting heightened tensions between, first the Ovaherero and Nama and later, the Germans and indigenous peoples, warranted European interest and involvement deemed necessary to safeguard mission and trader activities. An increasingly engrossed and active parent German state devoted ever more resources, attention, and people to the burgeoning colonies in South West Africa. The German colonial objectives included the acquisition of native land and cattle, monopolizing

access to natural resources and trade, and the establishment of a prosperous “Little Germany” that boasted an abundance of German settlers.

These actions began fundamentally altering the dynamics of the South West Africa as the regional culture, economy, and landscape responded to the influx of settlers; it changed slowly at first, then altered proportionally to the drastic incursion of European incomers (Rivera, 2012). The German colonists pursued their colonial objectives relentlessly, to the detriment of the Ovaherero and Nama people. White German settlers coveted the herds and grazing lands of the Ovaherero, and saw the native peoples as an untapped source of labor. Africans lost cattle to German confiscation, paid fines, and burdened themselves with credit at impossible rates. The German colonial administration instituted rules and systems favoring themselves, the objectives of the colonial rule, and the interests of its settlers (Rivera, 2012). Public proclamations and law publications outlined harsh rules, such as “Every colored person must regard a white person as a superior being,” and “in court the evidence of a white man can only be outweighed by the evidence of seven colored persons” (Duignan and Gann, 1978, p.9). Though such proclamations were not atypical for European colonial governments build upon the precepts of racial, cultural, and civilizational superiority, they heightened the restlessness among the African native populations against what, by the early twentieth century, was definitively their colonial overlord.

Ovaherero Revolt

The Ovaherero, for their part, recognized the shifting power dynamic in South West Africa. White settlers fenced off land. A plague decimated their herds—already suffering from theft, decreasing grazing lands, and destruction. Settlers, colonial police, and the judicial administration treated the Ovaherero peoples with demeaning brutality (Hull, 2005). They were subjected to robbery, violence, rape and murder (“Germany moves to atone for ‘forgotten genocide’ in Namibia,” 2016). Facing these ever-mounting injustices, the Ovaherero led by Samuel Maharero and later Nama’s under Hendrik Witbooi united in rebellion. On the 14th of January 1904, the German Foreign Office received a telegram that read, “All farms in the vicinity of Windhuk [Windhoek, the capital of German South West Africa] plundered by the Herero. Whites living on isolated farms murdered. Situation very grave” (Hull, 2005, p.7). About 100 German colonizers were killed (“Germany moves to atone for ‘forgotten genocide’ in Namibia,” 2016). The news reached shocked ears. Seemingly, few in the colony or in Germany itself predicted such a violent surge by the African natives.

The man in charge of German South West Africa, Governor Colonel Theodor Leutwein and most of his seven hundred strong defense force, the

schutztruppe, occupied himself in the southern part of the colony suppressing a minor revolt. His absence left approximately four thousand five hundred German settlers unprotected and facing an between sixty and one hundred thousand Ovaherero, all apparently now committed to the task of removing from power the German colonial authorities (Hull, 2005). The director of the German Colonial Section of the Foreign Office, Oscar Stübel, alluded to the alleged “atrocities” committed by the Ovaherero in their revolt when setting the government’s goal of “ending the quasi-independence the natives still enjoyed in politics and in any case to disarm them” (Hull, 2005, p.10). Despite concerns about the worth of engaging in a large-scale conflict in South West Africa due to the “minimal cultural interest” of the region, the German government approved the necessary financial and military support, thus committing to a war against the Ovaherero. Another leading German spokesperson, August Bebel, warned that German troops usually put down what they deemed colonial rebellions as brutally and bloodily as achievable, though he expressed his hope that the troops pursue the conflict in question as humanely as possible (Hull, 2005).

Unfortunately, the cultural divisions between the Ovaherero and the Germans, coupled with sensationalist elevation of supposed outrages committed by the Ovaherero, dramatically lessened the possibility of a humane war. Accused of wonton killing and the indiscriminate slaughter of all manner of the German folk in Africa, the German newspapers cast the Ovaherero in the worst possible wartime light—that of the brutal, inhuman monster. Though these characterizations likely were the product of a colonial mindset that already assumed an inferior and subhuman status for indigenous populations, they were devastating to the African natives engaged in war against Germany. Negotiations toward peace became a catalyst for inciting negative public opinion. A German newspaper expressed indignation at the idea of negotiation, claiming that though humanity should of course be a consideration, in the context of the Ovaherero War, redeeming the national honor of Germany and the superiority of the white man required the force of weaponry and not negotiations, which would imply recognition of the “mutineers as legitimate combatants” (Hull, 2005, p.13). In Gustav Frenssen’s 1908 book “Peter Moore’s journey to Southwest Africa: a narrative of the German campaign,” the author quotes a chaplain who provides a divine reasoning for the German actions:

He said that a people savage by nature had rebelled against the authorities God had set over them and besides had stained themselves with revolting murders. Then the authorities had given the sword, which we were to use on the morrow into our hands. Might every man of us use it honorably, like a good soldier! (Frenssen, p. 238).

Frensson's writings also quote a lieutenant who explained the need to decimate the Ovaherero peoples for a different reason: "These blacks have deserved death before God and man, not because they have murdered two hundred farmers and have revolted against us, but because they have built no houses and dug no wells" (Frenssen, p. 248). Furthermore, one reading a German newspaper in 1904 would think that the Ovaherero indiscriminately murdered German women and children, tortured the wounded, and used their own women as military combatants, thus violating all of the German standards of "proper" warfare.

