

# Politics of Memory and Difference. Remarks on the Postcolonial Situation in Namibia\*

Políticas de la memoria y la diferencia. Observaciones sobre  
la situación postcolonial en Namibia

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## Abstract

The challenges facing postcolonial Namibia include a diversified landscape of historical experience, particularly on account of the uneven impact of German colonialism which culminated in the 1904-08 Ovaherero and Nama genocide. In the chapter, this experience forms the background of long-term efforts of affected communities to set forth their claims. After Namibian independence in 1990, such efforts met official German rebuffs, but led to a temporary alignment with the Namibian government. More recently, the Namibian government, while insisting on a German apology and reparations, has stressed national unity against specific claims of affected communities. This conflict has marked the inter-governmental negotiations between Namibia and Germany that got underway after Germany had at last acceded to the designation of genocide for what had happened in Namibia under German rule. Large parts of the affected communities claim an autonomous role in these negotiations and contest the right of the Namibian government to represent them. This raises, i.a., problems linked to the rights of indigenous peoples. In closing, the issues of unity and diversity are exemplified by the circumstances of the first restitution of cultural objects by Germany to Namibia in 2019.

**Keywords:** Namibia, genocide, colonialism, reparations.



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## Resumen

Los retos a los que se enfrenta la Namibia poscolonial incluyen un panorama diverso de experiencias históricas, en particular a causa del impacto desigual del colonialismo alemán que culminó con el genocidio de los ovaherero y los nama en 1904-08. En este capítulo, esta experiencia constituye el telón de fondo de los esfuerzos a largo plazo de las comunidades afectadas por exponer sus reivindicaciones. Tras la independencia de Namibia en 1990, estos esfuerzos se encontraron con los rechazos oficiales de Alemania, pero condujeron a un alineamiento temporal con el gobierno de Namibia. Más recientemente, el gobierno de Namibia, al tiempo que insiste en una disculpa y reparación alemana, ha hecho hincapié en la unidad nacional frente a las reclamaciones específicas de las comunidades afectadas. Este conflicto ha marcado las negociaciones intergubernamentales entre Namibia y Alemania que se iniciaron después de que Alemania accediera por fin a la designación de genocidio por lo ocurrido en Namibia bajo el dominio alemán. Gran parte de las comunidades afectadas reclaman un papel autónomo en estas negociaciones e impugnan el derecho del gobierno namibio a representarlas. Esto plantea, entre otras cosas, problemas relacionados con los derechos de los pueblos indígenas. Para terminar, las cuestiones de unidad y diversidad quedan ejemplificadas por las circunstancias de la primera restitución de objetos culturales por parte de Alemania a Namibia en 2019.

**Palabras clave:** Namibia, genocidio, colonialismo, reparaciones

Among many other challenges, the postcolonial situation poses the problem of how to deal with a painful past, how to address injustices inflicted under colonial rule and how to deal with trauma that, in some cases at least, has been transmitted over generations. In Namibia, such issues have resulted in an on-going debate and considerable conflict, both with Germany as one of the former colonial powers (1884-1915) besides South Africa (1915- 90), and between the government of the independent state and subnational groups claiming specific victim status particularly on account of the genocide of 1904-08, under German colonial rule.

In the following, I would like to address these issues by looking particularly at the claims of victim communities who, for some time, have argued their status as indigenous groups. As will be seen, this is related closely to the claims as well as to the limitations of the postcolonial state. Before I set out my main argument, however, a brief summary of the historical background is in order.

## The German settler colony and the genocide: Southwest Africa

German Southwest Africa, today's Namibia, was the only among the colonies Germany secured during the late 19<sup>th</sup> century that was considered suitable for European settlement, albeit only on a very modest scale. This gave Namibia particular importance. Colonial expansion began in 1884, both by the start of land acquisition, in what is today southern Namibia, and by hosting

the Berlin Africa Conference which decided on the principles under which the powers –none of them African– would recognise colonial acquisitions on the continent. Chief among these was ‘effective occupation’, which propelled representatives of the fledgling colonial power to roam the wide expanses of central and southern Namibia in order to secure ‘protection treaties’ from an array of political leaders who thereby recognised the superior power of the German Emperor. As has been argued by lawyers more recently, these accords can be considered treaties under international law and thereby the chiefs who signed them were also recognised as subjects of under such law (Jaguttis 2010; Goldmann 2020a,b).

