ENDURING INJUSTICE: LAW, MEMORY, AND POLITICS IN NAMIBIA’S GENOCIDE REPARATIONS MOVEMENT

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Abstract

In the 1904-1908 genocide in German South-West Africa, the German colonial power eliminated 80 percent of Herero and 60 percent of Nama indigenous communities. Following Namibian independence from South Africa in 1990, descendants of genocide survivors began petitioning Germany for reparations. While legal scholars have debated the technical merits of their case, this project adopts a legal anthropology perspective to examine the Herero/Nama reparations movement in its contemporary sociolegal context of localized political disputes, ethnic identity contests, and international justice initiatives. Based on eight weeks of ethnographic research in Windhoek, Namibia in the summer of 2012, the project focuses on the ways in which reparations activists imagine and invoke domestic and international law as they establish continuities between their historical memories of domination by the German colonial authorities, and their lived experiences of marginalization by the Namibian state. Their demands for symbolic acknowledgement and material redress foreground their colonial-era victimhood in ways that challenge the hegemonic narrative of the Namibian liberation struggle -- a hegemonic narrative that canonizes the anti-apartheid resistance efforts of the ruling SWAPO party and devalues earlier Herero and Nama wars against the German colonial regime. I find that reparations activists’ traditionally political claims about memory, ethnicity, and cultural survival are being contested in legal arenas, and that despite their pessimistic approach to domestic law, they hold faith in international law as neutral, fair, and on the side of justice. Herero and Nama reparations activists draw on the global normative discourse of genocide to present legal claims in ways that challenge not only the German government’s refusal to pay reparations, but also the Namibian government’s exclusionary practices of ethnic favoritism and corruption.
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Chapter 1: Introduction

On a chilly morning in early October 2011, approximately 7,000 people gathered together to greet a flight at the Chief Hosea Kutako International Airport 40 minutes outside of Windhoek, Namibia’s capital city.¹ The airplane bore 20 human skulls, each over 100 years old and belonging to Herero and Nama individuals. Scores of skulls had been taken to Germany for racial research over a century earlier as part of the German colonists’ genocidal campaign against the Herero and Nama, and these 20 were the first -- and so far the only -- to return to Namibian soil. When the plane landed shortly after 6:00 a.m., the crowd broke through police lines to greet it, and the planned schedule of speakers was abandoned in the excitement.² During my research, one woman who had gone to Germany as part of a delegation to collect the skulls told me that she had grown up hearing stories about the genocide from an aunt, including that colonial officials had beheaded her great-great-uncle in a concentration camp and taken his head to Germany. She explained the personal significance of the skulls: “Perhaps, among the skulls that came back here, my great-great-uncle is there. And if not, wherever he is there in Europe, his spirit must have connected with mine to know that I came, one of the descendents came, they have been there, looking for them.” The next day, Namibian President Hifikepunye Pohamba officiated at a welcoming ceremony before the skulls were placed on temporary display at the National Museum, which previously and since has devoted very little space to the genocide.

Figure 1. A member of the Namibian delegation to collect the skulls points at two of them before they leave Germany. Source: http://www.zimbio.com/pictures/Y0xyjwvrOSG/Charite+Hospital+Returns+Herero+Skulls+Namibia/3t34d19cHhO

The return of the skulls was a major victory for Herero and Nama reparations activists seeking restorative justice for Germany’s 1904-1908 genocide against them. Some reparations activists I interviewed said that for the first time they felt that their Namibian compatriots whose ethnic groups had not been targeted for extermination were beginning to understand the lasting significance of the genocide and the need for reparations. The event briefly captured national and international media attention, much of which also highlighted the events of the genocide and the two minority groups’ ongoing demands for reparations. The visit to Germany to collect the skulls also gave the delegation of Herero and Nama activists an opportunity to build
relationships with German civil society groups and opposition parties in Parliament.\(^3\) Since the genocide generally is marginalized in the mainstream narrative of Namibian history propagated by the Namibian state, the broad, largely favorable attention brought by the return of the skulls represented an ephemeral victory of an alternative, subversive narrative.

**Aim and Scope**

My aim in this project is to explore the dynamic intersection of local historical memory and global human rights discourse through the lens of the strategic political agency of Herero reparations activists. In particular, I am interested in law, including the discursive and strategic turn to law to stake out claims to victimhood in the colonial past and draw attention to their political and economic marginalization in the present. Designed as a contribution to the anthropological study of transitional justice and the cross-disciplinary study of post-conflict memory politics, the project analyzes the interplay of international legal regimes such as genocide and rule of law, and localized political disputes over the relationship between the colonial past and the

\(^3\) The activists’ interactions with the ruling party were less positive. They complained that the German Minister of Foreign Affairs left the transfer ceremony before listening to a speech by her Namibian counterpart, Minister of Youth, Sport, and Culture Kazenambo Kazenambo, and that German officials neglected to attend other events organized by the activists and their German allies. They also expressed concerns that Germany would simply ship back the remaining skulls, rather than organizing another visit. In the words of one Nama activist, “According to our tradition, it’s not allowed. When somebody dies, the person is in the mortuary, it is the owners who go and fetch the body. You don’t send it with a stranger!”
post-colonial present. My main argument is that Herero and Nama activists draw on
the global normative discourses of genocide and rule of law to present legal claims in
ways that challenge not only the German government’s refusal to pay reparations, but
also the Namibian government’s exclusionary practices of ethnic favoritism and
corruption.

This project addresses three main research questions:

1. How does the process of fighting for reparations transnationally
   bolster activists’ struggle against domestic marginalization and
   forgetting?

2. How do activists draw on the global normative discourses of
   genocide and the rule of law to present their legal claims in ways that
   challenge not only the German government’s refusal to pay
   reparations, but also the Namibian government’s exclusionary
   practices of land reform, ethnic favoritism, and corruption?

3. How do activists at once critique and invoke the discourse of the rule
   of law to make the case for restorative justice?

In addressing these questions, the project sheds light on the role of domestic and
international law as tools of minority oppression and community resistance in an
ethnically fragmented society, with implications for other postcolonial states with
histories of violent conflict.
Law, Conflict, and Memory

In its typical usage, “law” is usually shorthand for formal state law. However, legal anthropologists and other law and society scholars have developed a much broader and more comprehensive understanding of law through the concept of “legal pluralism.” Initially, the term was essentially akin to federalism, and was used to describe the coexistence of formal legal systems at the local, national, and transnational levels.\(^4\) However, emphasis later came to be placed on a spectrum of informal normative communities and governing bodies, and also on the sometimes tense interactions between and among legal systems and their “mutually constitutive nature.”\(^5\) Legal pluralism implies not only a plurality of legal systems, but also a plurality of legal consciousnesses and imaginations. While all societies are characterized by legal pluralism, postcolonial societies often face particular sets of challenges in dealing with the legacies colonial rule throughout their local and national legal systems.\(^6\)

\(^5\) Ibid.
Globalization has generated renewed interest in legal pluralism, and also has generated the new framework of “global legal pluralism,” which focuses on the relationship between global legal and normative systems and national or local legal systems, processes, and imaginations. Critical legal scholars have pointed out that international law operates on unequal footing in comparison with national legal systems in poor countries, and, endowed with legitimacy, international law is an ideological and coercive tool to maintain existing power relations. However, scholars adopting a global legal pluralism framework argue that multiple legal regimes operate in relation to one another, and that the space between “the global” and “the local” is not an empty gulf but rather a dynamic intersection in which legal imaginations are contested, reworked, and translated into the vernacular. This work of vernacularization often is performed by translators, who translate local needs “up” to global normative communities and global norms such as human rights “down” to local communities. The work of translators is important in shaping local legal consciousness, and the way that people think of themselves as legal subjects endowed with certain rights and responsibilities.

Importantly, global legal and normative regimes also shape the way people understand and talk about their own pasts, including the historical pasts of their communities. In other words, law has the ability to rewrite memory. Nader and Mattei, writing about recent civil litigation in the United States over losses suffered by Jewish businesses during the Holocaust, worry that the erosion of traditional concepts of jurisdiction and statutes of limitation is granting the legal authority to write world history to countries with the power and resources to claim universal jurisdiction.\(^\text{12}\) Conversely, in postcolonial contexts, state efforts to form an independent nation-state can include a knee-jerk reaction against global norms and an uncritical glorification of supposedly authentic precolonial traditions.\(^\text{13}\) This tendency to reify local legal traditions is problematic in that indigenous justice mechanisms change over time and are enacted and understood differently even within communities.

However, law can be used as a tool of both oppression and resistance, and global legal pluralism means that individuals and communities have access to multiple legal systems, some of which may be more sympathetic to their causes than others. Because of this and because of increasing fears of disorder promoted in part by global neoliberalism, political battles increasingly play out in legal arenas. John and Jean Comaroff coined the term “lawfare” to describe “the resort to legal instruments, to the


violence inherent in the law, to commit acts of political coercion, even erasure.”  

This juridification, this migration of political disputes into the arena of law, occurs in conjunction with a postcolonial “fetishism of legality” and obsession with law and order and the opposite sides of their coins, illegality and disorder.  

The Comaroffs elaborate:

> With the growing heterodoxy of the twenty-first-century polity, legal instruments appear to offer a ready means of commensuration: a repertoire of more or less standardized terms and practices that permit the negotiation of values, beliefs, ideas, and interests across otherwise-impermeable lines of cleavage. . . . Under these conditions [neoliberal privatization of former state functions], in which the threat of disorder seems everywhere immanent, everywhere proportional to the retraction of the state, civil law presents itself as a more or less effective weapon of the weak, the strong, and everyone in between. 

In other words, the turn to law to settle political disputes -- including, as I will elaborate in Chapter 3, disputes over memory -- is indicative of global trends that affect the postcolonial world disproportionately.

**Methods**

As an anthropology student with a particular interest in international law and genocide studies, I first became interested in the Herero and Nama reparations case

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15 Ibid, 32.

16 Ibid, 32-33.
because of the way that modern international law was being applied to an historic case of genocide. I spent eight weeks in Windhoek, Namibia in the summer of 2012 to complete field research for my senior thesis. I chose Windhoek as my field site because, as the capital city and the country’s main urban center, it is the location of most NGOs engaged in the reparations movement and is also home to Parliament and government ministries. Events such as visits from German dignitaries most often take place in Windhoek. Language barriers were not a problem in Windhoek, as almost everyone spoke English. My fieldwork also included two weekend trips, one to the Herero town of Okakarara, and one to the Nama city of Keetmanshoop. There, language did become an issue, but I met two bilingual women in Okakarara who helped me translate, and I was able to rely on a bilingual reparations activist from Windhoek as my travel companion and translator in Keetmanshoop.

I gathered qualitative data through formal, semi-structured interviews with Herero and Nama politicians and civil society leaders engaged in the reparations movement, including the leadership of the NGTC, the OCD-1904 and the OGC. I came prepared with a list of open-ended questions that, when possible, reflected background research on my interviewees’ positions and experience. I also asked additional questions on an impromptu basis. I chose to keep the interviews open-ended so that the themes that were most important to my informants could emerge, and my thesis could take more direction from the concerns of the community. Broadly, the topics of the interviews included interviewees’ personal stories and involvement in the movement, how the legacy of the genocide continues to have an impact on Herero and
Nama communities today, what can be done to address those problems, what the process of negotiating and implementing reparations should look like, and activists’ strategies for pressuring Germany to pay. Most interviews lasted around two hours. I formally interviewed 27 civil society leaders and politicians who are actively involved in the reparations movement. I also did at least one follow-up interview with several of these informants, and formed close professional relationships with one Herero and two Nama activists in particular. All my interviews were recorded with participants’ informed consent.

Additionally, I conducted informal interviews, also with interviewees’ informed consent, throughout the course of my fieldwork as the opportunity arose. These shorter interviews had similar goals, but were not scheduled or prepared for in advance and usually not recorded. I usually asked informal interviewees to comment on events as they unfold, while the formal, semi-structured interviews had a broader focus.

I also conducted participant-observation alongside activists to allow me to observe and better understand the day-to-day activities of reparations activists. This consisted of participation and observation at key public and semipublic sites or legal and political outreach and advocacy, such as committee meetings and genocide commemoration events. I attended a commemoration on the anniversary of the Battle of Ohamakari, which marked the beginning of the Herero-German War and associated genocide. Held in Okakarara, this event included speeches, cultural performances, drills, and competitions. I also attended a meeting of the Ovaherero Genocide
Committee and a lecture given by a German Bundestag member in favor of reparations.

My position as a white American shaped the access I had to politicians and activists, as well as the tone and content of the interviews. I found access to politicians and civil society leaders remarkably easy. High-profile leaders of the reparations movement, members of Parliament, and even a government minister all took hours out of their very busy lives to answer my questions with passion, patience, and generosity. However, many interviewees were suspicious of academics; too many revisionist historians had interviewed them, only to misuse the information they provided toward their own denialist agendas. Practitioners of applied anthropology working for the apartheid South African government had also misused ethnographic data to prop up a racist regime in Namibia. Generally, however, interviewees were relieved to find that I was American, as German academics were considered more likely to be genocide apologists. Many interviewees also assumed that I had political influence and access to resources by virtue of being American. Could I help them find money to rent an office? Would I convince my government to pressure Germany to pay reparations? They encouraged me to push my academic interest in the reparations movement further, and contribute to the struggle in more direct ways. Often, activists wanted to know if I was Jewish, as it would explain my interest in the genocide. They

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were eager to make connections with Jewish communities, since they had been successful in demanding genocide reparations from Germany.