In reality, however, the Ovaherero were innocent of many of these trumped up charges. According to their customary manner of waging war, the Ovaherero people took no prisoners and ritually mutilated enemy corpses. They used bits of scrap metal or glass when lacking bullets, causing jagged, usually fatal wounds, interpreted as an intentional cruelty by the Germans. Ovaherero women hid in bushes and chanted to encourage their men, a phenomenon the Germans found haunting and which likely initiated the rumor that Ovaherero women participated in warfare (Hull, 2005). In fact, paramount chief of the Ovaherero people, Samuel Maherero, ordered that his people should kill only German males. The Ovaherero routinely rounded up German women and children, releasing them to white outposts (Hull, 2005). Despite the blatant fallacies separating the German belief and the reality of the warfare, the ensconced prejudices of the German colonial mindset prevailed. According to historian Isabel Hull (2005) German suppression of colonial revolts followed a usual pattern. The presiding German governor/ranking colonial military official used their technological advantage to inflict serious casualties upon the enemy, and then begin negotiations for surrender. Surrender terms were usually harsh, with many executions and court-martials, followed by the imprisonment of the civilian population in concentration camps. No doubt resulting from the sentiments expressed by the German people, from the misconceptions about the barbarity of the Africans, and from the German desire to acquire more land and resources from the native peoples, the conflict against the Ovaherero did not follow the traditional path outline by Hull. Instead, the colonial government chased those already defined goals—disarmament and the destruction of the African political organ—with a ruthless efficiency that resulted in genocide.

Kaiser Wilhelm began by forbidding Governor Leutwein from negotiating with Samuel Maherero, forcing a bloody, engaged, and lengthy campaign. The Ovaherero fought well, however, and, though Leutwein's tenure as a military commander was ultimately successful, it underwhelmed both the Kaiser and the German public. The Ovaherero troops used guerilla tactics and the local landscape well, fought with modern rifles, and

confounded German attempts to disrupt their supply sources and other logistical resources (Hull, 2005). In contrast, the German reinforcements under Leutwein did not wage an inspired war. Ill equipped for the African environment, the colonial troops struggled in maintaining their own supply lines—especially access to clean water—and generally suffered from the lack of German infrastructure in the region. Though tactically, Leutwein won several victories—especially considering the challenges he overcame—the “cult of the offensive” so consumed German military ideology that anything short of an aggressive progression toward total victory seemed underwhelming. That bellicosity, coupled with the tenacity of racial superiority, caused Kaiser Wilhelm to honor the German people’s demands for more evident signs of victory in their troublesome colony (Hull, 2005).

Acts of Genocide

Thus, in June 1904, the Kaiser replaced Leutwein with the infamous Lieutenant General Lothar von Trotha. Von Trotha was well versed in suppressing colonial insurrections, as he had participated in brutally quashing the Wahehe Rebellion in German East Africa (modern day Tanzania, Rwanda, and Burundi) as well as the Boxer Rebellion in China (“Por qué Alemania no se disculpó aún por “el primer genocidio del siglo XX” en una de sus colonias en África,” 2017). Though Leutwein ran the military operations during his period in command, the war was technically still under civilian oversight and Leutwein was a civilian authority first. However, from June 1904 until his recall in November 1905, von Trotha acted as military dictator in the colony and conducted the war entirely according to military calculations. Rather than the hesitantly offensive tactics employed by Leutwein, which though brutal, were at least hindered by his reluctance to engage in outright carnage, von Trotha reveled in the opportunity to crush his enemy at any cost. He made his intentions both clear and well known by stating that “the negro doesn’t submit to contracts but only to raw violence” and characterizing the uprising as a “racial fight” necessitating “the exercise of violence with crass terrorism and cruelty;” those statements perhaps best summarized his central policy for handling the rebellious Africans (Schaller and Zimmerer, 2008, p.193). One of von Trotha’s soldiers recalled that he “had been explicitly told beforehand that [the war] dealt with the extermination of a whole tribe, nothing living was to be spared” (Sarkin, 2010, p.117). Lothar von Trotha had one, simple, objective—a decisive victory by the German colonial administration, a goal he envisioned attained with the total annihilation of the Ovaherero people.

The first major conflict under von Trotha’s command, the Battle of Waterberg, commenced on the 11th and 12th of August 1904. Von Trotha—unyielding in his desire to destroy his enemy—pursued and pushed the

Herero into the Omaheke sandveld (Rivera, 2012). He poisoned wells, constantly harassed his opponents, and installed a security cordon (Drechsler, 1980). The Ovaherero escaped von Trotha's traps, fleeing into the vast desert, desiring only to survive with their cattle. Von Trotha then cut off the Ovaherero path, blocking all waterholes and dooming the men, women and children to death in the desert (Rivera, 2012). Following the conclusion of the major battle, the Germans instantly shot or bayoneted any Ovaherero they encountered, armed or unarmed, capable or incapable of resistance (Drechsler, 1980). Seldom before has a whole nation of people, defeated in battle, been harassed by, pursued with, and subjugated to the horrors and devastation of von Trotha's military tactics.

In October of 1904, Trotha delivered his infamous extermination order at Ozombuzovindimba, after the Ovaherero already experienced military defeat. Von Trotha's proclamation read:

I, the great general of the German soldiers, send this letter to the Herero people. Herero are no longer German subjects. They have murdered, stolen, cut off the ears and noses and other body parts from wounded soldiers, and now out of cowardice refuse to fight...the Herero people must leave this land. If they do not, I will force them to do so by using the great gun [artillery]. Within the German border every male Herero, armed or unarmed, with or without cattle, will be shot to death. I will no longer receive women or children but will drive them back to their people or have them shot at. These are my words to the Herero people (Trotha Diary quoted in Hull, 2005, p.56).

