

## Reappraising Legal, Political and Ethical Questions Concerning the Herero and Nama Genocide

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# Reappraising Legal, Political and Ethical Questions Concerning the Herero and Nama Genocide

*By*

Julia Böcker

*Translated by*

Emmanuel Valentine and Sean O'Byrne



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Triggered by protests of police violence against black people in the USA, a debate has begun in Germany about the colonial past. Will the Berlin subway station “Mohrenstraße” really be renamed “Anton-Wilhelm-Amo-Straße” after the first well-known philosopher and legal scholar of African origin in Germany? The false myth of the short, unencumbered colonial period has long persisted in this country. Debates about street names and monuments, remains in the university collections and looted property in museums give rise to hope that an awareness of colonial injustice and colonial violence is gradually growing.

This shows movement in the right direction, that Germany is facing up to its whole violent past. Further steps are still pending. In Namibia, descendants of the victims are still suffering from the aftermath of the first genocide in the 20th century. The German Empire not only had thousands of Herero and Nama disenfranchised and carried out, but also enslaved and murdered. Germany has admitted its historical guilt for the Holocaust and World War II. But it is also important to take responsibility for colonial violence.

A reappraisal includes various, highly complex aspects from historical contexts through legal channels to political means and, at best, solutions based on peace ethics. The present work provides such an established example of colonial historical work from an interdisciplinary perspective.

*This thesis has been awarded the first prize of the year 2020 in EuroISME's annual contest for the best student's thesis (Master of Arts). In 2022, the thesis has received an update. For information about the contest, please visit <[www.euroisme.eu](http://www.euroisme.eu)>*

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## Preface

The roads and detours taken to address colonial injustice concerning the genocide of the Herero and Nama are still highly topical issues. Today's Namibia was occupied by German troops in the imperial period of the late 19th century and administered as the colony of "German South West Africa". The German Empire appropriated the people's land and livestock, stripping them of their economic livelihood and their rights. Particularly during the German-Herero War (1904–1908), men, women and children were persecuted and killed. There is also historical evidence of forced labour, concentration camps, rape and human experimentation. Genocide was committed against the Herero and Nama – the descendants of the victims suffer from the consequences to this day. Critical discussion of this part of its history was long avoided in German politics, and the term genocide remained taboo. For some time now, though, efforts have been made towards reconciliation.

Political efforts to confront the past have had impetus from numerous sources. Legal actions by those affected had, albeit unsuccessfully, repeatedly put recognition of the genocide and corresponding compensation on the agenda. The 2004 centenary of the Battle of Waterberg broke the taboo. The 100th anniversary of the Armenian genocide, which was recognised by some nations (including Germany) in 2015/2016, brought historical-political movement for acknowledging the genocide of the Herero and Nama. Since 2015, it has been a principle of German politics to speak of the grave guilt of the German state and the German colonial troops, of the war of extermination, war crimes and genocide. This has also established Germany's responsibility for the future of Namibia. To approach dealing with their common history, a German-Namibian dialogue process was started in the same year – both governments sent delegations.

This paper was awarded the prize for best Master's thesis in military ethics by the International Society for Military Ethics in Europe (EuroISME) in 2020. It is published here in its original form. Although it depicts a point somewhat in the past in the long, complex process of reappraisal, it has lost none of its relevance. It also highlights important aspects from different perspectives beyond the limits of the case study. The benefit lies in the intensive examination of complex questions of how to confront history, questions which will continue to arise in future. Politics and society have meanwhile moved further along their path. An afterword to the publication highlights the most important changes since the work was completed.

This paper argues that, in the face of the extreme violence of genocide, a political apology could be an effective instrument of conflict transformation, even when the injustice occurred well in the past. This is the case when the plea for forgiveness is bound up with other efforts. This conclusion follows from an interdisciplinary approach that examines the historical foundations, the legal approaches, the political responses and finally the ethical issues and the possibilities for peace. In coming to terms with massive systemic injustice, not only legal questions, but also peace policy and ethical considerations are relevant.