Not all interviewees shared faith in the potential of my project to contribute to the reparations movement, though all were extremely generous with their knowledge and time. While some thanked me profoundly for my interest and effort, others were discouraged when they learned I was an undergraduate student, or pushed me for extensive details about my project before agreeing to talk. One woman confronted me directly on the problems inherent in the research process as it operates today. It is unfair, she charged, that academics from wealthy countries receive generous grants to collect data from people in poor countries; the researcher gets a degree, a career boost, or money from the experience, while the people who actually provide the data get nothing. She frankly dismissed my timidly advanced hope that my project would give back to the reparations movement in some small way, as the historical record on the genocide was already well established. Here I can only acknowledge the merit of her critique and express my thanks for the time, information, and perspectives shared by all my interviewees.

Age and gender also played a role in my interactions with interviewees. With a few exceptions, most of the people I interviewed were older men. They were largely educated professionals, sometimes with achievements that would secure them lines in Namibia’s history books. In the United States, my experience as a young woman activist most often engaging older men as the targets of campaigns has conditioned me to a certain kind of dialogue. Perhaps as a conscious posturing strategy in negotiations
or perhaps as a result of underlying sexist attitudes, in my experience most older men in positions of power use demeaning, condescending, or patronizing language to talk to young women. In Namibia, by contrast, my interviews functioned more like conversations on equal terms, though some interviewees overestimated and others underestimated the depth of my knowledge about Namibian history. I have spent a lot of time thinking about why this was so, particularly given that I encountered a considerable degree of overt sexism from male strangers, friends, and acquaintances in Namibia. Perhaps multiple layers of power and privilege -- male/female, old/young, professional/student, white/black, American/Namibian, researcher/subject -- intersected to create a dynamic resembling equal footing. Perhaps my interviewees, engaged as they were in a struggle for social justice, were putting into practice a genuine commitment to gender equality.

Chapter Overviews

In Chapter 2, I give an historical overview of Namibia, beginning with German colonialism and the Herero and Nama genocide. I also discuss Namibia’s struggle for independence from its subsequent colonizer, South Africa under white minority rule. Finally, I turn to postcolonial Namibia, and examine in more detail the political culture in which the reparations movement has developed. I also touch on the lasting legacy of the genocide and the ways that reparations activists hope to address it through restorative justice.
The focus of Chapter 3 is Red Flag Day, an annual Herero commemoration of the genocide. During my fieldwork in 2012, the Namibian police cancelled Red Flag Day, citing their fears that violence would break out between disputing Herero factions. I argue that Red Flag Day is an important site for the Herero to articulate a narrative of Namibian history that subverts the dominant state narrative, and consider the implications of state force being used to silence that narrative in the name of law and order. I also discuss legal imaginations within the Herero community as a minority community typically affiliated with opposition parties.

In Chapter 4, I turn to the importance of official acknowledgement and physical structures on the landscape of Namibia to commemorate the genocide. Using Pierre Nora’s concept of lieux de mémoire, I explore how the monuments, memorials, and museums of Windhoek all but erase the history of the genocide, including on the very grounds on which a concentration camp for Herero and Nama prisoners of war once stood. I consider Herero and Nama efforts literally to cement the history of the genocide into the national narrative through contestations over particular monuments, memorials, and museums. Again, this process of memory contestation is highly politicized.

Lastly, Chapter 5 considers the political controversy over land redistribution. After independence, the newly-elected government decided not to consider historical claims to land when redistributing farmland that was disproportionately in the hands of white settlers. This was experienced as a betrayal of basic principles of justice and legality by the Herero and Nama, whose land had been taken as part of the genocide.
Through reference to the story of a group of Nama squatters, I focus specifically on how contestations over the rule of law and responsibilities of the state to its citizens -- understanding which are shaped by memories of the colonial-era genocide -- play out in the debate over land reform in Namibia.
Chapter 2: German Colonial Rule, South African Colonial Rule, and the Reparations Movement

In this chapter I explain the historical events that set the stage for the contemporary reparations movement in Namibia. This chapter is not, of course, a comprehensive history of the genocide, much less of Namibia. Rather, I hope to establish some basic context for the reparations movement. First, I briefly will detail the events of the genocide itself, and its lasting consequences as understood by reparations activists. My interviewees placed enormous importance on the events of the genocide: a simple “please introduce yourself” often prompted 10 or 15 minutes of detailed historical narrative, and the genocide itself has become a defining feature of Herero and Nama culture and politics. Next, I will discuss the apartheid liberation struggle, with emphasis on Herero politics during that time, which partially set the tone for the Hereros’ role in post-independence national politics, including memory politics and the quest for reparations. Subsequently, I will describe the current political culture of postcolonial Namibia, a single-party democracy with a strong tradition of ethnic identity contests. This political context shapes the reparations movement’s strategies and tactics. Lastly, I will elucidate the specific goals of the reparations movement as well as its achievements to date.
European contact came late to the people of present-day Namibia thanks in large part to the harsh Namib desert shielding the people of the interior from coastal explorers.\textsuperscript{18} By 1884, however, Germany had established internationally recognized colonial control over Namibia.\textsuperscript{19} Popular support for the colonial project sprung from economic arguments in its favor as well as fascination with exploration and adventure and concern for national prestige.\textsuperscript{20} Namibia was designed as a settler colony, which meant that there were large numbers of Germans living on Namibian land. Germans had been leaving the country as a result of the overpopulation, urbanization, and alienation associated with industrialization, and Germany was eager to keep them within the empire.\textsuperscript{21} Namibia was to be their new destination, a second Germany built on agricultural foundations and designed to preserve the virtues of traditional German culture.\textsuperscript{22} Control over land for farming and living space was a central tenant of the colonial plan in Namibia.\textsuperscript{23} The brunt of colonial administration and land dispossession was felt most harshly in the central and southern portion of the country;

\begin{thebibliography}{9}
\bibitem{18} David Olusoga and Casper W. Erichsen, \textit{The Kaiser's Holocaust: Germany's Forgotten Genocide and the Colonial Roots of Nazism} (London: Faber and Faber, 2010), 19-20.
\bibitem{19} \textit{Ibid}, 39-41.
\bibitem{20} \textit{Ibid}, 34-36.
\bibitem{22} \textit{Ibid}.
\bibitem{23} \textit{Ibid}, 53.
\end{thebibliography}
the north, populated by the majority ethnic Ovambos, was not affected as directly.\(^{24}\) (See Figure 1 for an ethnic map of Namibia.)

Initially, political maneuvering and manipulation as well as a vigorous ‘divide-and-conquer’ strategy against the feuding Herero and Nama allowed the Germans to gain control over Herero and Nama land with minimum force.\(^{25}\) In January 1904, however, war broke out between the Herero and the Germans. This prompted German General Lothar von Trotha to write:

> I believe that the nation as such should be annihilated, or, if this was not possible by tactical measures, have to be expelled from the country...This will be possible if the water-holes from Grootfontein to Gobabis are occupied. The constant movement of our troops will enable us to find the small groups of nation who have moved backwards and destroy them gradually.\(^{26}\)

Under the leadership of Hendrik Witbooi and other chiefs, the Nama began to revolt in October 1904. Their litany of complaints included encounters with racism, the loss of autonomy, unfair conditions for trading for imported goods, and, of course, the expropriation of land.\(^{27}\) While no explicit extermination order exists for the Nama, they too were exterminated systematically between 1904 and 1908.\(^ {28}\) Von Trotha

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\(^{28}\) Olusoga and Erichsen, *The Kaiser’s Holocaust*, 215. Note that other indigenous communities, including the Damara and the San, also were affected by the genocide.
came very close to succeeding. As is the case in most mass atrocities, the mortality figures are contested. However, the figures cited by most reparations activists, which match up with middle-range academic estimates, are that around 80 percent of Herero and 60 percent of Nama were killed in the genocide.29

Figure 2. Map of Namibia showing approximate geographic locations of ethnic communities. Source: John T. Friedman, *Imagining the Post-Apartheid State*, 14.

on a smaller scale. They are not part of this study simply because they are not yet part of the reparations movement in a broad, organized capacity.

In August of 1904, the Herero were defeated at the Battle of Waterberg and were driven into the harsh Omaheke Desert, where many died of thirst. In October, von Trotha issued his infamous extermination order against the Herero, which read in part: “The Herero must however leave the land. If the populace does not do this I will force them with the [cannons]. Within the German borders every Herero, with or without a gun, with or without cattle, will be shot. I will no longer accept women and children, I will drive them back to their people or I will let them be shot at.” Though von Trotha privately instructed his troops to shoot above the heads of women and children to drive them away, this effectively served as a death sentence for many, as it forced them away from the water holes.

Eventually, the Germans began accepting the surrender of unarmed Herero and Nama, but the survivors were sent to concentration camps, where the genocide continued by other means. Starvation, rape, beatings, and forced labor systematically were deployed as means of elimination. The camps were overcrowded and disease was rampant. In the camps, the mortality rate was around 50 percent. Another disturbing component of the concentration camps was their role in the development of

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34 Ibid, 64-78.
German racial ideology. The decapitated heads of Nama and Herero prisoners were shipped to German scientific institutions and private collectors as curios or for anthropometric measurements.\textsuperscript{37} Though the war officially ended in March 1907, imprisonment in the camps continued until January 1908, when prisoners were released in celebration of the birthday of Kaiser Wilhelm II.\textsuperscript{38}

\textit{The Legacy of the Genocide}

I asked each person I interviewed about the lasting legacy of the genocide. In terms of direct concrete impact, land and cattle dispossession was the most recurrent theme in their answers. As I will discuss in much more detail in Chapter 5, land dispossession during the German colonial period has led to extreme racialized inequality in land ownership in Namibia today. This imbalance exacerbates the already severe economic inequality between white and black Namibians.\textsuperscript{39} The loss of cattle also was cited frequently. Cattle are very important in the Herero culture and

\textsuperscript{37} Olusoga and Erichsen, \textit{The Kaiser’s Holocaust}, 224. See also pages 245-51 for more on the role of anthropometry of Namibian peoples in the development of racial science and Nazi ideology, particularly the research of Eugen Fischer.
\textsuperscript{39} Herbert Jauch, Lucy Edwards, and Braam Cupido, \textit{A Rich Country with Poor People: Inequality in Namibia} (Windhoek: Labour Resource and Research Institute, 2009), 23-27.
economy. An outbreak of rinderpest drastically reduced the size of their herds just prior to the genocide, and the Germans then stole many cattle during the genocide. Reparations activists say that their herds are much smaller today for it.

The genocide also resulted in cultural changes within Herero and Nama communities. For instance, many of the Herero who made it to exile in present-day Botswana after being forced across the desert stayed there. Consequently, there are Herero communities in western Botswana that today neither speak Otjiherero nor observe the same traditions as their Namibian cohorts. Moreover, cross-cousin marriage, practiced today in Herero communities, was considered incestual prior to the genocide, but the decline in population prompted the Herero to eliminate that taboo in order to preserve certain matriclans in danger of disappearing. Though all cultures change over time, many of the women and men I interviewed used language of degradation, erosion, and corruption to describe the cultural changes that resulted from the genocide. They also said that their dignity as a people had been broken in the genocide, and that only an inclusive process of restorative justice could repair it.

Activists also consistently mentioned the loss of human lives, both as a tragedy in itself and as a sacrifice with strong ripple effects. Often, they lamented the cultural

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40 Erika von Wietersheim, This Land Is My Land!: Motions and Emotions around Land Reform in Namibia (Windhoek, Namibia: Friedrich-Ebert-Stiftung, 2008), 62-65.
42 Personal communication with Johanna Kahatjipara, August 15, 2012.
or scientific contributions the victims of the genocide or their descendents might have made if they had survived. Importantly, the dramatic decline in their populations has meant far less electoral power in postcolonial Namibia than Herero or Nama otherwise would have had. Herero and Nama are minority groups that typically support opposition parties. Meanwhile, the majority ethnic Ovambos tend to support SWAPO, the party that has held power since independence. SWAPO does not need to court the Herero and Nama communities’ votes, since it is perfectly capable of winning without them. Consequently, it funnels development aid -- including that paid by Germany in lieu of reparations -- to predominantly Ovambo areas. Reparations activists point to many other ways in which SWAPO expresses favoritism for its Ovambo clientelle while marginalizing minority groups, including legal corruption, memory politics, and at best lukewarm support for reparations from Germany -- all themes I will explore in much more detail in subsequent chapters. The sheer number of lives lost in the genocide, then, has meant that the affected communities lack the political clout to obtain reparations.

SWAPO and the Apartheid Liberation Struggle

Germany lost all of its colonies in World War I, and Namibia became a League of Nations trusteeship, and subsequently a United Nations quasi-mandate, under South
African control.⁴³ Namibian activists successfully petitioned the United Nations to declare South African rule illegal, but the minority white regime in South Africa continued to colonize Namibia until 1990, imposing the same apartheid legislation that governed South Africa.⁴⁴ In 1960, the South-West African People’s Organization, or SWAPO, grew out of the Ovamboland People’s Congress in Ovambo communities in the northern part of the country.⁴⁵ SWAPO was a militant guerrilla organization for Namibian independence. In 1972, the United Nations General Assembly recognized SWAPO as “the sole authentic representative of the Namibian people.”⁴⁶ Then, in 1975, a leftist government came to power in Angola, which borders Namibia to the north. Angola then allowed SWAPO to establish military bases across the border from which to launch attacks, so much of the fighting in the liberation struggle took place in the northern part of Namibia or across the border in southern Angola.⁴⁷

Other Namibian political parties, often associated with minority ethnic groups, were also active in the years leading up to independence, with varying levels of affiliation with or objection to the South African regime. However, the state narrative on the liberation movement “greatly privileges the military aspect” which, not

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coincidentally, was led by SWAPO -- the party that has held power since independence.\footnote{Kössler, “Facing a Fragmented Past,” 361.} Large segments of many minority ethnic groups participated in the conservative Democratic Turnhalle Conference (DTA), an opposition party to SWAPO formed at a South African-sponsored conference and designed to facilitate an increase in Namibian autonomy while retaining South African control.\footnote{Leys and Saul, “Introduction,” 22; Colin Leys and John S. Saul, “SWAPO Inside Namibia,” in \textit{Namibia’s Liberation Struggle: The Two-Edged Sword}, ed. Colin Leys and John S. Saul (Athens: Ohio University Press, 1995), 78.}

Today, Namibia is a single-party democracy. SWAPO has held power since independence, and wins elections in landslides -- though a few of the reparations activists I interviewed alleged fraud. Namibia enjoys broad international support as “a success story in the transition from war to peace, from apartheid colonialism to harmonious national reconciliation, and from racial authoritarian rule to multi-party democracy.”\footnote{André Du Pisani, Reinhart Kössler, and William A. Lindeke, “Introduction,” in \textit{The Long Aftermath of War: Reconciliation and Transition in Namibia}, ed. André Du Pisani, Reinhart Kössler, and William A. Lindeke (Freiburg: Arnold Bergstraesser Institut, 2010),} However, the reparations movement challenges this narrative.\footnote{So do many former SWAPO fighters and the “struggle children” born in exile, who have complained about inadequate veterans’ benefits. Kössler notes that while the military aspect of the liberation struggle takes center stage in the state historical narrative, the war is glorified and emotions “associated with struggle and loss” are erased (“Facing a Fragmented Past,” 362.)} They point to the ways that the legacies of war and genocide remain a present force in their lives, the ways that enduring injustice inhibits national reconciliation, and the ways that ethnic favoritism and political marginalization sideline dissident communities.