For the first two decades (cf. Wallace 2010: 97-154), German colonial rule was consolidated, both by playing off African communities against each other, and by virtually continuous warfare. There were numerous local risings that were regularly put down with the help of African auxiliaries responding to stipulations in the protection treaties; repressive measures included mass deportation and concentration camps. In the singular case of /Khowesen (Witbooi), subjection into signing the treaty was enforced by savage warfare. The quest for control was linked to a drive to alienate Africans from their land in the interests of white, mainly German settlement and a drastic decline in living conditions, especially for Ovaherero in the central parts, but also for Nama in the South, as well as for Damara living across the entire region. The crisis came to a head in the Namibian War, a complex conflict that involved fierce resistance across the region of effective German control in the south and centre of the territory. German troops resorted to genocidal strategies that resulted in a massive loss of life, such as up to 80 percent of Ovaherero living in the region at the beginning of 1904. Even after active fighting, entire ‘tribes’ were imprisoned in concentration camps and subjected not only to forced labour but to living conditions that amounted to ‘annihilation by neglect’ (Jürgen Zimmerer). After the official end of the war, blanket expropriation of African lands and a ban for Africans to own large stock were among the measures to reduce Africans to a chattel labour force and prevent any resurgence of communal life.

## **Communal resilience and the persistence of memory<sup>1</sup>**

Despite these sustained efforts to stifle any autonomous African groupings, Ovaherero and Nama survivors managed to reconstruct communal nexuses, albeit in altered forms: They had to adapt to the exigencies set by colonial rule to which they were now subjected without seeing a realistic chance of evasion, let alone throwing off the foreign yoke. Still, as in comparable situations elsewhere in the world Namibians found ways to wield ‘weapons of the weak’ (Scott 1985) and thereby to adapt their political institutions as well as to an extent, their belief systems and cultural practices. From 1915, such communities could come into the open and South African reserve policy afforded them at least a token of a territorial reference base.

<sup>1</sup> For the following, see Biwa 2012; Förster 2010; Gewalt 2000; Kössler 2005: 177-254; id. 2015: 169-219; Krüger & Henrichsen 1998; Werner 1998.

One feature that had been present in some of the dispersed communities even immediately after the genocide and which came now into the open was communal memory. From 1923, when the exiled Ovaherero leader Samuel Maharero had died and was pompously buried in his native Okahandja, annual events were observed in which important personages were commemorated and vitally, oral traditions about what had happened were openly rehearsed and thereby reproduced along with the communal nexus.

Still, these commemorations which during the liberation struggle of the 1970s and 1980s partly turned into manifestations of support for the liberation movement had a limited impact. Only upon achieving Namibian independence in 1990 did it become feasible to clearly articulate the demands for a recognition of the colonial genocide by Germany, along with a consequent apology and reparations (cf. Katjavivi 2010).

## Namibian claims and German responses<sup>2</sup>

At first, these initiatives were limited to individual activists and prominent Ovaherero. The latter met stern rebuffs by the German Chancellor and President who visited Namibia in 1995 and 1998 respectively. In this situation, litigation before US courts seemed to be a viable alternative to overcome German official intransigence. The first such lawsuit was filed by an Ovaherero body in 2001, another one by a larger one of Ovaherero and Nama traditional leaders followed in 2017. In both instances, the courts have not judged on the actual merits of the case but merely dealt with the question whether such a claim can be pursued in a US court. This was eventually denied in both cases.

