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The Herero and Nama Genocide, the Holocaust, and the Question of German Reparations

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HOWARD RECHAVIA-TAYLOR AND A. DIRK MOSES, AUG 27 2021

Germany's long-repressed colonial past has finally come to preoccupy its international relations and domestic affairs. Whether in the controversies about the often-dubiously acquired artefacts in its museums (*Raubkunst*), like the so-called Benin Bronzes (which are not all bronze), or attention to the genocides committed by Imperial German forces in African colonies before the First World War, German federal authorities and institutions are confronting colonial legacies that they have long denied. Sustained advocacy has much to do with the newfound and charged diplomatic significance of these issues. Within Germany activists of colour, in particular, have pressured the orthodoxies of German memory culture by protesting to change street names, to decolonize German museums, and for Germany to pay reparations for the Herero and Nama genocide – to name three significant issues. This activism extends beyond Germany, to former colonies such as Cameroon and Tanzania but especially to Namibia. The stakes of these debates are profound in a country where the idea of the singularity of the Holocaust and Israel's security has become a form of *Staatsräson* and, relatedly, where Holocaust reparations and atonement for the Holocaust have become central to German identity in the postwar order.

In a process that we can broadly say has become part of national politics since reunification- the German state has dedicated itself to reckoning with a dark past- the legacy of the Nazi regime, especially the Holocaust. This process is known in German as *Vergangenheitsbewältigung*, roughly translated as 'coming to terms', 'working through', or 'mastering the past'. Because this process has been underway since the 1950s in one way or another, and because of the Holocaust's newfound status as the foundational crime of the post-1945 world, actors involved in the recent colonial era-related cases very often compare them in some way to the template provided by Germany's approach to dealing with its Nazi past. The horizon of possibility of issues and campaigns around colonialism in Germany is often this previous – and ongoing – reckoning.

Of course, the easily made distinction between German colonialism and National Socialism presumes that the Nazi regime was not also engaged in a form of colonialism – namely of European nation-states – whose resources and populations it ruthlessly exploited and murdered, and whose artistic treasures it plundered in establishing a continental empire.

Making this observation about Nazi colonialism and empire has long been common among contemporaries and non-German historians, but it remains controversial in Germany. Many scholars, journalists, and activists there react allergically to linking the Nazi Reich and the Holocaust to colonialism. The latter was not 'just' a 'colonial crime', they insist, but something more profound, a fundamental 'civilizational rupture' that forms the basis of Western morality. The International Holocaust Remembrance Alliance, an intergovernmental organization founded in 1998 'to strengthen, advance and promote Holocaust education, research and remembrance', expresses this viewpoint. It is committed to the Stockholm Declaration for 2000, which posits that 'The Holocaust (Shoah) fundamentally challenged the foundations of civilization. The unprecedented character of the Holocaust will always hold universal meaning'. Further, 'The magnitude of the Holocaust, planned and carried out by the Nazis, must be forever seared in our collective memory'. Government ministers do not utter such statements about the colonial crimes committed in the past by the states they serve. After all, that violence was perpetrated in the name of Western civilization as understood by contemporaries.

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However much German Government officials, journalists, and academics disavow those crimes now, their reluctance to link them to the Nazi empire and its crimes betrays their view of colonialism as essentially a benign affair with some occasional if regrettable excesses. One German historian, Götz Aly, laid bare the common view in distinguishing the Holocaust from colonial genocides by saying that the latter were provoked by uprisings and were thus reactively defensive (*Gegenwehr*), while the Holocaust was purely the ideologically-driven killing of Jews simply because they were Jews. Moreover, so the argument continues, because the perpetration of the Holocaust directed resources away from the Nazi military campaign, it was counter-rational and thus represented a 'civilizational rupture' unlike previous episodes of mass violence. This distinction is the basis of the German commitment to the Holocaust's singularity (*Einzigkeit*) that constitutes what one of the authors calls the 'German catechism': a set of propositions about official memory culture with diplomatic effect.

It is against this horizon of a national commitment to the singularity of the Shoah that actors fighting for historical justice within Germany continuously have to reckon. This struggle is not confined to Germany. Activists, diplomats, and other actors *outside* of Germany often need to accept a number of its terms in order to be eligible to receive forms of recognition from the German state. This is the case for those whose ancestors were once German subjects: those who are searching for justice in histories of German imperialism, racial science, plunder, and dispossession. It also affects Palestinians and the Palestinian cause – insofar as critique of the State of Israel is understood to be a critique of the moral foundations of the postwar order itself. It is in these spaces and places that the transnational element of the German-Holocaust template appears and that the question of international relations becomes of importance. If only the Holocaust is seen as a civilizational rupture, what does that mean when activists demand redress?