Each of these themes will be explored in greater detail in Chapters 3, 4, and 5.
The Reparations Movement and Activists’ Demands

In 2003, Herero communities began to organize under the auspices of the Ovaherero Genocide Committee (OGC) in preparation for the upcoming centennial of the genocide in 2004. Today, there are three main genocide committees in operation: the OGC, the Ovaherero/Ovambanderu Council for Dialogue on the 1904 Genocide (OCD-1904), and the Nama Genocide Technical Committee. The OGC and OCD-1904 are both composed of Hereros and share very similar goals, but have formed separate committees and have a tense relationship with each other because of political differences that I discuss more in Chapter 3. The Nama Genocide Technical Committee stays out of Herero politics, but works much more closely with the OGC than with the OCD-1904. There have also been other, shorter-lived organizations, such as the Chief Hosea Kutako Foundation, which unsuccessfully brought a lawsuit against Germany and three German companies in U.S. courts in 2001.

Despite political obstacles, reparations activists have achieved several key, if partial, victories. For example, in 2004, German Development Aid Minister Heidemarie Wieczorek-Zeul acknowledged and apologized for the genocide for the first time. However, she later clarified that her apology was personal and should not be considered an apology from the German state; reparations activists continue to wait for an official apology. In 2007, similarly, the family of genocidal German General

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52 Personal communication with Ester Muinjangue, July 10, 2012.
Lothar von Trotha apologized to the descendents of survivors. Perhaps the most noteworthy achievement of the reparations movement to date has been the repatriation of 20 Herero and Nama skulls from Germany to Namibia. The three committees sent a large delegation to Germany, accompanied by the Namibian Minister of Youth, Sport, and National Culture Kazenambo Kazenambo, a Herero. (See Figure 2 for a photograph of a Herero activist in Germany to collect the skulls.) They were disappointed with the welcome they received in Germany, especially because Germany failed to send a delegate to the handing over ceremony of equal stature to Minister Kazenambo, and because the trip to the university holding the skulls was scheduled when no students were on campus. Nonetheless, the returning skulls were greeted by 4,000 Namibians upon their return to Windhoek in an emotional reunion. In 2008, Germany responded to activists’ complaints that SWAPO was funneling German aid away from Herero and Nama communities and toward Ovambo communities. They launched the German Special Initiative (GSI) to give Namibia development aid slated specifically for use in predominantly Herero and Nama communities to which it owed a “special historical responsibility.” However, as I explain in Chapter 5, the GSI has been fraught with problems: communities affected by the genocide have complained that they were not consulted, and very little of the money has actually been used for its intended purpose.
Reparations activists have several goals moving forward. First, they want more efficient and effective land reform that takes into account pre-colonial claims to land. Second, they want financial compensation for stolen cattle and other losses. Third, they want access to mental and physical health services, since the disastrous public health consequences of the genocide have lasted for generations.\(^5\) Fourth, they ask that all human remains and cultural artifacts still in Germany be repatriated to Namibia following culturally appropriate protocol.\(^6\) Fifth, they demand development aid in

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\(^5\) For example, many activists cite identity crises and feelings of alienation and depression among mixed-race Herero or Nama who are descendents of German rapists and Herero or Nama survivors.

\(^6\) There are rumors that Germany, in an effort to avoid more of the international press attention that surrounded the first skull repatriation, plans to ship the next group of
areas populated by the affected communities. Sixth, they want apologies and other forms of symbolic acknowledgement, as well as formal commemoration in the forms of monuments, memorials, and museums. While some activists also brought up other ideas -- such as an academic exchange program between German and Herero and Nama youth -- the six I have mentioned were the most recurring asks in my interviews.

The process of negotiating and implementing a reparations package is as important as its content. Most activists call for a “trialogue” among the German government, the Namibian government, and elected representatives of the affected communities in order to negotiate a reparations program. Some would prefer direct talks with Germany, but Germany has made it clear that they will only pursue state-to-state negotiations. A Board of Trustees composed of elected members of the affected communities would then be elected to manage the money and oversee development projects. My interviewees unanimously agreed that cash handouts to individuals would do little long-term good and would not serve to advance restorative justice. When it came to the role of the Namibian state, views were more mixed. Reparations activists often are heavily skeptical of SWAPO’s motives, but Germany will not negotiate without the Namibian state. There is some tension within the activist community about the degree to which SWAPO support could lead to it co-opting the movement.

skulls back on an airplane rather than having activists come collect them in a formal ceremony again. Activists counter that such treatment of human remains would be insensitive and culturally offensive.
Chapter 3: “The Police Stop the Herero”: Politics of a Popular Commemoration

When I was preparing for my fieldwork in Namibia, I was unsure of the current state of the reparations movement. It seemed that no major developments had taken place since the first repatriation of human remains in 2011, and it was not clear that the claims were likely to move forward during my three months of research in Windhoek. However, I knew that every August the Herero gathered in Okahandja, a city an hour’s drive north of Windhoek in the heart of Hereroland, to pay homage to their fallen heroes and celebrate the Herero’s history of resistance to colonial domination during the Herero-German War. Red Flag Day, this annual event, began in 1923 with the funeral of Paramount Chief Samuel Maharero, and in recent years has become a key site for public dialogue on the issue of genocide reparations. Though it meant missing a week of classes the following semester, I booked my return flight for late August so that I could attend Red Flag Day to learn firsthand what role it played in advancing the reparations movement. Later, as my fieldwork was underway, I was glad I had made these decisions: interviewee after interviewee confirmed that Red Flag Day would be an ideal way for me to experience what they had told me about Herero culture, history, and politics firsthand.

I first heard rumors of cancellation halfway through my fieldwork, about a month before Red Flag Day was scheduled to occur. I was concluding a breakfast meeting with a member of the Ovaherero/Ovambanderu Council for Dialogue on the 1904 Genocide (OCD-1904) in a café in a rich suburb of Windhoek, coffee long since
finished as we discussed the painful legacy of the genocide. I felt anxious when a previous interviewee and member of the Ovaherero/Ovambanderu Genocide Committee (OGC) approached our table, since I had been in Namibia long enough to know that tensions existed between the OCD-1904 and the OGC. The OGC member greeted us each politely, but before excusing himself he said to me: “You know that’s one of them, right?” My OCD-1904 interlocutor ended the interview rather abruptly, asking me to escort him to his car. In the parking lot, he confided that Red Flag Day would not happen this year. There was infighting, he said, and someone had filed an injunction. I asked if the infighting had anything to do with the OCD-1904/OGC division, but he insisted that the issue was completely separate -- a question of politics, he said, and he spared me the details. No one I interviewed subsequently seemed to have heard similar rumors, and I had all but dismissed them when, just days before Red Flag Day, the newspapers announced that the Okahandja police were considering shutting it down.

In the end, Red Flag Day was cancelled for the first time since its inception in 1923, with the police stating publicly that they were uncertain that they could keep the peace between the disputing Herero factions. Herero en route to Okahandja turned around and went home. Smaller events were held in Windhoek to commemorate the genocide and call for reparations, including a speech by a visiting German member of

Parliament, which I attended. One faction held its own Red Flag Day in Okahandja the following weekend, complete with an address by Paramount Chief Kuaima Riruako.\textsuperscript{58}

As I discuss below, reparations activists use Red Flag Day as an important platform to express alternative narratives of Namibian history for both domestic and international audiences. Its cancellation is significant in part because it represents the official censoring of memories that subvert the official story of Namibian history. This chapter analyzes the story of the cancellation with regard to two important themes. First, it speaks to the relationship of reparations activists to the state through reference to internal politics of the reparations movement. The two main groups in conflict share remarkably similar goals for reparations, but their differing relationships to the ruling SWAPO party set them apart. Second, the cancellation illustrates the use of state power to suppress subversive memories. The OGC’s decision to attempt overturn the injunction in court exemplifies the juridification of Namibian memory politics — ostensibly political questions about memory and history are here disputed through the law. Notably, the rule of law features as the state’s primary justification for the cancellation. As I argue in Chapter 5, legal imaginations that view the state’s rule of law as hypocritical are at the heart of reparations activists’ demands for an end to the enduring injustice of the genocide. In this chapter, I will explore these themes by explaining in turn the background and importance of Red Flag Day, the politics behind

the cancellation, the events of the cancellation itself, and the events that replaced Red Flag Day.

Background of Red Flag Day

In order to understand why the cancellation of Red Flag Day was a significant event in the prolonged contest over Namibian national narratives, it is necessary first briefly to discuss the historical origin of Red Flag Day. The funeral of Herero Paramount Chief Samuel Maharero in 1923 marked the first Red Flag Day. Maharero ascended to the Herero chieftaincy in 1894: though his claim to the position was “extremely tenuous,” he succeeded his father successfully with the help of incoming German colonial forces. During the following two years, with the support of the Germans, Maharero extended the power and extent of his initially tenuous position, as chief of Okahandja, to that of paramount chief of all of Hereroland. Maharero was a controversial leader, leasing to the Germans Herero land that some argued was not his to lease. However, in January 1904 Maharero acquiesced to pressure from lesser chiefs and led a united Herero uprising against German colonialism. Like many Herero, Maharero was forced into exile in Bechuanaland -- present-day western Botswana -- during the genocide, where he died in exile in 1923. Though Maharero’s

60 Ibid, 61.
61 Ibid.
contemporary compatriots generally resented him and considered his rule illegitimate, today he is widely considered a hero for his role -- albeit belated and reluctant -- in resisting the Germans. Every year, Red Flag Day reaffirms his hero status. In this way, Red Flag Day is a site of performative memorywork, recreating, reimagining, reinterpreting, and reappropriating the historical past for political ends. This is not to say that the version of history presented at Red Flag Day has sinister ulterior motives behind it, or that it is not “real” or meaningful to participants and observers. But a dichotomy between a sinister, false, politicized state narrative of the past and a noble, true, apolitical subversive narrative would be misleading.

Similarly, while Red Flag Day celebrates Herero culture and aims to preserve Herero tradition, cultures and traditions are dynamic, and quests for cultural authenticity are easily frustrated. Maharero’s funeral in Okahandja on August 23, 1923 marked the beginning of the annual Red Flag Day commemoration, held each year on the Sunday closest to August 23. The 1923 event was more similar to funerals of German military officers killed in battle than to the funerals of Maharero’s ancestors:

An honour guard of Herero soldiers, dressed in German uniforms, wearing German military ranks, and marching to German commands, carried a coffin to the grave. A military brass band, which played a German funeral march, and 170 mounted Herero soldiers, riding four abreast, preceded the coffin. Today, Red Flag Day events continue to incorporate elements of early 20th century German culture. As at all important Herero community events, men wear German-style military uniforms, and women wear Victorian-style dresses. Military drills and horseback riding exercises are among the cultural performances. Sarkin argues that

“[a]ppropriating and reinterpreting these uniforms and the army drill routines can be interpreted as a means of transforming elements of colonial subordination into symbols of liberation and resistance.”

Elements of turn-of-the-century German culture at the forefront of Herero performative memory events are a reminder not only of the dynamic, uncontained nature of culture and memory, but also of the lingering impact of the genocide.

The funeral also was notable for being extraordinarily well attended. The man who had in life united the Herero politically under the paramount chieftainship now united them in mourning. Of the total Herero population of 20,000, over 2500 uniformed Herero soldiers and an unspecified number of Herero women attended the funeral. Even more remarkably, the crowd included Herero royals from Botswana and Namibia, soldiers, old Christians, newly converted Christians, and indigenous religion practitioners alike; Herero identity and shared history superceded intra-Herero political and religious divides at Maharero’s funeral. The funeral also sent a message to outsiders, demonstrating “to the world that they were once again a self-aware, self-administering political community, with their own unique identity. They constituted a social and political community with its own independent command structure to set

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65 Gewald, Herero Heroes, 279.
against the colonial state.”⁶⁷ Despite the ostensible mimicry of a German state funeral, the display of Herero unity and autonomy served to reassert their ethnic identity to an international audience.⁶⁸

**Importance of Red Flag Day**

In contemporary Namibia, Red Flag Day is significant for some of the same reasons. Attendees visit the gravesites of and pay homage to their late chiefs and resistance heroes of the struggles against both German colonialism and apartheid.⁶⁹ (See Figure 1.) They also attend a church service, hear speeches on the issue of reparations, visit educational and vendor booths, and see demonstrations of cultural activities such as military drills, songs, and horseback riding. As in 1923, Herero from all factions -- including diaspora groups displaced by the genocide -- come together to celebrate culture, history, and heroes. Several interviewees expressed that they found the sense of unity brought by Red Flag Day -- a rarity in Herero politics, as I explain in more detail below -- the most valuable part of the annual holiday. Many tourists and

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⁶⁸ Ibid.
⁶⁹ “Riruako Given Red Flag Clearance,” *New Era* (Windhoek), August 28, 2012. Despite the general allegiance of Herero to SWAPO opposition parties both in the present and during the apartheid liberation struggle, a number of Herero did actively oppose South African rule, including as part of SWAPO.
Figure 1. Paramount Chief Kuaima Riruako (center, to the right of young girl) leads a praise song at a Herero gravesite at the 2012 Red Flag Day event. Source: http://www.flickr.com/photos/55354963@N05/8002546380/in/photostream/

other foreigners also attend the event. As in 1923, it is an opportunity to showcase Herero identity for Herero as well as outsiders.