However, formal legal procedures were never the decisive form in which the conflict evolved and was played out. A turning point arrived with the centennial of the genocide which was pegged to the date of the battle of Ohamakari (Waterberg) on August 11, 1904. After this battle, Ovaherero had retreated into the Omaheke steppe which subsequently was sealed off by German troops, consigning tens of thousands to death in a largely waterless environment. The event took place on site at Ohamakari and was attended by thousands of Ovaherero who had arrived, besides Namibia, from Botswana and South Africa as well as overseas, testifying to a sizable diaspora. In this way, it was claimed, the centennial commemoration brought together for the first time since a century the entirety of a people dispersed by the consequences of war and genocide. Further, the then German Minister of Economic Cooperation and Development, Heidemarie Wiecek-Zeul, attended this event and impressed the crowd with a speech that seemed like a turning point. After years of denial and avoiding any mention of even the word of genocide by German officialdom, the minister acknowledged that at least in current language what had happened would indeed be termed as genocide. She offered her regret and asked for

<sup>2</sup> For the following, see Kössler 2015: 232-246; Kössler & Melber 2017: 34-68.

forgiveness. In terms of the concept of ‘transitional apology’ (Teitel 2006; Galtung 1996: 107; id. 2005), however, there were also marked shortcomings. In particular, the speaker emphasised the role of the commanding general at the time, Lothar von Trotha, thus potentially shifting responsibility on-to the personal side instead of that of the state; also, her strong reference to August Bebel, the patriarchal founder of the Social Democratic Party of which the Minister is a member, was certainly legitimate in demonstrating that there had been voices at the time in Germany who had strongly opposed the genocide. However, along with the personalisation of Trotha’s responsibility, such emphasis could also be read as way of shifting the focus away from the state in whose name everything had been perpetrated. The German state of today considers itself as identical with the former state of imperial Germany. Above all, Wieczorek-Zeul was in no position to speak for the German government. Even though a Cabinet Minister, she actually went diametrically against the official line of cabinet which was to avoid any apology on the issue. In this way, her speech was a courageous act and also a momentous intervention, but it could not be the turning point many in the audience at Ohamakari had hoped for and for a fleeting moment also believed it might have arrived. In reality, the official policy of the German Foreign Office was to remain unchanged for more than another decade.

## Alignment of victim communities in Namibia

Whereas up to and including the 2004 commemoration, activities concerning the genocide had been centred in Namibia almost exclusively around Ovaherero to an extent that one observer noted tendencies towards a monopolisation of the victim position (Melber 2005: 141), deep changes occurred after the centenary<sup>3</sup>. The considerable mobilisation, with relevant slogans and logos displayed prominently on cars or t-shirts clearly had an impact far beyond the confines of Ovaherero. Now, Damara spokespersons raised their voices and claimed victim status for their group, which had not been explicitly targeted by the German genocidal campaigns, but, living interspersed in the entire theatre of war, had inevitably been affected as well<sup>4</sup>. A little later, a much more sustained drive by Nama set in.

A turning point was reached when in September 2006, the National Assembly of Namibia adopted, with one sole abstention, a motion that called for ‘*a consultative conference in order to set up an agenda for dialogue*’ with the German government on the consequences of the genocide<sup>5</sup>. This dialogue was not conceived as an affair between governments, but affected communities should be placed in the centre. Support of this notion by the ruling party, Swapo, was a clear departure from its earlier, much more reticent stance that had stressed the danger of ‘tribalism’ should one

<sup>3</sup> For the following, see Kössler 2015: 267-272.

<sup>4</sup> On memory related activities and discourses of this much neglected group see MacConnell 2018.

<sup>5</sup> Motion on the Ovaherero Genocide. Voted on September 2016 in the National Assembly of the Republic of Namibia; in the possession of the author.



particular group receive reparations. Shortly thereafter, a commemoration at Shark Island on the southern coast of Namibia, site of the deadliest concentration camp during the war, referred to the 'Nama-Damara-Ovaherero and San (Bushman) Genocide 1904-1908' (Biwa 2012: 213), thus highlighting the inclusive intentions of the organisers.