On the same day as the extermination order, von Trotha added that he "believes that the nation as such should be annihilated . . . I find it most appropriate that the nation perishes instead of infecting our soldiers and diminishing their supplies of water and food . . . They have to perish in the Sandveld or try to cross the Bechuanaland border" (Rivera, 2012, p.74-75). Immediately following the decree, Germans lynched several Ovaherero in front of thirty Ovaherero prisoners to reinforce the seriousness of the German claims. They then provided the prisoners with a copy of the extermination order and released them to disseminate their fate (Rivera, 2012). The significance of the extermination order is that it represents the cataclysmic culmination of German militarism and the desire for total victory. In that moment, all other options ceased existence. With the same stroke, von Trotha commanded that all Ovaherero people must abandon their own country and revoked their status as German subjects. In intent and in action, the Ovaherero men, women and children died instantly at the hands of Germans. Their only remaining choices were forced starvation, resistance until the moment of death, or genocide.

Though on 23 February 1905, Lothar von Trotha declared “the operations in Hereroland ended,” the Germans persisted with “cleansing actions” and, eventually, imprisonment to fulfill the promises made by Trotha (Hull, 2005). With the assistance of the missionaries, the German officials created “holding camps” to gather all of the Ovaherero survivors. Any remainders from Trotha’s brutal campaign were by force collected into concentration camps, from which military institutions—as well as private companies—received slave labor (Zimmerer, 2008). These concentration camps, aside from enforcing servitude upon the survivors of genocide, also detained the communal and familial support system for guerilla warriors, thus crippling the Ovaherero and Nama ability to fight. Conditions in these camps further devastated the remaining Ovaherero people, as the Germans singled out the Ovaherero for deliberate acts of starvation and abuse (Hull, 2005). Furthermore, colonial officers studying eugenics used this opportunity to collect hundreds, perhaps thousands of skulls of deceased Hereros in the Shark Island and Windhoek concentration camps and sent them off to Germany for experimentation—some of which Germany returned to Namibia in 2011 (“Germany’s return of Namibian skulls stokes anger,” 2011).

Genocide Aftermath and End of German Colonial Rule

Though Germany unilaterally declared an end to the war in March 1907, compulsory captivity endured until January 1908 (Zimmerer, 2008). The remaining prisoners released experienced a short-lived joy, however. The world into which they entered was vastly different from the one they fought for, even after a short four years. The Germans used the war to establish a system of quasi-total control over the African natives, subjecting them directly to German norms, a codified society based on a racial privilege, and a forced labor marked based on modified serfdom (Zimmerer, 2008). Since the Germans already dispossessed the Ovaherero and Nama people of all their lands, controlled all their remaining resources, and disbanded all of their political organizations at gunpoint, there was now no alternative but to sell their labor to their white colonial masters (Zimmerer, 2008). In a cruel twist of fate, the indigenous Ovaherero and Nama peoples tended the herds and worked the land they once owned, now firmly possessed by the colonist agents of European imperialism.

The costs of the war were extraordinary. Germany paid almost six hundred million marks—extravagant considering that the normal yearly cost of operating the colony was slightly above fourteen million marks (Hull, 2005). Over three thousand German troops fought in South West Africa, with the casualty rate being six hundred and seventy six killed in fighting, while just slightly more perished from disease (Hull, 2005). Against those

numbers, the Ovaherero losses are truly staggering. The German census of 1911 lists just less than twenty thousand Ovaherero and fourteen thousand Nama still living in German South West Africa (Hull, 2005). Sarkin (2009) estimates that between sixty and one hundred thousand Ovaherero people, almost all civilians and noncombatants, many of whom were women and children, died either from execution, being forced into the desert, drinking poisoned water, starvation, or the various complications arising from prolonged imprisonment and neglect. Olusoga and Erichsen (2010) estimate that only sixteen thousand Herero and ten thousand Nama remained alive by the end of the genocide.

Both colonial authorities and private institutions—such as the Woermann shipping lines and the Arthur Koppell Company—practiced extermination by labor, direct neglect of prisoners, and singling out Ovaherero prisoners for protracted mistreatment (Sarkin, 2009). There can be no doubt that ensconced prejudices against the race, culture, and norms of the Ovaherero people—as much as Germany’s imperial ambitions in the region—assisted in the escalation of German thinking towards the conflict until they culminated in the policy of genocide, supported by the attitudes and ideologies of extermination. Neither Leutwein nor von Trotha—or the Kaiser, for that matter—are without blame for their respective parts in the attempted eradication of their colonial subjects. Indeed, each of their firebrand tactics in casting the Ovaherero as a “bestial Other” constituted a deliberate action to marginalize the Ovaherero people, intentionally designed to assist in their destruction. With that proper motivation and mindset, the intensification from suppression to genocide is not as incremental as one may think.

German colonial rule over South West Africa officially ended in 1919, with the conclusion of World War I and Germany renouncing all of its claims to overseas possessions per the Treaty of Versailles, and its incorporation into British South Africa. Yet, the disparity created and perpetuated by genocidal policy did not find a clean, diplomatic conclusion. The survivors of deliberate and systematic genocide became slaves in their own land, fighting not just for the right to exist, but also to hold together the remnants of their culture, livelihoods, and identities. The Ovaherero emerged from the genocide with no land or cattle, shattered and powerless as a people. They struggled to maintain their traditional way of life as cattle raisers but because they no longer possessed herds of their own, never fully recovered their independence and became necessarily subservient to the oppressive colonial structure. The system of inequality generated as a direct result of the attempted eradication of the Ovaherero people persists until this day, and affects the descendants of the victims and survivors alike. The effects of colonial genocide are far reaching, indeed.