In recent years, Red Flag Day also has become a public platform to call for genocide reparations. Interviewees noted that they embraced the opportunity to educate their fellow Herero attendees as well as other Namibians and foreigners about the genocide and the reparations movement. I interviewed one member of the OGC, Abia, who was half Ovaherero and half Ovambanderu -- two Herero-speaking groups who historically have been in conflict with one another.\textsuperscript{70} He spoke to the significance

\textsuperscript{70} For instance, during the apartheid liberation struggle, many Ovaherero were sympathetic to the South African occupiers, while Ovambanderu were more likely to align with the SWAPO resistance fighters. This discrepancy occasionally led to localized violence between Ovaherero and Ovambanderu, such as that following the assassination of Herero Paramount Chief Clemens Kapuuo. Many Ovambanderu claim not to be Herero at all, and historically have been a “distinct group” although the
of Red Flag Day as a platform for educating the Namibian public about the

particularities and historical importance of the Herero genocide:

Last year when we had the Red Flag Commemoration Day, we had a big tent
where we had a lot of posters about the genocide and pictorial presentations,
and we were quite, quite surprised that 85, more than 80 percent of the people
who visited and who went through the photo exhibitions were Namibians, and
were black Namibians, and were not necessarily the tourists as we would like
to think that they are the only people interested. So a whole lot of Namibians
who are not Otjiherero-speaking do not really know about what happened with
the genocide. They kind of just know, ‘Okay, around that year there was this
big uprising between the Herero and Germans and there was an extermination
order,’ but a lot of people do not actually know the hardships that women and
men went through.

Abia is pointing to the marginalization of the Herero genocide in mainstream
narratives of Namibian history, such as those the state puts forth in school textbooks
and on the landscape in the form of monuments, memorials, and museums. But he is
also indicating that Red Flag Day is a valuable forum for Herero reparations activists
to tell their own story of Namibian history, in ways that challenge the Namibian state’s
tendency to de-emphasize the importance of the genocide in official narratives. From
Abia’s perspective, the state does not propagate total denial, erasure, and silencing of
the Herero genocide as an historical event. Indeed, Namibian schoolchildren of all
ethnic backgrounds learn about the genocide in history classes. But as his comments
suggest, the official narrative does marginalize the genocide in ways that render it
secondarily to the SWAPO-led apartheid liberation struggle. It fails to convey the depth
of Herero sacrifice for national liberation, as well as the emotional toll the genocide
continues to exact on Herero communities.

linguistic and cultural differences between them are “very, very subtle, only
sometimes known to themselves,” as Abia put it.
Due to broad Herero opposition to SWAPO during the apartheid liberation struggle\textsuperscript{71} and continuing today, the official story of the liberation struggle does not consider Herero en masse to have participated in the struggle for Namibian independence. This is true even though the independence struggle is described as national, by and for the entire Namibian nation. Rather than including all Namibians in the liberation struggle, this state narrative essentially defines the nation as independence fighters and independence fighters as SWAPO members. Since SWAPO’s popularity and legitimacy springs from its image as the liberator of the Namibian people, the hegemonic national narrative leaves little room for non-SWAPO independence movements.\textsuperscript{72} The result is the unspoken exclusion of ethnic groups that do not support SWAPO from the Namibian nation, and from history. However, Herero reparations activists are quick to point out the sacrifices their people made for national liberation during the German colonial war. As they see it, their ancestors died so that all Namibians could be free -- but their ancestors’ deaths ironically limited Hereros’ viability as a force on the Namibian political landscape, ushering into power

\textsuperscript{71} John T. Friedman, \textit{Imagining the Post-Apartheid State: An Ethnographic Account of Namibia} (New York: Berghahn Books, 2011), 65. During the war, the South African government went to great lengths to portray SWAPO as Ovambos whose aim in seeking independence was to oppress Hereros.\textsuperscript{72} Between 1975 and 1977, Herero leaders including then Paramount Chief Clemens Kapuuo participated in the Turnhalle Constitutional Conference, a South African-sponsored convention to draft a constitution for a semi-autonomous Namibia under South African control. At the convention, the Democratic Turnhalle Alliance was formed as an umbrella group for SWAPO opposition parties. It was with the DTA that Kuaima Riruako, the current Herero Paramount Chief, was first elected to Parliament. However, Riruako’s party, NUDO, has since withdrawn from the DTA, citing its unwillingness to fight for Herero issues. \textit{Ibid}, 65-66.
a party that allows Hereros’ suffering to continue while claiming exclusive credit for bringing independence.

Not all reparations activists fit neatly into this division. As I discuss below, one of the two main Herero organizations fighting for reparations is associated with SWAPO supporters. I interviewed several reparations activists who were SWAPO members. I asked one such informant, Mukuene, when the Herero began calling for justice for the genocide. His response was illuminating:

Many people would want to argue that this process only started after independence, and in my argument that would be a historical misrepresentation. . . . Assisting Britain to invade Namibia [in World War I, ending German rule] was the first call for justice. . . . When SWAPO started in the liberation war, they got quite a lot of Namibians, especially Otjiherero-speaking who were in Botswana, assisted in the struggle. Sam Nujoma, when he went into exile, those who received him and assisted him to go through Botswana were the Hereros based in Botswana. What they were looking for was justice. When the war of liberation started, quite a number of young people who were born in exile in Botswana who had never set their foot in Namibia, immediately joined to the struggle. Why? Because they were looking for justice. Names like Kalep Tjipahura, was one of the first SWAPO fighters. He was born in Botswana. So I would say that’s when that whole process started.

By narrating the apartheid liberation struggle as a continuation of the Herero struggle against the Germans and highlighting examples of Herero support for SWAPO, Mukuene is challenging both the hegemonic national narrative and Herero who would dismiss SWAPO as a party of and for Ovambos. This is significant because there is not always space for Herero SWAPO supporters in either hegemonic or mainstream counter-hegemonic narratives of the liberation struggle, much less on the Namibian political landscape. Mukuene is carving out such a space by connecting the Herero-German war to the efforts of Herero SWAPO fighters and to the reparations
movement itself. The conclusion he came to in the interview was that SWAPO must support the fight for reparations in acknowledgement of Herero contribution to national independence.

On Red Flag Day, Herero activists take it upon themselves to educate the broader Namibian community about the atrocities perpetrated by the Germans. They invite their Ovambo compatriots to begin bridging the emotional gap between those who experience the pain of genocide in their daily lives and those who know it as an abstract and peripheral concern. Abia’s experience indicates that reparations activists have seen some level of success in rendering Herero suffering concrete for Ovambos who may have only ever encountered the simplified, abstracted version. Rather than simply repeating the basic history of the genocide that one might find in a textbook, OGC members tell Red Flag Day visitors stories of personal suffering and loss. In the words of one informant, “Sometimes women had to make sure they kill their babies in their haste so that they make sure that they don’t have to endure dying at the hands of the German forces, and even when you look at the role the women played in the war itself, you know, it’s some of these things that we want to educate the public about, and to really rally Namibians behind the cause of reparations.” In short, Red Flag Day serves as a platform to project a counter-hegemonic narrative of Namibian history through dress, ritualized performance, and speech acts.
The Politics of Herero Groups

The possibility of violence between two Herero factions -- the Riruako group and the Maharero group -- was the ostensible reason for the cancellation of Red Flag Day. The two factions are culturally indistinguishable, but diverge on key political questions. (See Table 1 for a comparison of the two groups.) Herero politics and royal house allegiances are complicated and go back generations, with roots in migration, political rivalries, and resource struggles. Beginning in 1995 and invigorated in 2000 with the Traditional Authorities Act, community leaders have had to seek validation from the government for themselves and on behalf of their communities in order to secure resources and authority. However, this process has not simplified matters by clarifying who is and is not a legitimate Herero chief. As Friedman explains,

The drafting of new legislation and policy has . . . done little to diminish contests over traditional leadership in Namibia or clarify fully the place and/or role of traditional authority in the post-apartheid State. . . . Facing an ambiguous future, these leaders continue to manoeuvre in ways that allow them to exploit and/or mitigate the country’s new and changing political landscape. . . . With the Herero paramount chieftaincy cracking under these political pressures, and with the government’s refusal to recognize any paramount Herero chief whatsoever (a decision that prevails to this day), numerous Otjiherero-speaking leaders began (and continue) to reclaim their so-called ancestral leadership rights by (re)constituting ‘traditional communities’ under independent royal houses.

73 Although “Riruako group” and “Maharero group” are shorthand for more complex coalitions, here I will refer to them as such for the sake of simplicity and consistency with Namibian newspaper accounts of the cancellation.
74 Friedman, Imagining the Post-Apartheid State, 179-201.
75 Ibid, 203.
76 Ibid.
In other words, the state’s attempts to create a structured, orderly system for shared governance of indigenous communities instead unintentionally has resulted in the exacerbation of internal political divisions within and among Herero communities.

Complicating matters, a provision of the 2000 Traditional Authorities Act stipulates that leaders of political parties are ineligible to be recognized as traditional leaders. Kuaima Riruako is the leader of the Ovaherero Traditional Authority, and widely is recognized as the Paramount Chief of the Herero. However, Riruako is also president of the opposition National Unity Democratic Organisation (NUDO) party in Parliament. He therefore has not been recognized under the Traditional Authorities Act. Riruako group supporters contend that the ruling SWAPO party’s refusal to recognize Riruako is simply an underhanded way to suppress its political opponents, or perhaps Herero more generally, given that most Herero historically have supported opposition parties and Riruako is their leader. They point to the trend -- real or imagined -- of chiefs who are loyal to SWAPO managing to obtain government recognition more often than chiefs who support opposition parties. Rival Herero Maharero group supporters allege that Riruako is an opportunist, and insist that he choose between advancing his political career and acting as their legitimate representative. In the meantime, they are inclined to support smaller royal houses and traditional authorities.
<table>
<thead>
<tr>
<th>Table 1. Comparison of the Parties to the Red Flag Day Dispute</th>
<th>Riruako Group</th>
<th>Maharero Group</th>
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<tbody>
<tr>
<td><strong>Genocide Committee</strong></td>
<td>Ovaherero Genocide Committee (OGC)</td>
<td>Ovaherero/Ovambanderu Council for the Dialogue on the 1904 Genocide (OCD-1904)</td>
</tr>
<tr>
<td><strong>National Political Affiliation</strong></td>
<td>Opposition Parties, including NUDO</td>
<td>SWAPO</td>
</tr>
<tr>
<td><strong>Traditional Authorities Affiliation</strong></td>
<td>Unrecognized traditional authorities including Paramount Chief Riruako</td>
<td>Recognized traditional authorities including the Kambazembi, Zeraeu, Mureti, Maharero and Vita royal houses</td>
</tr>
<tr>
<td><strong>Historical Narrative</strong></td>
<td>Genocide as primary defining historical event</td>
<td>Genocide as connected (but not secondary) to apartheid liberation struggle</td>
</tr>
<tr>
<td><strong>Legal Imagination</strong></td>
<td>Domestic law as by and for Ovambos, tool to suppress Herero and other minority groups</td>
<td>Legal system operates unfairly, but they are part of the “one Namibia, one Nation” for which it works</td>
</tr>
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The divisions within the Herero community, then, are not simply a matter of internal politics. Rather, they are closely tied to -- and exacerbated by -- state law and policy. Significantly, Herero who identify with the Paramount Chief are very skeptical of state law as biased and politicized. They are inclined to espouse a pessimistic legal imagination that sees the law as by and for Ovambos, and even as an active tool of suppression against the Herero. The minority of Herero who identify as SWAPO members or supporters, by contrast, may share concerns about SWAPO favoritism of Ovambo communities, but feel included and invested in SWAPO’s “one Namibia, one nation” ideology, perhaps even as former liberation fighters themselves. They connect
the Herero-German war, the SWAPO-led liberation struggle, and the reparations movement in a metanarrative of an anti-colonial quest for justice.

_The Politics behind the Cancellation_

The Namibian police said that they cancelled Red Flag Day because they feared the eruption of a violent conflict between two disputing groups of Herero, and could not guarantee the safety of Red Flag Day attendees. News reports emphasized that two groups were disputing the location of the Holy Fire, with one group planning to move it from the east to the west and the other objecting to the move on the basis that the fire had been in the east since 1923. Together with cattle, the Holy Fire, or _okuruwo_, is a central aspect of Herero culture. The _okuruwo_ functions as a shrine and communication mechanism to Herero’s patrilineal ancestors and _Mukuru_, or God. Herero name their children and initiate them into their paternal lineage, or _oruzo_, at the _okuruwo_; make offers to ancestors; and seek assistance or ask forgiveness from their ancestors in times of trouble. There are also a number of taboos surrounding the holy fire. For instance, animals without horns are not permitted to cross over it.

