



# THE MARINE MEMORIAL

## Swakopmund, Namibia

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### Executive Summary

The *Marine Denkmal* (Marine Memorial) in Swakopmund, Namibia, commemorates the German imperial soldiers who fought against Indigenous Namibians in the Herero Wars (1904-1908). Amid fraught Namibian-Germany relations and contested national memory politics, this monument has become a reminder of unresolved colonial legacies and traumas. Indigenous Namibian groups have pursued legal measures to secure reparations from the German government for the Herero and Nama genocide of 1904-1907. In 2021, Germany and Namibia reached an agreement in which the former country would pay the latter \$1.3 billion over the next 30 years, but this deal remains controversial. This case study explores how monuments that celebrate colonial times from the past can provoke contemporary disputes.

## Introduction

In 2016, protests emerged calling for the removal of the *Marine Denkmal* from the port city of Swakopmund in Namibia. The memorial commemorates German soldiers who died suppressing a revolt by the Herero and Nama people against German colonial rule between 1904 and 1908.<sup>1</sup> During this conflict, German soldiers imprisoned and killed Indigenous Namibian groups in concentration camps in what is often deemed as the first genocide of the twentieth century.<sup>2</sup>

Contestation over the *Marine Denkmal* has taken place within a complex framework of Namibian and German memory politics and German-Namibian relations. Namibian groups have made repeated attempts to sue the German government for reparations for the genocide of 1904-1907. In 2021, Germany and Namibia reached an agreement, with Germany scheduled to pay \$1.3 billion over the next 30 years. This deal attracted outrage, however, due to the exclusion of political opponents and many Indigenous groups in the negotiation process, the amount offered, and Germany's refusal to use the word 'reparations' in official documents.<sup>3</sup> As of summer 2022, the memorial, repeatedly vandalised, remains a symbol of the horrific German heritage in Namibia.

## Background

### *The German Colonial Empire*

In 1871, following the defeat of the French in the Franco-Prussian War, Kaiser Otto von Bismarck declared and officially established the German Empire at the Palace of Versailles.<sup>4</sup> This proclamation marked the beginning of overseas German colonial expansion. Over the following decade, Germany prioritised imperial growth to stabilise its position and geopolitical power in Europe, attempting to compete primarily with the British, Russian, American, and French empires.<sup>5</sup> In 1896, Bismarck announced his aggressive *Weltpolitik* (world politics) doctrine, and throughout the 1890s, Germany increased its navy, army, and arsenal.<sup>6</sup> Germany maintained physical and entrenched overseas colonies in Africa, Asia, and Central Asia from 1884 to 1919.<sup>7</sup>

The German Empire maintained an especially strong presence in Africa. In 1884, Germany hosted the Berlin Conference, during which the political leaders of 13 European nations and the United

<sup>1</sup> Norimitsu Onishi, "A Colonial-Era Wound Opens in Namibia," *New York Times*, January 21, 2017.

<sup>2</sup> David Olusoga, "Dear Pope Francis, Namibia was the 20th century's first genocide," *The Guardian*, April 18, 2015.

<sup>3</sup> Deutsche Welle, "Namibian opposition rails against settlement with Germany during parliamentary debate," *Deutsche Welle*, June 8, 2021.

<sup>4</sup> Office of the Historian, "Issues Relevant to U.S. Foreign Diplomacy: Unification of German States," U.S. State Department.

<sup>5</sup> Geoff Eley, "One: Empire by Land or Sea? German's Imperial Imaginary, 1840-1945," in *German colonialism in a global age* (Durham: Duke University Press, 2014), 26-27.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

States met to divide and distribute the territory and resources of the African continent. Each nation present at the conference was tasked with bringing 'civilisation' to Africa, including Christianity and trade. No representatives from Africa were present.<sup>8</sup> By 1914, only two nations in Africa were independent: Liberia and Ethiopia. Today, this imperialist initiative is known as the 'Scramble for Africa.'<sup>9</sup>