Namibian Independence and The Pursuit of Justice

Thus, it is within this context of death, destruction, and dispossession that the Ovaherero exist today. Namibia achieved its independence from South Africa in 1990 (Rivera, 2012). With a newfound access to an international audience, the controversial topic of reparations to the Ovaherero people began summarily, especially as Namibia engaged in friendly negotiations with German government, particularly regarding financial and institutional support. If already determined that the sequence of events—in both intent and action—constituted genocide by Imperial Germany, then the issue of reparations is one deserving of both merit and consideration. Though the 1948 Genocide Convention recognizes that “at all periods of history, genocide has inflicted great losses on humanity,” it is only in the second half of the twentieth century that those “great losses” have had the legal foundation for prosecution and punishment (*Convention on the Prevention and Punishment of the Crime of Genocide*, 1948). Article III of the 1948 Genocide Convention also stipulates the following acts be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

As the Germans committed each of the above punishable acts of genocide, presumably the United Nations has the right to mete out appropriate punishment. Or does it? As the Interim President of the Association of the Ovaherero Genocide in the United States of America put it, “When a criminal commits a crime, he does not have the right to choose the consequences,” (“Por qué Alemania no se disculpó aún por “el primer genocidio del siglo XX” en una de sus colonias en África,” 2017). Once again, however, that central colonial question—who is to blame?—complicates a seemingly straightforward application of international law. All of the original offenders are long dead. No sane person—no matter how strongly they felt about the issue of reparations—would argue that the German government of 2017 is the same government that committed genocide against its own colonial subjects. But the same is true for the German government that would indeed provide reparations for the victims of the Holocaust.

As the issue of reparations emerges, three questions immediately come to the fore: First, who has the legal standing to seek reparations, the Namibian government or the descendants of the Ovaherero and Nama people who have organized themselves into groups that seek redress? Second, if

Germany submitted reparations, who is entitled to collect: individual Ovaherero and Nama descendants, the groups representing the Ovaherero and Nama descendants collectively, or the Namibian government? Finally, who then should be engaged in negotiations with the German government over the question of reparations?

The Ovaherero request for reparations hinges on a post-Holocaust mentality and legal/diplomatic codes established nearly half a century after the Ovaherero genocide. Yet, their claim for reparations seeks similar efforts at redressing the wrongdoings committed by governments, and enters into the relatively untrodden territory of granting reparations for colonial genocide. Though the legacy of the Ovaherero people should provide some clarity for their reparation demands, the past must still lend meaning and perspective to the Ovaherero situation.

The first recorded proposal for an international criminal justice mechanism dedicated to protecting the interests of Man appeared in the latter half of the twentieth century (Schabas, 2008). Its intended mission was to protect the interests of the Geneva Convention of 1864 and other norms of armed conflict, such as those that should have regulated the actions of German colonial officials in the early twentieth century (Schabas, 2008). In 1915, the concept of international prosecution revived when several powerful western European nations—principally Great Britain, Russia, and France—joined to issue a joint declaration to Turkey, condemning its crimes against humanity and civilization. Until that point, asserts Schabas (2008), international law never really concerned itself with acts perpetrated by sovereign states against their own civilian populations. By the conclusion of World War I, the Allies contemplated prosecution of Turkey not only for the classic crime of mistreating prisoners—who happened to be mainly British—but also for the genocidal policies inflicted upon the Armenians.

Readers should note, however, that the widely recognized “first” genocide of the twentieth century, from the Eurocentric point of view, conveniently occurred in the territory of a losing party in World War I, was committed by mostly Muslims against mostly Christians, and also opportunely ignored German atrocities of the previous decade because—though Germany too lost the war—bringing attention to the evils committed by European colonial powers placed at risk those very instruments of newfangled humanitarian law. (Although the authors of this research recognize the Armenian genocide as such, we argue that the historical record demonstrates that the Ovaherero/Nama genocide predates it and consequently is the first genocide of the twentieth century.) Regardless of these particulars, the Armenian genocide—itsself still a controversial topic—was the first major incident where the international community gathered together and invoked “crimes against humanity” (Schabas, 2008). The

official position of the German government is that the acknowledgment of the Armenian genocide has “no connection” to the events in the former South West Africa (Bundestag printed paper no.: 18-8859 of 22.06.2016). Turkey initially capitulated to the international demands, rounding up some of those responsible for the genocide and handing them over to the British. The British, in turn, realized that the political situation in Turkey made persistently pursuing prosecution untenable, and by late 1921, negotiated a prisoner exchange that saw all of the Turkish prisoners released (Schabas, 2008). Though the post-war Entente powers failed to establish a precedent for handling “crimes against humanity,” the *zeitgeist* of moral idealism after the war thrust into human consciousness the novel idea of prosecuting those who violate incontrovertible, basic human rights.