Compounding the situation, one group alleged that the other had acted inappropriately

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78 Friedman, _Imagining the Post-Apartheid State_, 130.
79 _Ibid_.

by stepping on heroes’ graves to lay wreaths on the headstones at the previous year’s Red Flag Day commemoration.\textsuperscript{80}

Though the Holy Fire and the allegations of grave desecration are important in themselves, much more contributed to the dispute that led to the cancellation of Red Flag Day. The party that wanted to move the Holy Fire to the west, the Riruako group, and the party that wanted to keep the Holy Fire in the east, the Maharero group, are divided on three levels: Herero Royal House allegiance, national political party allegiance, and genocide committee allegiance. The Riruako group was affiliated with the Ovaherero Traditional Authority under the leadership of Paramount Chief Kuaima Riruako, opposition parties in Parliament, and the Ovaherero/Ovambanderu Genocide Committee (OGC). The Maharero group was affiliated with several smaller royal houses and traditional authorities,\textsuperscript{81} the ruling SWAPO party in Parliament, and the Ovaherero/Ovambanderu Council for Dialogue on the 1904 Genocide (OCD-1904).

The OGC/OCD-1904 rivalry was a core component of the Red Flag Day dispute, despite my OCD-1904 interviewee’s insistence, described at the beginning of this chapter, that the politics behind the Red Flag Day cancellation were separate and distinct from the rivalry. The OGC actually operates within the Ovaherero Traditional


\textsuperscript{81} Catherine Sasman, “Police Call off Red Flag Day,” \textit{Namibian} (Windhoek), August 24, 2012, accessed October 9, 2012, http://www.namibian.com.na/index.php?id=28&tx_ttnews[tt_news]=100970&no_cache=1. Specifically, the Maharero group was aligned with the Kambazembi Traditional Authority; the Royal Traditional Authorities of Maharero, Zeraeu, Vita, Otjikaoko, and Tjambiru; the Ovambanderu Traditional Authority; the Hoveka and Mureti Royal Houses; and four chiefs of Okakarara, Otjinene, Rietfontein, and Aminuis.
Authority, which is under the leadership of Kuaima Riruako. The spokesperson for the Maharero group, Ueriuka Tjikuua, is a member of the OGC-1904. Membership in and support for the OGC and OCD-1904 correlates with support for the Riruako group and the Maharero group, respectively. The two groups have remarkably similar visions of the process and content of reparations; as one interviewee put it, if I did not ask which committee my interviewees were from, I could easily think that an OGC member and an OCD-1904 member were president and vice president of the same committee. Members of both committees consistently told me that the only difference between the two committees was “politics.”

Despite their similar visions for reparations, the groups do diverge somewhat in their theories of change -- that is, their assumptions and understandings regarding the tactical and strategic steps that will ultimately result in their objective of obtaining reparations. As the SWAPO-aligned party, OCD-1904 is more inclined to put faith in dialogue with the Namibian state and intends to move SWAPO toward championing reparations from within the party, while the OGC is skeptical of the state’s likeliness to be persuaded through dialogue and is generally more willing to pursue confrontational tactics. Though the groups have collaborated in the past, it has not been without significant tension, and past attempts to merge into one committee have been short-lived. During the OGC meeting I attended in July, the members were

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82 For instance, the committees participated jointly in the repatriation of Herero and Nama skulls to Namibia in 2011. However, there was much ado about the number of representatives that each committee would receive government funding to send to Germany. In the end, under the mediation of the Herero Minister of Youth, National Service, Sport, and Culture Kazenambo Kazenambo, the groups each sent 27 representatives.
planning for the visit of German Member of Parliament Niema Movassat, and they devoted a great deal of time to discussing how best to present a united front while simultaneously maintaining the OGC’s competitive edge over OCD-1904 in their relations with allies such as Movassat.

The Cancellation and Replacement Events

There have always been tensions within the larger Herero group, but 2012 was the first year Red Flag Day was ever cancelled. Following the decision to move the Holy Fire, violent threats were made -- by whom and directed at whom is not clear.\textsuperscript{83} Subsequently, the week before the event was to take place, the police “held a marathon meeting with the two groups” in Windhoek.\textsuperscript{84} The \textit{Namibian} quoted Otjozondjupa Police Commissioner Joseph Anghuwo, who recommended to his superiors that the event be cancelled, as saying: “The two groups would not understand each other; they could not reach consensus. There was no way that we could be sure that we can guarantee the security of all. It would be too much of a risk.”\textsuperscript{85} Concluding that they could not guarantee the safety of participants, the police then suspended all Red Flag Day activities and blocked off the entrances to historic Herero gravesites and the town hall.

\textsuperscript{84} \textit{Ibid}.
\textsuperscript{85} \textit{Ibid}.
Maharero group representatives supported the decision, but pledged to file a High Court case to challenge the relocation of the Holy Fire. The Riruako group proposed commemorations on separate weekends for the two rival groups. Riruako group supporters expressed frustration with the police, insisting that the gathering was to be peaceful and alleging a double standard in the way the police dealt with Herero compared to the Ovambo. The Namibian quoted a Riruako group member as saying, “We are very angry. We come here every year to pay tribute to our leaders. The Police does nothing to stop Cassinga86 but they stop the Herero. We do not want to fight with anyone. We are here to pay tribute.”87 The commentator’s frustration points to the significance of Red Flag Day not only culturally and sentimentally, but also given that Red Flag Day in the past has served as a space for challenging Namibian state narratives of the national liberation struggle that foreground SWAPO resistance against South African rule and background Herero resistance against German rule. The state’s choice to deploy police power to silence the Herero narrative while allowing the SWAPO narrative to be enacted was experienced as a negation of Herero history’s place in the history of the nation-state -- carried out under the banner of maintaining the rule of law.

86 August 26 is also national Heroes Day in Namibia, on which Namibians commemorate the 1978 Cassinga Massacre. The Cassinga Massacre was an airborne attack by South Africa on a SWAPO base and refugee camp in southern Angola. An estimated 600 people died. Most years, the Herero do not hold Red Flag Day on August 26 in order to allow high-ranking Herero government officials the opportunity to attend both events, but in 2012 the events were scheduled to take place simultaneously.

87 Ibid.
The following week, the OGC arranged for German Member of Parliament Niema Movassat, a reparations supporter who was slated to address the gathering at Red Flag Day, to instead deliver his speech at a vacuous and windowless community town hall in the apartheid-era Herero Location of Windhoek. Movassat was not what I expected from a German Bundestag member, even one with a progressive agenda: he was 28 years old, the son of Iranian immigrants, and a passionate Ché Guevara disciple. Around 240 people attended the evening event, including Chief Riruako. I was surprised to see only adults present. Men and women, but mostly men, some in blue jeans, some in Herero traditional dress, some in business attire, some Nama, a few white, but overwhelmingly Herero -- all trickled into the Komando Hall, the din steadily growing until finally logistical details of translation were decided and Movassat was ushered in by a brass band, much to the amusement of the good-humored Nama activists I had come with. The content of the speech, delivered in belabored English with frequent pauses for translation into Otjiherero, was largely predictable, expressing support for the reparations cause on behalf of the German people. Though Movassat delivered the same speech he had been intending to deliver at Okahandja, the opportunity to share his message of solidarity with a broad international audience at a site of historical and cultural significance had been lost. Sidebar conversations sprang up in the audience. People got up and left, or came in late. Cell phones rang. The event moderator had to interrupt the speech to plead with the audience to keep the extraneous volume low enough that those who wanted to listen could.
The following weekend, with Movassat back in Germany and me back in the United States, the Riruako group got its wish and commemorated Red Flag Day at Okahandja, albeit a week late. Around 2000 Riruako group supporters attended the event, fewer than the normal number of participants. The Maharero group agreed not to participate on the condition that the police prevent the Riruako group from desecrating the graves of their ancestors. Though the same traditions as always were performed, the meaning behind them had changed along with the character and composition of the event. The future of the Holy Fire and Red Flag Day as a whole remain to be seen.

Conclusion

Years of living under apartheid structured Namibian politics along ethnic, rather than national, lines. Indeed, many Herero consider Namibia to be a denotation of physical geography only, not human communities or identities. The “one Namibian, one Nation” slogan seems designed to counteract ethnic divisions. Instead, like all identities, it is at once both inclusive and exclusive. By defining the nation as resisters of apartheid, resisters of apartheid as SWAPO supporters, and SWAPO

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89 Ibid.

90 Friedman, Imagining the Post-Apartheid State, 200.

91 Ibid, 201.
supporters as Ovambos, the state historical narrative not only marginalizes and excludes Herero histories from the national memory canon, but it also excludes many Herero from the Namibian nation. Red Flag Day is an example of performative memorywork that functions to reassert Herero memory and identity in the face of erasure.

In 2012, Red Flag Day threatened to challenge state credibility and authority on two levels: it threatened to undermine the national narrative by publicly proclaiming alternative truths, and it also threatened to undermine the state’s commitment to law and order if differing political, historical, and legal imaginings turned violent. The state responded with an exercise of power, using police action to silence and dissipate in the name of the rule of law. The Herero activists in turn invoked law as a response by filing an injunction, the failure of which ultimately served to uphold their pessimistic domestic legal imagination, which sees the law as an extension of the state with all its political aims, rather than fair, impartial, and separate from politics. The police action of canceling Red Flag Day emerged from the condition that legal anthropologists John and Jean Comaroff have described as a postcolonial “fetishism of the law,” which emphasizes the compulsion to infuse order and legality over disorder and criminality -- which nonetheless constitute the opposite side of the same coin. The New Era headline proclaimed, “Anarchy Threatens Red Flag Day.” The “anarchy” of Red Flag Day “threatened” not only the safety of the

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participants but also the sanctity of the rule of law. Its threat was multifaceted -- not only the threat of physical violence between factions, but also the threat of undermining the historical narrative of liberation that gives the Namibian state -- and its force of law -- legitimacy. In the next chapter, I discuss monuments, memorials, and museums in Windhoek -- different kinds of sites at which memories are created and contested.
Chapter 4: Genocide Reparations and Memory Politics

Orumbo rua Katjombondi, in the heart of Windhoek, was one of the German concentration camps that held Herero and Nama prisoners of war. Illness, starvation, beatings, and rapes plagued the prisoners held in the camps.\(^\text{94}\) Despite the gravity of the crimes committed at Orumbo rua Katjombondi, today no museum, monument, or plaque marks the site as historically significant. Tourists visiting Windhoek, usually passing through on their way to one of Namibia’s famous national parks, find their options for sightseeing clustered on Robert Mugabe Avenue, at the top of a gentle hill in the clean and pleasant city center -- the same spot, in fact, where the concentration camp once stood. The most prominent landmark on Robert Mugabe is the Christuskirche, a beautiful gothic revival Lutheran church built in 1910. To its left lies Parliament, surrounded by lush gardens dotted with statues of national heroes; to its right is Alte Feste, a German military fort converted into a national history museum in 1963. A statue of a German colonial soldier on horseback -- the Reiter -- stands in front of Alte Feste. Next to that is Windhoek High School. Only a keenly observant visitor -- one who read the caption on a single photograph in a small glass case inside Alte Feste -- would be able to discover on his or her own that Orumbo rua Katjombondi once stretched from Parliament to Windhoek High School, and that Herero and Nama people once died here at the hands of a genocidal regime.

Also on the grounds of the former concentration camp stands a new building, not yet open to the public. Tiled in metallic gold and black, its three towering pillars

\(^{94}\) Sarkin, *Germany's Genocide of the Herero*, 122-123.
support a cylindrical gold center adorned with a sun figure. Bankrolled by the North Korean government, this architectural curiosity soon will be home to Namibia’s new Independence Museum. The new museum struck some Herero and Nama as an opportunity to mark the Orumbo rua Katjombondi site’s past. In 2011, SWANU opposition party leader Usutuaije Maamberua, a Herero, introduced a motion in Parliament calling for the building to be renamed the Genocide Remembrance Center. In his lengthy speech, he recounted the history of the Herero and Nama genocide and making a passionate plea for acknowledgement of the crimes committed where the Independence Museum now stands. Addressing Parliament, Maamberua made the case that denial is a predictable stage of genocide, and one that still is being perpetrated in Namibia:

> All through history the perpetrators of genocide dig up the mass graves, burn the bodies, try to cover up the evidence and intimidate the witnesses. In this context this is what one guru warned about: “When you see a snake slither with so much grace and swagger, there are many internal limbs at work, invisible to the eyes of the average beholder.” In Namibia the colonizers have erected the Windhoek High School, the Alte Feste Museum, the Reiter, Christuskirche, and the very beautiful and aromatic gardens being a desperate attempt for that environment to look innocent, holy, humane, and sober. . . . Twenty-one years after independence, still no symbol reminding us and the world about the genocide committed on our territory.

While he rejoices in Namibian independence, Maamberua elaborates, surely the naming of streets, stadiums, and a plethora of other symbols and institutions

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96 Usutuaije Maamberua, “Motivation of the Motion on Genocide Remembrance Center” (Address, Parliament of the Republic of Namibia, September 27, 2011).
commemorating national liberation already leaves little room for forgetting. An Independence Museum would be redundant.

Maamberua withdrew his motion after government officials assured him that a floor of the museum would be devoted exclusively to the Herero and Nama genocide, that the entrance of the museum would thoroughly depict what took place at Orumbo rua Katjombondi, and that funds would be set aside in the 2012-2013 budget for smaller remembrance centers at other key sites of the Herero and Nama genocide. But when the budget was released in April, no such earmarks had been made. 97

Maamberua challenged then-Minister of Youth, Sport, and Culture Kazenambo Kazenambo -- himself a Herero -- on the floor of Parliament. “Yes, unfortunately the money was not there. You know how the budget process goes,” Kazenambo replied. 98 Though asked, he did not confirm whether the government’s promises about the interior of the museum still held. 99

The debate over the naming of the Independence Museum points to a much larger struggle over Namibia’s national memory. How and by whom the story of Namibian history should be told is a highly contentious question, and one that reparations activists engage in by pushing the state to commemorate the genocide.