The German overseas colonies in Africa included German South West Africa (now Namibia), German East Africa (now Tanzania, Rwanda, and Burundi), Cameroon, and Togo.<sup>10</sup> The German Empire also maintained colonies in the Pacific: Kaiser-Wilhelmsland, the Bismarck Archipelago, and the German Solomon Islands (now Papua New Guinea); the Marshall Islands and the Caroline and Palau Islands (now the Federated States of Micronesia); the German Marianas (now the Northern Mariana Islands); and Samoa. In addition, Germany controlled parts of northern China.<sup>11</sup>

### *Early German South West Africa*

The initial wave of German settlers were missionaries who arrived in 1840.<sup>12</sup> Traders followed and exported natural resources like livestock, minerals, and crops.<sup>13</sup> In 1883, prominent merchant Adolf Lüderitz negotiated an agreement with Chief Frederick of Bethanie and attained physical and economic control of the Angra Pequena harbour, renaming the area Lüderitz.<sup>14</sup>

Germany officially declared control over South West Africa in 1884 at the Berlin Conference.<sup>15</sup> In 1890, as a result of the Heligoland-Zanzibar Treaty, Germany gained access to the Zambezi River through the creation of a 30-kilometre-wide portion of land known as the Caprivi Strip, named after German chancellor Leo von Caprivi.<sup>16</sup>

Though some merchants traded peacefully with Indigenous tribes, others did not, and German soldiers seized the majority of South West Africa by force.<sup>17</sup> 13 tribes, including the powerful Nama (Namaqua) and Herero (Ovaherero), lived in South West Africa. Initially, many German soldiers pretended to help mediate disputes between Indigenous peoples. In practice, however, Germans sowed dissent and used existing inter-tribal conflicts to their advantage.<sup>18</sup>

<sup>8</sup> PBS Learning Media, "The Berlin Conference of 1884-1885 | Africa's Great Civilizations," PBS Thirteen.

<sup>9</sup> St. John's College, "The Scramble for Africa," University of Cambridge.

<sup>10</sup> Marianne Bechhaus-Gerst, "German Colonial Rule," Oxford Bibliographies, May 6, 2018.

<sup>11</sup> Joseph Kürschner, *Deutschland und seine Kolonien; Wanderungen durch das Reich und seine überseeischen Besitzungen* (Berlin: Hilger, 1902).

<sup>12</sup> Cai Nebe, "Namibia: A timeline of Germany's brutal colonial history," *Deutsche Welle*, September 22, 2021.

<sup>13</sup> Daniel A. Gross, "A Brutal Genocide in Africa Finally Gets Its Deserved Recognition," *Smithsonian Magazine*, October 28, 2015.

<sup>14</sup> Cai Nebe, "Namibia: A timeline of Germany's brutal colonial history," *Deutsche Welle*, September 22, 2021.

<sup>15</sup> Daniel A. Gross, "A Brutal Genocide in Africa Finally Gets Its Deserved Recognition," *Smithsonian Magazine*, October 28, 2015.

<sup>16</sup> Cai Nebe, "Namibia: A timeline of Germany's brutal colonial history," *Deutsche Welle*, September 22, 2021.

<sup>17</sup> Daniel A. Gross, "A Brutal Genocide in Africa Finally Gets Its Deserved Recognition," *Smithsonian Magazine*, October 28, 2015.

<sup>18</sup> *Ibid.*

The first major armed conflict between German soldiers and Indigenous peoples - in particular, the Nama, Herero, and Witbooi tribes - intensified in 1893. German Governor Curt van François ordered an attack on Chief Hendrik Witbooi and the Hornkranz village, which ended in a massacre of the elderly, women, and children.<sup>19</sup> In response, Witbooi disrupted trade routes, but this resistance ended in 1894 after Theodor Leutwein became governor. Leutwein signed protection treaties with Indigenous tribes and attacked any that refused.<sup>20</sup> After German soldiers defeated Hendrik Witbooi, he was forced to sign a protection treaty, placing the Witbooi people under colonial rule.<sup>21</sup>