At the forefront, the relevance of historical examination of the violent past as well as efforts towards reparation must be emphasised. It is more than regrettable that other issues currently command all the political attention. In view of Russia's war of aggression against Ukraine in violation of international law, the important and urgent task of the former colonial states to find an appropriate way of addressing the violent past jointly with the descendants of the victims is at risk of being forgotten. Yet the issue is of great political and social importance on numerous levels.

The protests in the USA over violence exercised by white police officers against Black people have also triggered a long overdue confrontation with colonialism and racism in Germany. Black people and minorities of other ethnicities bring their experiences of fleeing, war and discrimination into German society. The return of looted artefacts, art objects and human remains is already sending important signals. The fact that the relationship between colonialism and the Holocaust is currently being discussed in the culture of remembrance, despite all the difficulties, also signifies interest and development. Political and social awareness of the colonial past has begun on various levels.

There is also a foreign policy dimension for Germany. The German colonial empire encompassed parts of the present-day nations of Burundi, Rwanda, Tanzania, Namibia, Cameroon, Gabon, Republic of Congo, Central African Republic, Chad, Nigeria, Togo and Ghana, the People's Republic of China as well as Papua New Guinea and several islands in the Western Pacific and Micronesia. Recognition and atonement for colonisation, exploitation and persecution have yet to be made for these territories as well.

A plea for forgiveness would also send out a European political signal. The former colonial powers are only just beginning to address the issue, while their former occupied territories are still feeling the after-effects. Britain acknowledged to Kenya in 2015 that crimes were committed on behalf of the state in the suppression of the Mau Mau guerrilla army (1952–1960). Victims won direct compensation. In Nairobi, a memorial was erected and historical archives were opened for research purposes. However, the discussions only reached a wider

public in 2020, when the monument to a former slaveholder was toppled into Bristol Harbour during the “Black Lives Matter” demonstrations.

In France, too, debates about history were bound up with present-day issues, in this case: the division into left-wing and (extreme) right-wing parties. In 2017, President Emmanuel Macron addressed the decades-long denial of the Algerian war (1954–1962) and in 2020 commissioned a historical assessment. In other European countries, such as the Netherlands or Belgium, discussions on colonial army violence are now also being held, but are far from being concluded. Reflections on Germany’s colonial past thus fit into a broader overall picture.

Ultimately, rapprochement between the Global North and South is essential to the international objective of halting climate change. Countries of the Global South have contributed very little to global warming, but are suffering the most from it. In Namibia, for example, the severe droughts of recent years can be attributed to climate change. Climatic extremes such as drought or flooding, with their ensuing consequences, will increase the threats and risks confronting in particular fragile regions of the globe. Past harms and taboos must be urgently addressed in order to meet the global collective challenge of delaying and adapting to climate change. In this, past and future are inextricably bound.

Hamburg, October, 2022

The colonial discourse during the time of the German Empire was on one hand determined by pejorative attributions of others (*i.e.* ‘Kaffirs’, ‘Hottentots’), on the other by euphemistic descriptions (‘protection zone’, ‘protective troops’). These expressions reflect incredible racism and contempt for humanity. Thus, where contemporary terms are quoted, it is exclusively for the purpose of exposing the mentality and real power structures of the time. Quotation marks indicate particularly problematic terms. Further, it is important to avoid stereotypes. At no time were the Herero and Nama people passive victims but maintained territory and dignity; nor should any other parties be regarded simplistically.<sup>1</sup>

To keep this paper as stringent as possible only the appendix contains the transcribed interview, maps of Namibia, primary source and biographical information about the actors.

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1 See Jürgen Zimmerer, ‘Krieg, KZ und Völkermord in Südwestafrika’ in Jürgen Zimmerer and Joachim Zeller (Hg), *Völkermord in Deutsch-Südwestafrika: Der Kolonialkrieg (1904–1908) in Namibia und seine Folgen* (3rd edn, BPB 2016) 48.

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# Maps

- 1 War zone in German South West Africa 80
- 2 Labour camps in the colony of German South West Africa 81



Alexander von Hirschfeld, Photograph, Namibia; date unknown (approximately 1905 to 1907)  
SOURCE: FROM THE COLLECTION OF PHOTOGRAPHS OF THE MUSEUM AM ROTHENBAUM.  
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