Still, a coalition of Nama and Ovaherero traditional leaders emerged as the driving force during the following years. Significantly, much of the actual organising work up to the present falls on 'technical committees' made up largely of women. The activities of these groups faced a persistent problem in the division that exists between different traditional leaders among Ovaherero, where 'Royal Houses' claim genealogical legitimacy as opposed to a Paramount Chief who relies on popular election for a lifetime. Achieving unity of action between these two factions has proved increasingly difficult and further, produced problematic features of later efforts at reaching reconciliation with Germany.

## **Victim communities and the Namibian government**

From 2006, something of a unity of action seemed to exist between the Namibian government and the victim communities. This was the case especially when in 2011 a first group of deported human remains were repatriated from the Charité Hospital in Berlin to Namibia<sup>6</sup>. The large Namibian delegation of community leaders and government officials felt slighted by the German authorities. This resulted in a diplomatic *éclat* when a German junior minister stormed out of the main ceremony.

However, such unity proved shaky when in 2014, a further repatriation was conducted. This time, at the writ of the two governments, circumstances virtually excluded the victim communities (cf. Kössler 2015: 306-313). There was an outcry, and eventually, the grouping around the Ovaherero Paramount and Nama traditional leaders adopted a stance of 'not about us without us', thus articulating a strong demand not only for participation but for an independent voice for themselves in dealings with Germany on issues related to the genocide and colonialism. In contrast, the Ovaherero Royal Houses also registered their protest against the government's approach in this particular case but decided not to join the boycott of the welcoming ceremony for the human remains, which the other groups observed. In contrast, these staged a 'genocide march' in Swakopmund only a few weeks later, commemorating the concentration camp in that town and underscoring their now claim for an independent voice.

In a way, the stage had thus been set for the situation that evolved from 2015, when the German Foreign Office informally acknowledged the genocide for the first time and thus cleared the path

<sup>6</sup> See Biwa 2012: 240-290; Kössler 2015: 283-298.

for negotiations<sup>7</sup>. From the beginning, this process was beset by a number of problems that have now resulted in a long-term impasse<sup>8</sup>.

On the one hand, in Namibia there is virtual consensus that ‘reparations’ are prerequisite for any meaningful reconciliation in the wake of genocide. German officialdom has taken a stern position not to talk of reparations, apparently not least on account of the narrative that links reparations imposed on Germany after World War I to the rise of Nazism. However, as some reflection can show, this view rests on a fairly provincial gaze and ignores the understanding widespread in the Global South (Goldmann 2020b: 4) and in particular in Southern Africa (e.g. Doxtader & Villa-Vicencio 2004): Reparations signify the need to ‘repair’ the consequences of past injustice and destruction. Inevitably, such destruction has not only the dimension of psychological trauma, but inseparably from that, of material damage. It is considered not exclusively, but specifically African custom and practice to address both these dimensions (cf. Patemann & Hinz 2006). In terms of the relevant UN resolution of 2006, victims of gross human rights violations are entitled to ‘adequate, effective and prompt reparation for harm suffered’.

In contradistinction to consensus on reparations, there is blatant disagreement in Namibia concerning the format of the negotiations. So far, these have been a strictly inter- governmental affair, with the Namibian side relying on a Technical Committee to advise and support its Special Representative. Here, it is claimed, also the concerns and inputs of the victim groups are accommodated. However, many, most likely a majority of victim groups, insist on their right to be part of, or even the main actors in, the negotiation process. Thus, in a document of August 2020 Ovaherero and Nama leaders argue that ‘justice requires *a fair process that includes us*, where the damages intentionally inflicted by the German government can be reckoned and fairly accounted for.’ They counter the claim that governments cannot negotiate with state actors with the precedent of the Jewish Claims Commission with whom, although a non-state actor, West Germany has conducted negotiations about Jewish claims for redress after the Holocaust (OTA & NTLA 2020).

Moreover, also in their supposition to a US court in 2017, these groups have laid claim to the status of indigenous peoples, to fall under the UN Declaration of the Rights of Indigenous

<sup>7</sup> On the following, see Kössler & Melber 2017: 74-80, 84-93; id.