98 Ibid.
99 Ibid.
Given the fundamentally social nature of memory, it is not enough simply to remember a history for oneself -- rather, the sharing of memory implies preservation. The modern state holds a veritable monopoly on forming national memory through instruments such as textbooks, monuments, museums, memorials, national holidays, national heroes, national symbols, national archives and libraries, and official speeches and publications. Despite these modes of state coercion and control, subversive memories nonetheless persist, at times simply shared within families and communities -- often through oral traditions -- and at times entering or replacing the national canon of memory. Reparations activists are fighting for state acknowledgement of the genocide by pushing for its inclusion in the official monuments, memorials, and museums through which the state projects its historical narrative onto the Namibian landscape. This chapter examines such community struggles, looking specifically at the state’s effort to consolidate its control over memory work and project a specific narrative of the colonial past through lieux de mémoire, and how and why reparations activists seek inclusion in that narrative.

As I discussed in Chapter 3, the Herero and Nama genocide and the SWAPO-led apartheid liberation struggle figure very differently in state and Herero and Nama memories. Simply put, the core difference is this: the state subsumes Herero and Nama resistance against the Germans as a secondary part of a longer history of Namibian resistance to colonialism, culminating in the successful decolonizing mission of the SWAPO Party. Herero and Nama memory canonizes their communities’ mythologized heroism and sacrifice against German colonialism as the core defining historical moment for their communities, separate and distinct from SWAPO, which to them is a colonizer rather than a liberator. Herero and Nama have passed down their history through oral storytelling, praise songs, and community commemorations of historical events (see Chapter 3). But Maamberua’s effort to change the name of the Independence Museum is indicative of a trend, post-independence, to attempt to reshape national memories by canonizing the Herero and Nama genocide.

In particular, Namibia’s lieux de mémoire have become extremely politicized. Historian Pierre Nora developed the concept of lieux de mémoire, explaining:

We speak so much of memory because there is so little of it left. Our interest in lieux de mémoire where memory crystallizes and secretes itself has occurred at a particular historical moment, a turning point where the consciousness of a break with the past is bound up with the sense that memory has been torn -- but torn in such a way as to pose the problem of the embodiment of memory in certain sites where a sense of historical continuity persists. There are lieux de

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mémoire, sites of memory, because there are no longer milieux de mémoire, real environments of memory.¹⁰³

In a postcolonial state, inextricably tied to the liberal metanarrative of “progress” toward democracy, development, and globalization, the gulf between state memory -- which Nora calls “history” -- and community memory widens. The former is a hegemonic “memory without a past that ceaselessly reinvents tradition, linking the history of its ancestors to the undifferentiated time of heroes, origins, and myth” and the latter is simply memory, constructed and changing but honest and genuine.¹⁰⁴ In such an environment, progress seems to entail denial, erasure, forgetting. Lieux de mémoire thus assume a special political meaning for communities eager to preserve the past, and they become key sites of contestation. A sense develops among the keepers of subversive narratives that any memories failing to achieve official canonization -- i.e., in lieux de mémoire -- are destined for forgetting.

Postcolonial states in Africa, left with borders that are more reflective of European negotiations than realities on the ground, are engaged in a political process of nation-building that is heavily rooted in memory politics. Benedict Anderson’s concept of imagined communities entails a group of unrelated people working to construct a common identity.¹⁰⁵ The production of an overarching national narrative is part of this identity construction process, and is tied to the legitimacy of the state as

¹⁰⁴ Ibid, 8.
such. In her study of the National Museum and youth festivals in Mali, Arnoldi argues that “public memory practices are essentially political” and, in Africa, are a central component of the nation-building process.\textsuperscript{106}

\textit{Writing History on the Urban Landscape of Windhoek}

Site-specific memory consolidation certainly has been the case in postcolonial Namibia. Historian Jan-Bart Gewald offers a case study of “the manner in which city planning, being the manipulation of urban landscape, can be used to obliterate history” in Windhoek -- and, in so doing, to “inscribe upon the landscape a specific understanding and interpretation of the historical past.”\textsuperscript{107} Under apartheid, members of Namibia’s various ethnic groups were forcibly relocated to cramped, unsanitary, segregated townships in Windhoek. In 1959, despite resistance from residents of the “Old Location,” services were cut off and the townships were moved eight kilometers away to Katutura, where a majority of Windhoek’s black population still lives.\textsuperscript{108} The South African regime transformed the Old Location into a residential neighborhood called Hochland Park, but left churches and graveyards from the Old Location standing.\textsuperscript{109} After independence, the SWAPO government uprooted the churches and

\textsuperscript{106} Arnoldi, “Youth Festivals and Museums,” 55-56.
\textsuperscript{107} Gewald, “From the Old Location to Bishops Hill,” 256.
\textsuperscript{108} \textit{Ibid}, 265.
\textsuperscript{109} \textit{Ibid}, 266-267.
graveyards to make room for high-end housing as part of a project that Gewald terms “the museumification and Disneyfication of the landscape.”  

Gewald notes that the transformation beyond recognition of the landscape where key historical events unfolded is paradoxically correlated with an increase in monuments which write national memory onto the landscape and express a common desire in postcolonial states “to focus their history on a small and specific people who... embody the aims and aspirations of the incipient nation-state, and to transfer this abstract thought into a physical embellishment of the landscape.”

This trend, unsurprising in light of Nora’s thesis, sheds light on the state’s impulse to consolidate and control historical events by subsuming them into its own grand narrative. This is most easily accomplished by starting from scratch: obliterating landscapes that hold certain organic or popular memories for people that pass by them or interact with them -- i.e., “real environments of memory” -- and replacing them with state-commissioned monuments to tell particular stories in particular ways. While Gewald identifies monuments specifically as sites of state-controlled memory production, museums, national holidays, national symbols, public events, and other state creations serve similar functions.

In the case of the Herero and Nama genocide, landscape transformation and erasure is also present. For instance, commercial construction recently was permitted on the site of mass graves in the coastal town of Swakopmund. The story with

110 Ibid, 268.
111 Ibid, 270.
112 Ibid, 269.
which I opened this chapter -- about the near-complete invisibility of the site of the concentration camp Orumbo rua Katjombondi -- is also illustrative. While in Gewald’s apartheid example *milieux de mémoire* were destroyed and replaced with state-sanctioned *lieux de mémoire*, in the Herero and Nama genocide case there is both destruction of the original and a conspicuous lack of state commemoration.

Monuments to *other* historical events actually stand on the spot of Orumbo rua Katjombondi. The building that served as a German colonial fort during the genocide has been transformed into a museum almost exclusively devoted to the apartheid liberation struggle. German tourists go camping on Shark Island, the site of the most infamous concentration camp, and return completely oblivious to the island’s history. While it would be an overstatement to claim that the state denies the genocide, it seems to have reduced it to a parenthetical aside in a history of national anti-colonial struggle.

*Ephemeral Memories, Permanent Structures*

Reparations activists are fighting for official commemoration of the genocide by contesting the way in which the state is using key *lieux de memoire* to project a sense of pride in the heroes of the liberation struggle while downplaying the unique histories of the Herero and Nama. Maamberua’s effort to rename the Independence Museum is one example. The Ovaherero Genocide Committee also has a subcommittee on monuments and memorials that focuses on erecting plaques, statues,
or other markers at key historical sites. At many of these sites, the Herero already gather on key dates to commemorate what happened. I asked a subcommittee member, Wilbur, why it was important to him to have permanent, official markers in addition to community gatherings at the sites:

If you have a site like this that is so important to our people culturally, if you do not put a physical structure and fence it off, in years to come, you might not find this site again because maybe then cattle have been grazing there, and therefore you want to put something so that people can always know where exactly. If you are going to tell the people that the extermination order was issued at this site, then people will have a thing, a visual thing that they will recognize, they see a physical thing rather than say, ‘It was almost there, here, and so on.’ That’s why we erect this thing in conjunction with the activities that we hold there.

Wilbur’s interpretation sheds light on the fear that popular memory is eroding, under assault from state efforts at erasure and progress. Many interviewees, especially Nama, expressed a concern that youth are moving to the city and building careers, and may not have the same interest in their history as previous generations. One Nama man insisted that the Nama were going “extinct” and would not exist as a community within 50 years. By contrast, “because of the seeming permanence of many memorials, whether they are small gravestones or large monuments, they project their presentation of the past into the future.”¹¹³ For those losing faith in the ability of their own community to act reliably as guardians of memory, the need for official

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However, the subcommittee has had a great deal of difficulty getting government approval and funding for historical markers. Often, it finds its proposals lost in bureaucracy for years on end. Wilbur suspects that the process is politicized, and that it is harder for actual or suspected opposition party supporters to gain approval for monuments. The subcommittee has found that working with recognized traditional authorities from the communities where they are proposing monuments speeds up the process as compared to working with unrecognized traditional authorities, as the latter generally are identified with opposition parties. However, this sometimes means that the subcommittee’s efforts lose legitimacy among the local population, which may respect the authority of the unrecognized leader more.

Complicating matters, the recognized and unrecognized leaders often are unwilling to work together, even on a project they both support. In this case, the plurality of legal systems entails trade-offs in the reparations activists’ efforts. Depending on the legal community they chose to engage with, they risk losing credibility either with the state or the local population, frustrating their efforts to erect monuments in either case.

Wilbur also emphasized the need for the physical markers at lieux de mémoire to take on social meanings through the activities that take place there, including speeches that teach about the past and rituals such as the Holy Fire. This enables some measure of democratic control over the markers: while monuments can and do suggest

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114 The same fears lie behind the academic impulse to record life histories, oral traditions, and praise songs. See Erichsen, “What the Elders Used to Say”: Namibian Perspectives on the Last Decade of German Colonial Rule, 2008.
certain narratives and interpretations, they are always vulnerable to the discretion of their viewer. For instance, when we talked, Wilbur’s subcommittee was working on plans for the unveiling of a new monument they had fought for to mark the spot where Lothar von Trotha had read out his infamous extermination order against the Herero. The monument incorporates an elevated platform from which reparations activists and other community leaders will deliver speeches. “This is where von Trotha stood,” Wilbur said, circling the hilltop on the drawing he had made for me, “Now our people will be standing on top of him.” The monument itself matters, but it is community interactions with it that will give it meaning and lasting relevance.

*The Political Life of the Reiter Statue*

On the grounds of Orumbo rua Katjombondi, just in front of the Alte Feste fort, stands a 31-foot-tall granite and bronze statue of a German soldier on horseback, gazing out onto the city atop a plaqued plinth (See Figure 1). The so-called Reiter statue was inaugurated in 1912 with these brash words from German Governor Theodor Seitz: “The brazen Rider of the Schutztruppe, who from this site overlooks the country, announces to the rest of the world that here we are the masters and will remain so.”\(^{115}\) While the statue ostensibly was a simple memorial to the German soldiers and civilians who died during the colonial war of 1904-1907, historian

Joachim Zeller convincingly argues that the statue also served to promote German claims to indefinite sovereignty in Namibia, and to celebrate its victory over the Herero and Nama.\textsuperscript{116}

\textbf{Figure 1}. The Reiter Statue, with Alte Fest in background. Photo by author.

The Reiter statue is also a testament to how the meaning of monuments -- even those deliberately designed to convey a specific message -- can change over time along with changing historical contexts and physical surroundings, and according to the meanings that communities choose to project onto them. In 1959, Herero activists anonymously covered the statue’s head with a sack and decorated the statue with flowers to protest the South African regime’s mandate of forcible relocation from the Old Location to

\textsuperscript{116} \textit{Ibid.}
Katutura. After independence, the Reiter statue presented a challenge to the new Namibian state: memorials such as the Reiter “tend to outlast the power of those who constructed them, leaving post-colonial or post-authoritarian states with the question of what to do with monuments honouring their former oppressors.” The statue was left to stand in its original place for 97 years. In 2008, anonymous activists set up 51 wooden crosses around the statue to draw attention to the indigenous deaths neglected in the statue’s plaque. In 2009, the statue was moved to its present position in front of Alte Feste in order to accommodate the construction of the new Independence Museum. The move -- amounting to a matter of yards -- generated enormous controversy, due largely to well-founded fears that the statue would be removed rather than relocated.

Each of these changes sparked debates about the changing meaning of the statue and its appropriateness in a postcolonial context. The statue has inspired graffiti art (see Figure 2), a short film (see Figure 3), political cartoons (see Figure 4), and a growing number of letters to the editor. These publicly circulates pieces speak to the changing symbolism of the statue in changing political climates. While the statue once stood as a celebration of victorious German imperialism, the artistic interpretations point to Germany’s subsequent defeat and the statue’s ability to adapt to life in

118 Zuern, “Memorial Politics,” 495.
119 Ibid, 507.
120 Ibid, 495.
121 Ibid, 507.
independent Namibia. In the case of the short film *Rider without a Statue*, it is very literally anthropomorphized as the rider comes to life and explores the town. He encounters black police officers, interracial couples, and many achievements of people he once believed incapable of self-governance. Ultimately, he reconciles with the new reality and remounts his horse with a changed perspective and a changed meaning.

The political cartoon (Figure 4) aligns closely with reparations activists’ critique of the statue’s proposed removal, arguing that in Namibia’s current state of memory politics the statue represents an island of genocide acknowledgement in a sea of recognition for the apartheid liberation struggle.

Segments of the German population in Windhoek take pride in the statue as a marker of their heritage. Many consider that the statue remains a symbol of German victory and German domination, and is insulting to a nation whose independence was so hard-won. Others take comfort in the anthropomorphized rider’s fate: in a punishment befitting Greek mythology, he is forced to look out eternally on a Windhoek ruled by the black majority. The statue has taken on a plurality of meanings that its commissioners never intended, and through its interactions and interpretations it serves as a reference point for debates about writing the colonial past onto the landscape.