Doubtless, the failure to secure prosecutions rested partially on the floundering League of Nations, leaving the individual nations without a sturdy platform for large-scale international cooperation, but nevertheless, the consideration of indictment for those responsible for the genocide in Armenia marks an important point for the Ovaherero genocide and the demands for reparations. Namely, that the conversation occurred at all demonstrates that well before the legal articulation of genocide in 1948, powerful international forces sought justice for crimes committed not against one’s own subjects, but against fellow humans. That those nations abandoned their cause in the face of the international political situation is irrelevant; they recognized wrongdoing, thereby acknowledging a standard of conformity, even in war, that all nations should uphold. Even the British, in the Union of South Africa documented the atrocities committed by the Germans toward the Ovaherero and Nama people as early as January 1918 in its *Report on the Natives of South-West Africa and Their Treatment by Germany* (Silvester and Gewalt, 2003). Thus, the political, diplomatic, and ideological climate of the time was capable of recognizing genocide, punishing it, and justifying it as a violation of human rights, long before such considerations became international law. Germany had the same capability in 1904, and violated the same principles, the only difference being that they predated Turkey by a decade. The retroactive application of genocide law is inconsequential; they already existed in principle, but lacked the heft of a powerful international institution to enforce them.

However, as Jeremy Sarkin (2009) argues, the German actions constituted genocide not only by the ideological standards of the time, but also by the legal standards of the early twentieth century. He proposed that the creation of a German protectorate, rather than a colony, meant that the Germans never acquired sovereignty over the Ovaherero peoples, and they never surrendered it. Governor Leutwein himself acknowledged that the Ovaherero still maintained control over their land (Sarkin, 2009). The

implication of such a claim of course, is that the war waged against the Ovaherero was not the suppression of a rebellion, because Germany had no legal foundation for claiming ownership or rule over those people. Thus, the war was not one of a ruler over his subjects—not an intra-state conflict—but one between two sovereign peoples wrangling for control over South West Africa—an inter-state war. As such, the prevailing international laws of the time stipulating the treatment of humans and the conduction of warfare—as well as any preexisting treaties—governed the conflict.

The Germans acted in stark violation of the 1899 Hague Convention by mandating that no quarter be given to the Ovaherero prisoners (Sarkin, 2009). The Leiber Code, which laid out the principles of the proper conduction of warfare, states, “in modern, regular wars of the Europeans, and their descendants in other parts of the globe, protection of the inoffensive citizen of the hostile country is the rule” (Sarkin, 2009, p.81). Lothar von Trotha, in his extermination order, demanded that Germans shoot every Herero, armed or not, and viciously denied sanctuary to any Herero women and children. Such actions are a blatant violation of then international laws, and of the tenets of proper conduct in war. As early as 1904, the German Imperial Chancellor, Count von Bulow, called Trotha’s extermination order “a crime against humanity” (Shelton, 2004, p.270). Based on these precepts, and the acknowledgement of wrongdoing in the Armenian genocide, it seems that there was acknowledgement of egregious wrongdoing committed against humanity, even before the Convention specifically defined and targeted them. If, then, a series of understood actions acknowledged as appropriate by the international community—as well as real treaties with various parties—governed Germany’s actions against other sovereign nations, it acted in gross violation of both the norms of the time and laws in which they were a willing participant. Weighed according to international law and humanitarian intellectual and diplomatic tradition of the nineteenth and early twentieth century, the Ovaherero claims for reparations seem sound. Certainly, they deserve consideration. Yet with all of the perpetrators deceased, does the blame fall on the German state to make efforts toward reconciliation? Other reparation claims may provide a necessary legal context for the Ovaherero.

Until relatively recently, claiming reparations for historical wrongs was extremely difficult due to the historical lack of agency for many marginalized groups, the limited rights afforded to individuals, and the simple absence of any avenues for obtaining reparations or damages within an international system of law concerning itself with humanitarian violations (Sarkin, 124). Belgium has not recognized its responsibility for decimating ten million people in Congo, for example, however the United Kingdom offered “sincere regret” and individual payments of two thousand six

hundred pounds to Kenyans imprisoned and tortured during the Mau Mau rebellion (“Germany moves to atone for ‘forgotten genocide’ in Namibia,” 2016).

It remains difficult to integrate the Ovaherero claims for reparations into an established precedent, as the organ for exploring those claims is a relatively recent development. However, beginning with an apology is an important initial step toward reparations and full reconciliation. African-Americans have called for an official apology for over two hundred years of slavery, while Australian Aborigines and New Zealand Maoris made demands upon their governments for apologies and reparations given historical state policies of displacement and ruin. In 1995, Queen Elizabeth II heeded the Maori request, and offered an official apology for unjust confiscation of land, “loss of life, and the devastation of property and social life which resulted” from British hostilities (Sarkin, 2009, p.132). In 2008, the United States Congress issued an apology for its prodigious use of slavery, and for the continued persecution, subjugation, and terrorization of black Americans under Jim Crow (“Congress Apologizes for Slavery/Jim Crow,” 2008). Other national leaders from Belgium, France, the UK and their German counterparts consistently deny these conciliatory efforts, often citing too much time passing as the main reason for their repudiation. At the beginning of a visit to Namibia in 1998, German President Roman Herzog claimed that too much time had passed for Germany to offer any sort of formal apology for the genocide of the Ovaherero people during the German colonial administration, and that reparations or any additional action was neither necessary nor compulsory (Kössler, 2015).

However, the aftermath of Namibian independence in 1990 was not the first time that the issue of reparations for the war against the Ovaherero demanded attention. According to Sarkin (2009), following the Ovaherero War, the German government set up a Committee for Compensation designed to reimburse all those “friendly” to the German government during the war. Naturally, the Ovaherero were not among the recipients. The German *Reichstag* allocated ten million marks toward offsetting the fiscal damage of the war after personal intervention by the governor of the colony, with the majority of that money going to white settlers in German South West Africa (Sarkin, 2009). The claim for reparations by the Ovaherero is not even a new conversation, but one born of a desire for equity in the eyes of the government that precipitated their decline, and ensured their perpetual oppression by excluding them from any compensation.