<sup>8</sup> The 'Joint Declaration by the Federal Republic of Germany and the Republic of Namibia "United in Our Remembrance of Our Colonial Past, United in Our Will to Reconcile, United in Our Vision for the Future"', initialled on May 15, 2021, brought the negotiations to a formal end. However, response in Namibia has shown that the controversies persist and after more than a year, the agreement has not been voted for in the National Assembly.

Peoples<sup>9</sup>. In this way, Ovaherero and Nama are casting themselves in the role of an endangered minority, not dissimilar to Basarwa (San) in neighbouring Botswana. The argument rests in part on their relative demographic weakness that is traced at times to the genocide. Such reasoning has been subject of debate on the meaning of indigeneity in Africa, seen as the cradle of mankind (cf. Pelican 2015; Mogwe 2011). Again, by such arguments, the real problems that are raised under this heading will not go away. Moreover, as has been stressed recently with specific reference to Namibia, past injustices cannot be ‘swept away with frivolous phrases such “Let bygones be bygones”’ (Nakuta 2020: 162), but imply an obligation by state bodies to provide ‘effective remedies’ as a ‘right of the victims’ (ib., 143). These issues ‘cannot be resolved by placing premium reliance on the very laws which caused such injustices’ (ib., 161) but require recognition of international human rights norms: Therefore, ‘the right of indigenous communities/populations to their lands, territories and resources [...] must be respected, protected and fulfilled by states, including Namibia.’ (ib., 161).

## Namibian history and conflicting identities

Further arguments go to the core of Namibian identity constructs today. Whereas the Namibian government has resorted to claims that there was a largely uniform experience of colonialism affecting all regions and inhabitants of Namibia in much the same way, representatives of Ovaherero and Nama have challenged this notion, which hardly is borne out by the historical record. These spokespersons point to the very diverse regional experiences and the fact that the Namibian War and the genocide was restricted to the central and southern regions and addressed explicitly above all Ovaherero and Nama. A further argument takes up the form in which the present territory of Namibia was assembled in the process of colonial occupation and conquest. In this reasoning, the protection treaties, negotiated and signed by the leaders of the various communities, stand as a basis that these communities should still be considered as legal entities in their own right and thus, as the legitimate negotiators about the issues emanating from the genocide (Hoffmann 2017).

Such reasoning is supplemented with the reference to the Ovaherero and Nama diaspora in Botswana, the North Cape Province in South Africa and Angola, as far as these people are descendants of refugees from the genocide. Here it is argued that the Namibian government has no legitimacy to speak for these genocide descendants (cf. NATLA & OTA 2020).

These issues relating to identity and history constructs came out graphically on occasion of the first restitution of looted cultural objects from Germany to Namibia. In February 2019, the

<sup>9</sup> United States District Court, Southern District of New York, Civ. No.17-0062, Class Action Complaint, Vekuii Rukoro et al. vs Federal Republic of Germany.



German state (*Land*) of Baden-Württemberg returned a bible and a riding whip which had been looted on occasion of the raid on the mountain fastness of Hornkranz on April 12, 1893 from Hendrik Witbooi, who today is considered a national hero in Namibia (see Kössler 2019a,b). Significantly, this raid had occurred before Witbooi, leader of the /Khowesen group had been subdued into signing a protection treaty and thereby recognising in any way the power of the German emperor, or his own realm being part of the emerging colony. When the Namibian Ministry of Education and Culture therefore acted upon the supposition that the Namibian state had a natural claim to the heirlooms of a person who after all is considered a national hero and whose image adorns official banknotes in independent Namibia, this met determined opposition from at least a vociferous part of the /Khowesen group. They claimed that the heirlooms should rightfully be returned to the family in the persons of three surviving great-daughters of Hendrik Witbooi. The conflict moved close to putting the restitution into jeopardy and thus gave an inkling about the difficulties of accommodating such diverging claims and especially about their potential for serious conflict.

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