The question of reparations hangs ominously over these debates. The term is often invoked but rarely fully understood, and yet the stakes of its usage are clear: who is entitled to reparations and who is not, how is that entitlement or lack thereof configured by the German state, what do reparations for genocide and colonisation look like and how might they be administered? If reparations are to any degree monetary, then how does German officialdom – lawyers, diplomats, and politicians, for example – engage with the question *of to whom a debt is to be owed* and how is that debt understood and articulated, if at all?

At its height, at the outbreak of the First World War, Germany was one of the largest colonial empires in the world. Its effects upon the African continent remain accordingly salient to contemporary African politics. The Herero and Nama genocide, for example, has an afterlife that continues to affect contemporary Namibian lives, livelihoods, and lands as well as anti-Blackness in Germany itself. As Namibian activists, especially Herero, Nama, and San activists, have been pointing out for some time, they continue to reckon with ongoing white, often German, ownership of their land. They are predominantly landless peoples as a result of German colonialism and genocide, and have been consistently discriminated against up until the present day. They continue to fight for the return of human remains often stolen for the purposes of racial science in institutions such as the American Museum of Natural History. It is their struggle for recognition and redress from the German state that has become one of the most central to contemporary discussions around German colonialism as it pertains to international relations.

For observers unfamiliar with what has been taking place in recent years at the international level it can appear dizzyingly complex. Numerous observers have announced that Germany has now offered reparations for colonialism in Namibia and the Herero and Nama genocide- though this is not strictly true. While this moment is certainly not insignificant, it is more of a rethinking of the role of development aid in international relations than the kind of payments to so-called 'victim communities' that are conventionally part of reparations programmes. While the former – the rethinking of development aid – has taken place, the latter certainly has not. It is true that reparations in this case would require a fundamental rethinking of human rights vernaculars of what it means to be a "victim"- given the intergenerational nature of dispossession over more than a century. Yet no matter how fraught the concept of the genocide victim may be in this case- there are clear intergenerational stakes for Herero, Nama, and San people that there is not for the Namibian state- and that development aid cannot address.

We can speak, then, of two interrelated but distinct transnational processes at this moment. The first process entailed a long series of interstate negotiations between the German and Namibian governments involving numerous

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meetings between diplomats in both Berlin and Windhoek. The negotiations lasted between 2015 and 2020, and concluded with their signing in May of this year. The ensuing agreement commits US\$ 1.3 billion in development aid to Namibia over a 30-year period for a set of development projects and a national reconciliation initiative, and it has been widely reported in the news media. Germany also announced that it *will* describe the mass murder and racial dispossession using the term *genocide* and the Namibian state has declared that it will accept Germany's apology over the heads of the activists who have been fighting for this cause for decades. What is an apology without the consent of those who are to be apologised to?

The second is a process of litigation from non-state actors, namely diasporic and local Herero and Nama organisations such as the Association of the Ovaherero Genocide in the USA and the late Paramount Chief of the Ovaherero people Vekuii Rukoro. Together they sued Germany in a New York court partly in response to their clear exclusion from those above-mentioned negotiations. Their case was lost after various appeals, and they continued to be excluded from bilateral negotiations up until the signing of the agreement itself. Germany will apologise without the consent of the majority of the descendants of those it murdered and dispossessed. Moreover, the money offered will not be figured as reparation for the crime of genocide, and it will go through the Namibian state itself, which is accused by many sides of instrumentalizing the 'genocide cause' for their own coffers.

In Howie Rechavia-Taylor's ethnographic research that touches upon these ongoing processes and the diplomatic consequences of a supposed new *Vergangenheitsbewältigung*, it became clear that the struggle for colonial reparation has produced a crisis of representation, one that has precipitated (white) German racial anxiety about the alleged 'lack of unity' amongst Namibians. The diversity of opinion, of community organisation, of *kinds* of demand from Namibia has been replaced by a singular focus on the Namibian Government. The struggle for many Herero, Nama, and San activists has precisely been one that would allow them to represent themselves in their diversity to German officials beyond the state. They have been systematically disappeared. The Namibian state has been favoured, which has itself taken part in a process of exclusion – remaining the preserve of an ethnic majority largely uninterested in engaging with the legacies of dispossession beyond the Apartheid era. Key here, too, is the fact that Herero and Nama people are not all, or not solely, citizens of the Namibian state. Genocide in the broadest sense of the term often creates diaspora – and bilateral negotiations are incapable of accounting for exile.