Other peoples in similar situations as the Ovaherero have sought reparations, successfully. In 1946, America paid eight hundred million dollars to Native American tribes for land appropriated from them unlawfully (Calloway, 2016). In 1996, the United States also offered an

official apology and gave approximately nine million dollars to the victims of the notorious Tuskegee Experiment, syphilis trials sponsored by the government in the 1930s and conducted with neither the knowledge nor consent of the participants. The United States government paid reparations to both Japanese-Americans wrongfully interred during World War II, as well as to the Aleut Indians, also displaced by the interment process (Sarkin, 2009). The Inter-American Court of Human Rights decided in the case *Aloeboe-toe v. Suriname* that the Saramaca tribe was entitled to reparation rights, showing that individuals, their direct descendants, and groups are each eligible to receive reparations. In 2006, the government of Tasmania agreed to compensate Aboriginal children forcibly removed from their families between 1900 and 1972—conspicuously well after the transgressions transpired. Sarkin (2009) places the estimated reparation amount at one hundred thousand dollars per person. Another case significant to the Ovaherero is the process of land restitution occurring in South Africa. The nation dedicated itself to compensating or reinstating black families for wrongful confiscation of land beginning in 1913. Under the Restitution of Land Rights Act of 1994, restitution can occur to any person dispossessed of their land by “racially based discriminatory law” (Sarkin, 2009, p.179).

Of course, in the German context, the African genocide is not by far the most well-known program embarked upon by the German nation and its people, and the legacy of the Holocaust certainly affects the remembrance of, and efforts at, reconciliation for the Ovaherero. Since the end of World War II, Germany managed compensation claims for the restitution of land, property, monies, etc. confiscated by the Nazi regime. As a result of the Conference of Jewish Material Claims Against Germany in 1952, the post-Nazi regime agreed to pay seven hundred and fourteen million dollars to Israel to support the assimilation of displaced or impoverished refugees from Germany, or other places disrupted by Nazi actions (Stone, 2008). Part of this so-called Luxembourg Treaty was that Germany paid reparations to individual victims of the Holocaust and their families. In the 1959 Norwegian-German Agreement, Germany paid reparations to individual Norwegians victimized because of their race, belief, or opinions. If Germany paid reparations to Norwegians for discrimination and the impairment of their freedom and/or health, then certainly the Ovaherero peoples qualify for those same considerations and meet those same standards.

The German government and various other institutions distributed about five billion dollars to the approximately one and a half million forced laborers who, under the Nazi regime, essentially amounted to slaves (Sarkin, 2009). The Ovaherero people, once held in concentration camps and leased out as slave labor, received none of this compensation, or any other. The aptly named Foundation for Remembrance, Responsibility, and Future

distributed in 2005 several thousand dollars to each of the more than seven thousand victims of Nazi medical experimentation. Again, the Ovaherero experienced similar medical experimentation but received no payments—not after the fact, or in an acknowledgement of wrongdoing (Sarkin, 2009). It is the standpoint of the Association of the Ovaherero Genocide in the United States of America that “If Germany takes the position of not issuing reparations, we will think that they will not want to do so because unlike the victims of the Second World War, we have black skin,” (Por qué Alemania no se disculpó aún por “el primer genocidio del siglo XX” en una de sus colonias en África, 2017). Even after German reunification in 1990, the united German Republic made it a propriety to pass new laws enforcing East German responsibility for Holocaust crimes, and dictating that compensation be awarded to those who either lived in or owned property in former East Germany (Sarkin, 2009). Forty-five years after the conclusion of the war, and Germans still prioritized that former East Germany, which while under Communist rule never publically acknowledged any wrongdoing during World War II, announced and upheld its share of the moral burden for atrocities already a generation past.

Indeed, the only real difference between those successful reparations granted by the German government and the continued failure to acknowledge the legitimacy of Ovaherero claims for reparations seems to be that, for the most part, Germany wanted to clean its image immediately after the fact and thus redeem itself as soon as possible. That, and the fact that Norwegians and beneficiaries of restitution from Germany tend to be white and of European descent, while one may safely assume that the Ovaherero people are black, even though many have a German ancestor due to widespread sexual abuse during the genocide (“Por qué Alemania no se disculpó aún por “el primer genocidio del siglo XX” en una de sus colonias en África,” 2017). Ruprecht Polenz, currently Germany’s special envoy for talks with the Namibian government over issues related to the genocide said, “The convention cannot be applied retroactively to past genocides” and refuses to negotiate with any entities beyond the Namibian government (“Germany Grapples with its African Genocide,” 2016). It bears mentioning that the Holocaust also took place before the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide.

In each of these above cases, an individual or group successfully sued for an official acknowledgement of past harm and received compensation. Some of the cases go back as far as the Ovaherero genocide—some further—but few of these cases deal with anything as severe as the wonton destruction of an entire culture, people, society. In fact, when faced with these other instances in which nations in a similar position to Germany demonstrated genuine desire to revoke the mistakes of the past and arrive at resolution, the

stubborn German resistance to reunion with the Ovaherero seems petty. Unfortunately, even the relatively small strides toward official negotiations and apologies seem sluggish, as neither the Namibian government nor the German government seems keen to address the Ovaherero with any seriousness at the top levels.