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**Figure 2.** Graffiti by German artists critical of the Reiter statue as a symbol of imperialism. The rabbit represents Namibia’s post-colonial culture. *Source:* http://www.freiburg-postkolonial.de/Seiten/Zeller-Reiterdenkmal-1912.htm

**Figure 3.** A frame of the 2008 short film *Rider without a Horse*, in which the rider dismounts to explore independent Windhoek. Confronted by a changed world, the rider changes himself and accordingly the meaning of his monument. *Source:* http://www.freiburg-postkolonial.de/Seiten/Zeller-Reiterdenkmal-1912.htm
During my fieldwork, the statue again faced relegation to storage. Rumors abounded that the Rider would be replaced with a statue of SWAPO founding president Sam Nujoma, in a move reminiscent of the controversial decision to change the name of Swakopmund’s Kaiser Willhelm Strasse to Dr. Sam Nujoma Avenue in 2001. The reparations activists I spoke to objected strenuously to the Rider’s removal. Although Alte Feste and the Christuskirche date back to the German period, the Rider statue is the only item on the grounds of Orumbo rua Katjombondi -- and indeed, on the entire public landscape of Windhoek -- that makes specific reference to the war against the Herero and Nama. In the words of one informant:

Every German statue... is a testament to what happened here... If my child grows up, and he or she sees that horse, I must tell, what does that horse mean to us as Hereros? Now, if you remove everything German for that matter, then you are not going to tell a history to your children. So therefore, we are not really in favor of removing the German statue at all, because for us that is history.

Figure 4. A political cartoon in the Namibian dated August 1, 2012, reacting to the rumored replacement of the Rider with a statue of Sam Nujoma. (The N$20 bill previously had held an image of Nama resistance leader Hendrik Witbooi.)

123 Kössler, “Facing a Fragmented Past: Memory, Culture and Politics in Namibia,” 365. Incidentally, the main street in Windhoek is named Sam Nujoma Avenue.
To remove the symbol of German imperialism, in other words, is not so much to reject on normative grounds the crimes the Germans perpetrated as to deny that the crimes were perpetrated. For reparations activists, the statue serves as a way to keep their history alive both within their own community and projected outside it. It is supposed to be a permanent marker on the landscape, a way of including the history of the genocide in an urban landscape otherwise dominated by monuments and memorials to heroes of the apartheid liberation struggle. That it may be slated for replacement by a statue of Sam Nujoma is indicative of the larger trend of canonizing the heroes of the liberation struggle while muting the history of the genocide. As the cartoon in Figure 4 humorously points out, Nujoma’s place in Windhoek’s landscape is well established by a plethora of symbols and names. Unlike the genocide, Nujoma appears to be in no danger of being forgotten.

However, reparations activists are clear that the statue does not substitute for *lieux de mémoire* of their own creation. Taking partial control over the meaning of a statue through interpretation and interaction does not mean taking ownership of it. Indeed, Namibia’s German population still gathers at the statue to commemorate its own losses during the war against the Herero and Nama.\textsuperscript{124} As one activist remarked:

> We wouldn’t want to see a situation whereby the German descendents or nationals want to give an upper hand of their stuff, like their statues and so on, and maybe disregard ours. So let us have all these things on an equal footing,

so that you go and commemorate your things if you want to, but let us also commemorate our things.

Given the failed motion for renaming the Independence Museum, it remains to be seen to what extent reparations activists will have success in cementing their historical memories.

Conclusion

Reparations activists are concerned not only with material forms of restorative justice, but also with symbolic commemoration through the creation of lieux de mémoire to remember the genocide. These lieux de mémoire are intended to serve a different function than popular forms of commemoration, projecting Herero and Nama historical memories outward to other Namibians, tourists, and other visitors in addition to keeping memories alive within Herero and Nama communities. In the postcolonial age of milieux de mémoire erasure, activists worry that popular memory will be unable to stand the test of time. Monuments, memorials, and museums, by contrast, are permanent markers that have the capacity to project specific imaginings of the past into the future -- even though, as the case of the Reiter statue illustrates, the meaning of a statue can change. Statues, so often the projection of state power over the past and the future, are nonetheless vulnerable to democratic interpretation and appropriation. Unlike the Reiter statue, the Herero design for a platform to mark the spot where von Trotha delivered his extermination order incorporates popular participation and control
by design. However, politicized state bureaucratic processes still exert control over attempts to create subversive *milieux de mémoire*. 
Chapter 5: Land Reform, Land Grabs, and the Rule of Law

Every August, Herero people living in the town of Okakarara, in central Namibia, gather at the Cultural Center on the outskirts of town. They are joined by guests of honor from the capital city of Windhoek, and by men and women from other Herero communities. Early in the morning, they fill the outdoor bleachers, the men in turn-of-the-century style German military garb, the women in long Victorian dresses and distinctive hats designed to evoke cattle horns. All have come to commemorate the battle of Ohamakari, in which the German colonial force launched its genocidal campaign against the Herero people in 1904. All day, representatives of the genocide reparations movement for Namibia’s Herero and Nama peoples address the crowd, telling stories about the historical past and calling on Germany to make amends by working with the affected communities to implement a reparations program. Crowd members wander in and out of the bleachers, taking breaks to practice their military drills or horseback riding performances for demonstrations later in the day, catch up with friends and neighbors, or make phone calls. Most speakers find their points met with enthusiastic applause. Okakarara Constituency Councilor Vetaruhe Kandorozu was no exception. My Otjiherero translator for the day was listening intently but translating very partially -- telling me, for example, “Now he’s talking about the genocide.” I assumed the content of his speech was much the same as the others. Back in Windhoek the next day, I read in the newspapers that Councilor Kandorozu had in fact been calling for a violent, Zimbabwe-style invasion of white-owned farmland. “We lost our land [in the genocide],” he said, “and government has shown no interest
in the past years to assist us in getting it back. One day we will organize ourselves as Hereros and grab farmlands around here by force so that Government can start listening to us.” Councilor Kandorozu was talking about the pressing daily needs of his community, but he was also participating in a discourse about law. What is the rule of law to the Councilor and his fellow reparations activists, living with the legacy of colonial violence and state marginalization? What do they think the law ought to be, and why? Under what circumstances do they think it just or moral to operate outside the law?

Answering these questions takes us back to Namibia’s colonial history, which left it with an extreme racialized disparity in land ownership. German settlers took vast amounts of land from the Herero and Nama in the course of the genocide, and the subsequent apartheid South African colonial regime exacerbated the land ownership disparity by confining black Namibians of all ethnicities to overcrowded homelands.

Though Namibia has been independent since 1990, land reform has been moving extremely slowly, and does not take into account pre-colonial claims to land. This chapter explores how genocide reparations activists imagine, invoke, and engage with the law, and how these engagements are informed by their historical memories of genocide in the past as well as their lived experiences of marginalization in the present. I focus specifically on how contestations over the rule of law and responsibilities of the state to its citizens -- understanding which are shaped by memories of colonial-era genocide -- play out in debates over land reform in Namibia.

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125 Quoted and translated into English in “Kandorozu Threatens to Mobilise OvaHerero to Grab Land,” New Era (Windhoek, Namibia), August 13, 2012.
History, Race, and Land Ownership

Land ownership was a major motivational factor prompting the German colonial project in Namibia, the Herero and Nama revolts against the German colonial power, and Germany’s decision to respond to the uprisings with genocide.  

Domestically, Germany was experiencing social and economic problems associated with industrial capitalism. In the century preceding, an estimated six million Germans emigrated, primarily leaving for the United States. Though emigration alleviated problems caused by Germany’s explosive population growth, Germany was anxious to keep Germans within its territories, and the mild climate and minimal disease of central and southern Namibia made it an ideal candidate for a settler colony. 

German South-West Africa was marketed as a second Germany, an open landscape where German fantasies of pure German culture could be acted out free from interference. The focus of the new “second Germany” was agriculture, and Herero held the most attractive land. That German South-West Africa was not an empty playground, but was instead home to thousands of indigenous people, was the only problem. As cultural studies scholar Andrea Smith argues, the logic of genocide and colonialism “holds that indigenous peoples must disappear. In fact, they must always be disappearing, in order to allow non-indigenous peoples rightful claim over this

126 Jeremy Sarkin, Germany's Genocide of the Herero, 239-241.
129 *Ibid*. It should be noted that Ovamboland, in the north, actually holds the best farmland, but the German settlers were deterred by the climate and prevalence of disease.
In Namibia, this manifested itself in extermination orders, the poisoning of water holes, and death camps. Virtually everything that had belonged to the Herero and Nama was up for grabs: their land and their cattle were transferred to German settlers, and even some of their skulls were shipped to Germany for racial research.131

When Namibia gained independence in 1990, the colonial legacy of both Germany and apartheid South Africa left it with extreme land ownership inequalities, closely tied to race. Poverty among landless black Namibians in both rural and urban areas was -- and is -- pervasive, as high unemployment rates make it difficult to earn a living without access to land for subsistence or commercial agriculture. At independence, half of Namibia’s land was owned by only 3500 white farmers, while over one million black Namibians lived on heavily over-grazed communal lands.132 A member of the Ovaherero Genocide Committee described the poverty induced by German colonialism:

Some have not been able to come out of it, to rise above it. And that was coupled with the fact that they were misplaced from their pastures… Because this whole area around Windhoek, that’s where you would have found the Herero farms. If you go anywhere in the vicinity, all the rivers, all the farm names are just purely Herero… Totally overgrazing, totally.... All of that is a legacy of the genocide. And so that lingers on.

The ruling SWAPO party campaigned for Namibian independence with land reform as

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131 Sarkin, Germany’s Genocide of the Herero, 22.
a central part of its platform and continues rhetorically to emphasize its importance.\textsuperscript{133} However, land reform is in practice moving slowly, with only one percent of land being redistributed each year.\textsuperscript{134} This is partly due to the ‘willing buyer, willing seller’ principle written into the Namibian constitution, and partly due to a lack of political will.\textsuperscript{135} SWAPO draws its support from the majority ethnic Ovambos living in the northern part of the country, who were not affected by land dispossession on a large scale.\textsuperscript{136} In 1991, the government decided not to consider historical ties to land when implementing its redistribution policies.\textsuperscript{137} This was tantamount to telling the Herero and Nama that the land that was stolen from them during the German genocide would never be returned. It also allowed SWAPO to parcel out land to its supporters, regardless of their historical or cultural ties to the land. This prompted one Nama youth organizer to comment that the Ovambos were just another colonizer to the Nama: they had lived first under German rule, then white South African, and now Ovambo, since SWAPO was sending Ovambos to settle on their land. Herero and Nama activists consistently mentioned the loss of land as a primary consequence of the genocide affecting their communities today, and one of the major issues reparations should address.

\textsuperscript{133} Ibid.
\textsuperscript{134} Ibid, 239-241.
\textsuperscript{135} Gerson Narib, \textit{Is There an Absolute Right to Private Ownership of Commercial Land in Namibia?} (Windhoek, Namibia: Legal Assistance Centre Land, Environment and Development Project, 2003), 2-3.
\textsuperscript{137} Von Wietersheim, \textit{This Land Is My Land!}, 31.
Imagining the Rule of Law in Land Reform Activism

In pursuing land reform, the Nama and Herero reparations movement draws heavily on recourse to the law and legal discourse. As one interviewee, “Wilson,” put it:

After independence, local OvaHerero people realized that now that the country is independent, Namibia has adopted a constitution that is protecting property rights. Namibia has adopted a constitution which enshrines the principle of national reconciliation. So they decided that within the context of the constitution, within the context of this provision of national reconciliation, let there be dialogue, so that justice could be done to the enduring injustice, that which has been committed against them. I am talking about enduring in the same sense that many people would want to say the land was lost roundabout 1904, and it’s more than hundred years since it was lost. Then it was never regained, so it’s an enduring injustice.

Wilson is using the language of the law -- including concepts of property rights, national reconciliation, and constitutionality -- to make the case that the state has a responsibility to correct the wrongs of the historical past. The legal concept of genocide and claims to victimhood have become critical components of Nama and especially Herero identity. In addition to using the language of the law, they also are pursuing their legal claims through formal legal channels. In a system of what Paul Schiff Berman termed global legal pluralism, reparations activists have recourse not only to their own national legal system, but also to formal and informal legal and normative communities outside their borders. For example, they make strategic efforts to build coalitions across borders; they have sought the support of Herero diaspora members, Jewish individuals and communities already benefiting from German genocide reparations, and German civil society members and politicians. They also
filed a lawsuit in U.S. courts in 2001 against Germany and three German companies that had been complicit in the genocide. Like many people, they imagine international law and transnational courts as objective, impartial, and normatively desirable. For example, though they lost their U.S. lawsuit, they considered the courts’ decision fair and impartial, while any loss in Namibia was considered unfairly politicized.

Wilson and his fellow reparations activists hold a certain normative view of what law should be in a postcolonial state with a long history of violent dispossession -- a view that closely correlates with what they imagine law is elsewhere. In their view, law should be apolitical; should apply equally to members of all ethnic groups; should be guided by the Constitution; and should be used as an instrument of remembrance and redress, not forgetting. But at the same time, their legal battles are all about memory and politics. Ostensibly political questions -- Whose version of history is correct? Who should control the land? What makes equitable and effective land policy? -- are debated in the courts and using the language of the law. As John and Jean Comaroff remind us, “Politics and crime, legitimate and illegitimate agency, endlessly redefine each other. The line between them is a frontier in the struggle to assert sovereignty or to disrupt it, to expand or contract the limits of the il/licit, to sanction or outlaw violence.” Even as Wilson and other reparations activists juridify their social justice struggle, they present an implicit critique of the rule of law in Namibia, and use the discrepancy they have identified between the way law is and the way it should be to justify direct action outside the law.