There is then a struggle for descendants of a colonial genocide to represent themselves. They persistently point to the fact that the Jewish diaspora, representing various organizations and communities, *were* allowed to represent themselves on their terms in the wake of the Shoah, namely through the Jewish Claims Conference (JCC). The JCC is a non-state actor that continues to represent many Holocaust survivors and claims for reparation and restitution to this day. Why is it so hard for Germany to afford the possibility of representation to Namibians of diverse communities – beyond the Namibian state – if they can do so for Jews of diverse communities beyond the 'Jewish' state, Israel? While the Jewish Claims Conference can certainly not be said to have represented the entirety of the Jewish diaspora- nor the entirety of the Holocaust surviving community- it was still an organization *beyond the state* that could negotiate with the German government for a reparations agreement. The Herero and Nama genocide and its aftermath are by no means identical to the Holocaust and its aftermath, but that does not rule out comparisons about the seriousness with which the question of reparations has been dealt.

A lot of the reticence of the German state to engage with representatives beyond the Namibian state has to do with arguments around temporality, statutes of limitations, and the question of the retroactivity of the genocide convention. It is crucially, too, however, about the rejection of the very concept of 'reparation' itself, a notion that the German state has steadfastly refused to utilise, including in the context of negotiations with the Namibian state itself. The German argument is that it has a moral and historical responsibility to Namibia, but not a *legal* responsibility. The term 'reparation', it is argued, must remain specific to the '*Rechtsfragen*' (legal questions) that emerged in the aftermath of the Holocaust. German negotiators prefer the term 'healing the wound' (*die Wunde heilen*) to 'reparations'.

The idea, however, that reparations are solely a '*Rechtsfrage*' is itself a misnomer, including in the context of the aftermath of the Holocaust. There is no association between the Nuremberg Trials and reparations payments to Holocaust survivors, as is often assumed. In the first instance, these were political, not legal, processes that involved

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international Jewish activism beyond Nuremberg and German state response. Political negotiations ensued between Germany, the State of Israel and the JCC. There was German political agency and German political will. This is true too in the moment of the 1990s when slave labour cases took place in New York courts. Cases were settled outside of court. While the law may have been the 'way in', it was not primarily due to criminal or tort liability that Germany has engaged in reparatory justice after the Holocaust.

What is clear is that there has been a willingness to say the 'R' word in the context of the Holocaust on the part of German diplomats which has been almost completely absent in the context of Namibia and the Herero and Nama genocide – whatever form those reparations may take – and they certainly cannot only be monetary in a context where dispossession continues. There has been a recoding of bilateral development aid as 'wound healing', but not a focus on the specific peoples and lands that were targeted by genocide.

What we are pointing to here, then, is the idea of the singularity of Holocaust reparations, which itself derives from the supposed singularity of the Holocaust. This posits that there is only one case in which diverse members of a community can be engaged with to offer forms of restitution and to ensure representativeness – and that is the case of the Shoah. The fact that even the term 'reparation' for German diplomats is sutured to the Jewish people writ large is part and parcel of that issue. Whether or not Holocaust reparations are a useful template, the bilateral manner in which the process of postcolonial coming to terms with past (what could be described as a *Postkoloniale Vergangenheitsbewältigung*) has taken place continues to demote non-Jewish legacies of dispossession and murder – here in relation to diasporic and continental Africans, their histories, and their lifeworlds – at the hands of the German state. The question that the German – and European – political class needs to answer to the satisfaction of their former colonial subjects making claims upon them today is this: can its ideology of 'civilizational rupture' as Germany and Europe's moral foundation include the diversity of peoples who have been affected by the genocides and other forms of political violence committed in Africa? Need the centralization of the Holocaust – which Germans and Europeans naturally need to commemorate appropriately – exclude them?

About the author:

Howard Rechavia-Taylor is a PhD candidate in the Department of Anthropology at Columbia University. His interdisciplinary research interrogates the transnational politics of German racial recognition and reparation in the long-term aftermaths of both European and African genocides. He has written for Open Democracy, the European Center for Constitutional and Human Rights and the Rosa Luxemburg Foundation. He holds an MA from the New School for Social Research in New York.

Dirk Moses is Frank Porter Graham Professor of Global Human Rights History at the University of North Carolina. He is senior editor of the *Journal of Genocide Research*. His latest book is *The Problems of Genocide: Permanent Security and the Language of Transgression* (Cambridge, 2021).