The *Windhoek Observer* claims that Germany provided Namibia with over thirteen billion Namibian dollars in foreign aid as of 2016, complicating the attempts of receiving an official recognition of genocide from Namibia (“Germany Pours N\$13bn into Namibia,” 2016). However, one of the key points of reparations is the official acknowledgement of guilt, a point which neither Germany nor Namibia seems willing to concede. And why? Because the Holocaust obscures the colonial genocide committed by Germany—that the admittedly admirable reparation efforts toward Holocaust victims redeemed Germany for all of its past atrocities—or otherwise that too much time elapsed between one historical phenomenon and another to retain its relevancy? Mr. Polenz, the German special envoy to Namibia, claimed, “You cannot restart history. You cannot rewind time, not in your private life, not in public life” (Onishi, 2016). Yet for many people who either directly benefitted or directly suffered from colonialism, time needs no rewinding. Time is a product of a particular historical circumstance, and for those seeking reparations, time is as much decades, or centuries, ago as it is currently. When attempting to understand the complexities of the Ovaherero genocide, one author proposed that, though the German behavior definitively constituted genocide, they do not need to take action toward reparations because both the victims and perpetrators of the genocide are long dead. Again arises that persistent problem of assigning blame.

The only official apology deemed adequate by the Ovaherero would have to come from the German parliament itself, as that apology would carry the weight of the entire nation, its government, and be an official admission of past wrongdoing. Additionally, any attempt by the German government to apologize without reparations would also be deemed woefully inadequate. Yet historically, such an admission toward the Ovaherero meets continued resistance. The current Paramount Chief of the Ovaherero, Vekuii Rukoro, asserts, “We understand that the German government is proposing an apology without reparations. If that is the case, it would constitute a phenomenal insult to the intelligence not only of Namibians and the descendants of the victim communities, but Africans in general, and in fact to humanity ... It would represent the most insensitive political statement ever to have been made by an aggressor nation to the victims of its genocide,” (“Germany moves to atone for ‘forgotten genocide’ in Namibia,” 2016).

Should one travel to Namibia, as recently done by two of the co-authors of this research, they would realize that those dead for over a century are not the only victims of genocide. To make such a claim is to discount decades of dispossession—the grand heist of a people’s entire livelihood and way of life. To make such a claim is to assert that the children of those victims of genocide—or those children’s children—somehow elevated themselves beyond the poignant truth that they were once slated for extermination. To make such a claim is to reinforce to a marginalized and dispossessed people the same colonial structures that created the conditions for their deprivation—and perpetuate them still. While true that the direct perpetrators and victims of the 1904-08 genocide are long dead, the beneficiaries and casualties of the extermination still feel acutely the resonance of Imperial Germany’s actions.

To cite the obvious and most famous example, the victimization of Europe’s Jews by Nazi Germany did not end with the liberation of Auschwitz-Birkenau, or the Nuremberg Trials, or even the Reparations Agreement of 1952. The great effort made by Germany toward reparations for all things Holocaust proves the previous assumption well enough. The first Israeli Prime Minister, David Ben-Gurion, himself argued that the act of reparations demanded immediate consideration because Jews needed to recover as much of their property as possible “so that the murderers do not become the heirs as well” (Zweig, 1991, p.280).

In the Namibian case, the murderers *did* become the heirs, and they did so because action concerning restitution for wrongdoing took far too long, met far too much resistance, and continues to do so today. The effects of colonial genocide are far reaching, indeed, but exacerbated beyond need if they continue to go unacknowledged. Historian Jürgen Zimmerer characterizes the lack of acknowledgment of Germany’s responsibility for atrocities beyond the Holocaust as a “colonial amnesia,” (“Germany moves to atone for ‘forgotten genocide’ in Namibia,” 2016).

When pondering how best to assign blame for the colonial genocide, it is useful to remember that Lothar von Trotha is dead, as are all of his soldiers, as is Kaiser Wilhelm, as are all the survivors of the genocidal military policies. Germany now is a different Germany, with new goals, a new morality. So perhaps fixating on receiving or assigning blame is the wrong course of action; delineating the issue in terms of “blame” is not the resolution needed to bring closure to both sides of this thorny issue. Rather, consider the outcome of the event, its consequences, and the far-reaching effect of the historical moment. In that contemplation rests the entirety of the Ovaherero demands. In that contemplation lies the significance of Kuaima Riruako’s speech blending past and present into one shared experience. In that contemplation lies the answer to Germany’s reluctance to accept

reparations, because to do so is to rededicate to a past from which it worked too hard to divorce itself. Yet, that is the consequence of history. The Ovaherero know it, and the Germans should as well.

Recent Efforts to Gain a Formal Apology and Reparations

In 2006, the Namibian National Assembly formally requested that the nation initiate a dialogue with Germany to issue a formal apology for the Ovaherero and Nama genocide and secure reparations from the German government. Approximately six long years would pass before the Federal Government of Germany would begin a dialogue with its Namibian counterparts in 2012, according to Sawsan Chebli, a spokesman for the German Foreign Ministry. The German Foreign Ministry affirmed that the desired result of bilateral state-level talks would be a common narrative on the atrocities committed, an apology from Germany and acceptance of that apology by the Namibian government, (“Por qué Alemania no se disculpó aún por “el primer genocidio del siglo XX” en una de sus colonias en África,” 2017). By 2015, the Namibian government appointed Dr. Zed Ngavirue as its counterpart to German Special Envoy Ruprecht Polenz. It appears that the issue of a formal apology will soon be resolved, since in July 2016 Chancellor Merkel’s spokesperson stated that one would be forthcoming. As significant a step that would be, many Namibians, particularly the descendants of the Ovaherero and Nama people, would consider it fairly meaningless without reparations. Therein lie the most complex aspects of this case.