For Herero and Nama reparations activists, the unresolved injustices of the genocide have led to a crisis of democratic governance and rule of law in contemporary Namibia. They articulate this as a legal double standard in relation to land ownership. On one hand, the Namibian state is preoccupied with maintaining and promoting the rule of law. Like many postcolonial states, in the Comaroffs’ words, Namibia “seem[s] to make a fetish of the rule of law.” On the other hand, the land redistribution process has been fraught with corruption, and inappropriately politicized in ways that favor the majority ethnic group. Activists articulate their land claims in terms of the global legal language of reparations and restorative justice, arguing what has been stolen with them in tandem with the attempted elimination of their communities should be returned. Some genocide reparations activists I spoke to drew parallels to more mundane forms of theft to point out the discrepancy in the way their push for land redistribution has been handled: “If I steal your car, can I just keep it? If I steal that tape recorder from you, does it become mine? So why, when you steal my land, do I have to wait until you decide to give it back to me?” In other words, if Namibia is truly committed to protecting the rights it claims to espouse, why do land rights appear to apply only to some? While they may agree that a formal rule of law is in place, it is clear to them that there is no substantive rule of good law in Namibia; the land that was stolen from them has not been returned, and the government appears to have no intention of assisting them in their quest for restorative justice. Perceiving the

state as unlawful in this way, reparations activists are willing to go outside of the law as it is defined by the Namibian state and engage in “unlawful” actions that to them are still moral within the global legal order. The story of a group of activists I met during my fieldwork in Namibia last summer illustrates this point.

The Keetmanshoop Squatters

In January 2012, a small group of landless Nama families launched a land claims movement to address the local housing situation in Keetmanshoop, the capital of Karas region in southern Namibia. The dominant discourse on land reform in Namibia has focused on racialized rural land disparities -- a prevalent and consequential legacy of colonialism, to be sure. But urban land politics are easy to overlook. The Keetmanshoop activists I talked to identified a host of problems associated with legacies of the genocide in urban spaces, including unemployment, homelessness, landlessness, and the prevalence of shebeens.140 Their complaints resonated in the community: before long, their organization, known as //Kharas Ta Ómkháisen -- literally, “Karas Is Developing Itself” -- had grown to include 400 families. They were led by Reverend Links, a local faith leader with a high degree of influence among the local Nama community. When I interviewed him in August 2012, he talked at length about his ancestry of family members who had been killed in the

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140 Shebeens are informal liquor stores, often set up in a living room or garage. The activists I spoke to in Keetmanshoop complained that male workers often squander their wages in shebeens rather than providing for their families.
German colonial war. He took down a book from his bookshelf to show me the catalog of Links family members who had acted as soldiers, magistrates, and town councilors during the struggle, saying that he thought his family’s contribution to the nation’s independence surely entitled him to some assistance today from the German and Namibian governments. Under his leadership, the group approached the town council to demand a piece of land.

They were told that the council would look for a plot of land for them, and that Kharas Ta Ômkhâisen itself should be responsible for finding development aid for their new settlement. They agreed. But the group became impatient when a plot of land was not forthcoming. In February, they occupied the empty plot of municipal land near the soccer field on the outskirts of town, erecting homes made of corrugated iron. And they began to apply for development aid.

//Kharas Ta Ômkhâisen approached the national government to solicit funds from the German Special Initiative (GSI), which is a development program introduced by the German government in the early 2000s to tacitly acknowledge what they call their “special historical responsibility” to the Herero and Nama. Through GSI, the German government pledges special development aid earmarked for use in predominantly Herero and Nama areas in response to the claim that the Namibian government funnels most foreign development aid to Ovambos. Since its implementation, GSI has been fraught with problems, and reparations activists have complained that they were not consulted. The week before my trip to Keetmanshoop, the New Era newspaper proclaimed in an article that “it is almost eight years since the
initiative was introduced, however the affected communities... who suffered during the 1904 to 1908 genocide are yet to receive any developmental needs for their communities through this initiative.”141 A local activist showed me a letter he had submitted to the Namibian newspapers, accusing the Namibian government of “using a historic tragedy to steal money” from the GSI, with the complicity of the German government, that was supposed to go to affected communities.142 //Kharas Ta Ômkhâisen was told that GSI funds had all already been earmarked, and they subsequently never heard back, but on our bus ride to Keetmanshoop the day before the activist had found an ad in the newspaper calling for GSI project proposals.

After some months, the 400 families were then instructed to leave the site. They were told it had been allocated for a development project, possibly for a church group or a shopping mall. One //Kharas Ta Ômkhâisen member I interviewed said that he was 65 years old and had lived in Keetmanshoop all his life; nothing had ever been done with that plot of land, and no plans had been made to do anything with it, until they wanted to live there: “Now all of a sudden... it is somebody’s land.” The police came to evict them, but about 40 households refused to move. Since the police were part of their community and the group largely had community support, the police were reluctant to use force. Subsequently, a private security company was called in to remove the remaining squatters. They dismantled their homes and, since the families

141 Lorraine Kazondovi, “German Special Fund Fails Communities,” *New Era* (Windhoek), August 14, 2012.
142 The German government since has joined the activist in complaining that the Namibian government is not spending the funds in Herero and Nama areas exclusively, as intended.
had no money with which to pay fines, they confiscated their food, blankets, and other belongings. One hundred and four squatters now face civil, criminal, or civil and criminal charges. The //Kharas Ta Ômkhâisen group is now residing on a plot of land far from the city center allocated to them by the city after their eviction, that they consider undesirable and unsafe. (See Figure 4.) Their inquiries to the council about the status of the search have not received a reply.

This story shows how communities of landless Nama are advancing their land claims through legal language and legal channels, and how -- in the absence of a state response -- they are pursing their normative vision of law and justice in ways deemed criminal by the state. The German Special Initiative, presented as an effort to address the legacies of the genocide, fails to satisfy reparations activists’ legal, political, and moral demands. Because the process is undemocratic, does not address land claims, does not explicitly recognize Herero and Nama historical memories as legitimate, and has been marred by the exclusionary practices of the Namibian state, Nama and Herero consider it an inadequate and ineffective alternative to reparations.
Figure 4. Reverend Links (left) with members of //Kharas Ta Ômkhâisen at the group’s new plot of land. In the background are hastily-built homes made of scrap metal.

Conclusion

If the state will not use legal means to promote the land justice Herero and Nama feel they are entitled to, they take the law into their own hands. Former Minister of Youth, Sport, and Culture Kazenambo Kazenambo, a Herero, said, “We will put the constitution aside. A constitution is a paper. If other people do not respect it, we will
not respect it too. The white people must get this information.” Other Herero and Nama leaders also have threatened to mobilize their communities to grab land, perhaps violently, as illustrated by my opening anecdote about Okakarara Councilor Kandorozu. Several genocide reparations activists expressed that while they themselves would never advocate for violent land grabs, they could not guarantee that moderate voices would prevail for long; it was therefore best, in their judgment, that the government begin to be proactive about promoting land justice. One man described in great detail and attempted to justify a plan he claimed not to have for exterminating the white settler population.

Some activists point to the example of neighboring Zimbabwe, where more than 80 percent of white farmers have been chased off their land or have left out of fear, followed by the breakdown of the commercial farming sector and corresponding unemployment, inflation, and food shortages. The state, reparations activists, and white Namibian landowners all point to Zimbabwe as the model they would like to avoid. But while the stakes are literally life-or-death for white landowners and extremely high for the Namibian state -- its reputation as a “miracle of democracy” and the associated tourism and aid perks are on the line -- some Herero and Nama have concluded that the situation in Zimbabwe stacks up comparably or even favorably to their status quo in Namibia. Even more moderate Herero and Nama

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144 Von Wietersheim, This Land Is My Land!, 83.
145 Ibid, 82-83.
activists use the threat -- implicit or explicit -- of a Zimbabwe-like situation to urge the state to promote land justice. In their view, the state must embrace the rule of law fully and impartially, or not at all.
Chapter 6: Conclusion

In this thesis I have analyzed the Herero and Nama genocide reparations movement from a legal anthropological perspective, with particular attention paid to reparations activists’ legal imaginations, and to the juridification of traditionally political issues, including contestations over memory and history. I explored these themes primarily through reference to the cancellation of Red Flag Day; struggles for inclusion in monuments, memorials, and museums; and disputes over land ownership and land reform policies.

The cancellation of Red Flag Day provided some insights into the specific contestations over memory, as well as legal imagination among Herero activists. Specifically, SWAPO’s “one Namibia, one nation” motto, somewhat counterintuitively, constructs the nation in an exclusive way, defining the nation through the liberation struggle against South African rule, the liberation struggle as its military component, and the military component as SWAPO. The nation, its liberators, and SWAPO are rendered interchangeable in this grand narrative of national history. Most Herero and Nama, however, do not and historically have not supported SWAPO. Since law is by and for the nation, in activists’ legal imagination state law is stacked against them. Even in Herero customary law, they point to the perceived favoritism of SWAPO supporters over ‘legitimate’ chiefs when recognizing traditional authorities. However, reparations activists nonetheless maintain faith in the potential of the law to be a positive and neutral force for justice at the domestic level, much as they imagine it works at the international level. Red Flag Day is a platform for Herero activists to
express alternative understandings of Namibian history to a domestic and international audience -- until it was cancelled in the name of law and order in 2012.

In addition to popular commemorations such as Red Flag Day, specific sites where memory is embodied -- *lieux de mémoire* -- have become key sites of contestation. Activists articulated the importance of permanent physical structures to assure that the genocide would be remembered in years to come, but faced political obstacles in obtaining funds and permission to erect monuments or memorials at key historical sites. Their efforts for inclusion in existing *lieux de mémoire* also have been frustrated. In an effort to circumvent these obstacles, they are negotiating strategically the national legal system of recognized and unrecognized traditional authorities, and they are also strategically invoking international law and international human rights discourse.

Lastly, land reform politics further illuminate activists’ legal consciousness. The decision not to take historical land claims into account when redistributing white-owned farmland -- and the subsequent real or perceived preference for SWAPO-supporting Ovambos when choosing candidates for resettlement -- is taken as a signal that the rule of law does not exist for the equal protection of all, since the return of the land that was stolen during the genocide seems unlikely. Activists at once participate in a legal discourse, making claims grounded in the national constitution and in general principles of legality and illegality, and threaten to operate outside the legal realm through violent land grabs of white-owned farmland.
In his plea to Parliament that the Independence Museum on the grounds of the Orumbo rua Katjombondi concentration camp be renamed the Genocide Remembrance Center, Usutuaije Maamberua stated, “Denial… is the most diplomatic stage of genocide, it is the calmest, it is the most academic, it is the most imaginative and the most eloquent and yet in the same breath it is by far the deadliest.” Maamberua follows genocide studies scholars in articulating denial as a stage of genocide, rather than a separate event that occurs after the fact. This speaks to the theme of “enduring injustice,” to the impossibility of moving forward as a person, a community, or a country while the past goes unacknowledged and unaddressed.

Namibia’s long history of violence, its relatively recent achievement of independence, and its lack of any transitional justice for atrocities committed during the German colonial period thus far have hindered the process of confronting the legacy of the genocide.

For Nama and Herero activists, the idea of enduring injustice is not abstract. Rather, they confront the legacy of the genocide in their everyday lives. Reminders are everywhere, from the Herero or Nama names on white-owned farms to the light complexion of their family members, often a result of colonial rape. Many activists attribute the persistence of poverty in Herero and Nama communities to the legacy of

the genocide, as their primary means of earning a livelihood, namely land and cattle, were stolen during the genocide and never returned. The large numbers of people killed during the genocide also greatly reduced the electoral power of the two communities, which in turn affects access to development aid and other resources -- as well as, of course, the national political will needed to move forward dialogue with Germany on the reparations issue. There are also important lasting public health consequences, and a legacy of cultural change within Nama and Herero communities. While the sometimes disastrous consequences of dwelling on atrocities in the historical past have been documented in cases like the former Yugoslavia, the absence of any comprehensive form of acknowledgement, redress, or restorative justice in this case is a sobering reminder of the consequences of moving forward without taking time to remember and reflect on the historical past. Memory, in this case, is important for more than memory’s sake.

Future Directions

Legal scholars and political scientists, analyzing the potential for success in the Herero and Nama reparations case, frequently point out that colonial atrocities were widespread and were perpetrated by all colonial powers across the globe. Some use that fact to argue that the Herero and Nama do not have a strong case for reparations,
or that there is no incentive for other Western powers to intervene on their behalf.\textsuperscript{147} Other scholars -- and sometimes reparations activists themselves -- make the case that the Herero and Nama genocide was exceptional even within the scope of atrocities perpetrated in colonial contexts, and is especially deserving of compensation.\textsuperscript{148} Both of these approaches, however, take for granted that a mass program of restorative justice from the global north to the global south in partial atonement for the crimes of colonialism would be either undesirable or impossible to achieve. Perhaps there is a third path, one which reparations activists are beginning to experiment with by building networks of solidarity with other groups around the world pushing for reparations, such as the Mau Mau in Kenya and black Americans seeking reparations for slavery. Perhaps comprehensive restorative justice -- not cash payments, but thorough and genuine efforts to grapple with the legacies of colonialism and set them right -- hold promise for building a better world.

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\textsuperscript{148} Sarkin, \textit{Colonial Genocide and Reparations Claims in the 21st Century}.
\end{flushright}
Bibliography


Hartmann, Wolfram. “‘Ondillimani!’: lipumbu ya Tshitlongo and the Ambiguities of Resistance in Ovambo.” In Namibia under South African Rule: Mobility and


———. “‘Ombepera I Koza- The Cold Is Killing Me’: Notes toward a History of the Concentration Camp at Swakopmund.” In Genocide in German South-West