The German Federal Government has agreed to formal dialogue with only the Namibian government. However, since gaining independence in 1990, the ethnically Ovambo dominated South West Africa People’s Organization (SWAPO) has held power. Many Hereros and Nama feel that Ovambos heading the Namibian government are not sensitive enough to the issue of the genocide and reparations (“Germany Grapples with its African Genocide, 2016). Simply put, groups representing the Ovaherero and Nama peoples want a seat at the negotiating table. Ester Muinjangu, Chairwoman of the Ovaherero Genocide Foundation explicitly stated, “We don’t trust our own government to negotiate on our behalf.”

Representative groups also contend that infrastructure development aid that Germany has for years provided to the SWAPO government does not reach those affected by the genocide. Festus Muundjua, Secretary for Foreign Affairs of the Ovaherero Traditional Authority, explained the marginalization that has been taking place saying, “Development aid never goes to the Herero or Namaqua areas,” (“Germany moves to atone for ‘forgotten genocide’ in Namibia,” 2016). Veraa Katuuu, the founder of the Association of the Ovaherero Genocide in the United States of America, was

even more direct in stating that the Namibian government does not have the legitimacy to represent the Nama and Ovaherero in the genocide case because “Namibia is in violation of the United Nations Declaration on the Rights of Indigenous People which stipulate that indigenous people have the right to participate in decision-making matters which would affect their rights, through representatives chosen by themselves,” (“U.S.-based activist explains genocide court case,” 2017)

The current German position is fairly clear: A formal apology is likely to be on the horizon in the coming months, perhaps prior to the Fall 2017 German parliamentary elections, however as of January 2017 reparations are off the table—Germany wants to simply continue contributing development aid, and the government does not want to negotiate with non-state actors (“Germany to recognise Herero genocide and apologise to Namibia,” 2016). This impasse has led to a class-action lawsuit filed in a United States District (Federal) Court in Manhattan, New York against the German government for reparations for the Ovaherero and Nama genocide. According to the Benjamin Cardozo School of Law Directory, the plaintiff’s attorney, Kenneth McCallion has represented Holocaust survivors and families of Holocaust victims in receiving settlements from French banks, while he has also represented World War II labor camp survivors and others in receiving settlements from the German government and German industries.

In a recent interview about this case, which seeks unspecified amounts of money for thousands of Ovaherero and Nama descendants he said, “There is no assurance that any of the proposed foreign aid by Germany will actually reach or assist the minority indigenous communities that were directly harmed. There can be no negotiations or settlement about them that is made without them,” (“Germany is sued in US over early-1900s Namibia slaughter,” 2017). Germany did not issue an immediate response to the lawsuit, and it is unclear if and how this listlessness may affect the proposed formal apology and the continual talks with the Namibian government.

Conclusion

If one required a reminder of the effects of Germany’s incursion in modern day Namibia, all they need do is walk down Independence Avenue and arrive at Zoo Park, in Windhoek, the capitol city, where they would encounter a German war memorial honoring German soldiers. The inscription on the memorial, in the lands where Imperial Germany committed genocide against the local population, reads: “May our German way of life take root in this colony for long years to come” (Rivera, 2012, p.6). The effects of colonial genocide are far reaching, indeed.

A formal apology for the atrocities committed by Germany over a century ago is long overdue. As the country sought to atone for its grave sins committed in the Holocaust, it must also formally apologize AND pay reparations to the descendants of the Ovaherero and Nama peoples that they nearly eliminated from the face of the earth. Setting aside the calculation of fair compensation (an extremely complex debate of how much human capital is worth), it is clear that development aid is not anywhere near enough to come close to compensating for the carnage committed. The infrastructure funds that Germany contributed to the Namibian government over the years have not adequately reached the people most affected by the 1904-1908 genocide.

If the German government decides—or is legally obligated, pending the outcome of the United States federal lawsuit—to pay reparations, compensation must go to the descendants of the victims. The only method of ensuring that the Namibian government does not misappropriate any potential reparations is the German government directly negotiating with the representatives of the Ovaherero and Nama people, and collectively providing any compensation to the representative groups. Veraa Katuuu, one of the plaintiffs in the United States Federal lawsuit and founder of the Association of the Ovaherero Genocide in the United States of America, explains on record how reparations could be spent: “We live in overcrowded, overgrazed and overpopulated reserves—modern-day concentration camps—while our fertile grazing areas are occupied by the descendants of the perpetrators of the genocide against our ancestors. If Germany pays reparations then the Ovaherero can buy back the land that was illegally confiscated from us through the force of arms,” (“Germany moves to atone for ‘forgotten genocide’ in Namibia,” 2016).

In the years and decades following the end of the Second World War, Germany has made great strides in confronting its past with respect to the Holocaust and rebuilding itself to the point where today it is an economic and political powerhouse on the global stage. In contrast, its former colony in modern-day Namibia remains an underdeveloped state with a host of political, social and economic problems. By recognizing—and compensating for—this dark chapter in its history, Germany can truly seek forgiveness for its past transgressions toward the Ovaherero and Nama people, and begin to compensate the nation that it so severely crippled over a century ago. Furthermore, reparations would set a precedent that could lead to other European colonizing powers to face their own past atrocities toward African peoples, such as the Belgians in Congo, and further enhance the efforts of the descendants of other peoples who suffered mercilessly at the hands of European colonizers to seek some measure of compensation themselves.

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