In 1895, the *Schutztruppe* (protection troop), the official German military force in South West Africa, was founded. The *Schutztruppe* defended colonial interests and eliminated any protest, often killing civilians. At its height, the *Schutztruppe* included up to 15,000 soldiers.<sup>22</sup>

### *The Herero and Nama Genocide*

In January 1904, resistance by the Herero and Nama to the German colonists triggered an attack by German soldiers at Okahandja, then the centre of 'Hereroland' and site of one of the oldest missionary churches in South West Africa. Fighting continued until early June when General Leonard von Trotha assumed command of the military in favour of Leutwein. By August, German soldiers had encircled and defeated the Herero.<sup>23</sup> In a description of the conflict, von Trotha writes:

The Herero are no longer German subjects [...] The Herero people 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, armed or unarmed, with or without cattle, will be shot. I will no longer accept women or children, I will drive them back to their people, or I will let them be shot at.<sup>24</sup>

By the fall of 1904, it became clear that von Trotha intended to systematically exterminate the Herero, primarily by forcing them into the desert and depriving them of water.<sup>25</sup> Other Germans assisted these efforts by poisoning water sources, tracking, and shooting the Herero.<sup>26</sup> By December, when tens of thousands of the Herero had already died, Count von Schlieffen, head of the Great General Staff of the German Army, pardoned the Herero except for those who were guilty of insurrection.<sup>27</sup>

<sup>19</sup> Cai Nebe, "Namibia: A timeline of Germany's brutal colonial history," Deutsche Welle, September 22, 2021.

<sup>20</sup> Ibid.

<sup>21</sup> Cai Nebe, "Namibia: A timeline of Germany's brutal colonial history," Deutsche Welle, September 22, 2021.

<sup>22</sup> Ibid.

<sup>23</sup> George Steinmetz, "The First Genocide of the 20th Century and its Postcolonial Afterlives: Germany and the Namibian Ovaherero," *Journal of the International Institute* 12, no. 2 (2005).

<sup>24</sup> Lothar von Trotha cited in A. D. Cooper, "Reparations for the Herero Genocide: Defining the Limits of International Litigation," *African Affairs*, 106, no. 422 (2007): 114.

<sup>25</sup> George Steinmetz, "The First Genocide of the 20th Century and its Postcolonial Afterlives: Germany and the Namibian Ovaherero," *Journal of the International Institute* 12, no. 2 (2005).

<sup>26</sup> Ibid.

<sup>27</sup> Ibid).

These initial massacres marked the beginning of what is today considered to be the first genocide of the twentieth century.<sup>28</sup> Beginning in 1905, von Trotha ordered the Herero and other Indigenous tribes, like the Nama and Khoikhoi,<sup>29</sup> to be rounded up and imprisoned in concentration camps, including the one on Shark Island, where the mortality rate was over 90%. There, many died from starvation, dehydration, disease and exhaustion.<sup>30</sup> Some of the surviving Herero and Nama imprisoned in concentration camps were subjected to scientific experimentation. German colonizers sterilized them against their will and administered injections of infectious diseases such as smallpox, tuberculosis and typhus.<sup>31</sup>

Schaller's estimates for the number of Indigenous deaths are striking.<sup>32</sup> As a consequence of open warfare and the policy of *Vernichtungsbefehl* (extermination order), around 65,000 Herero and 25,000 Nama people died.<sup>33</sup> By comparison, only around 1,500 German soldiers died during the same period. According to the 1911 census, the Herero population fell from 80,000 to just 15,000.<sup>34</sup> At the Shark Island concentration camp, the mortality rate was over 90% until leadership changed in 1907.<sup>35</sup>

The German treatment of Indigenous groups received public condemnation both in Germany and abroad.<sup>36</sup> Under pressure from Chancellor Bernhard von Bülow, Kaiser Wilhelm II relieved von Trotha of his post and recalled him to Germany in 1907.<sup>37</sup> For many Indigenous peoples. However, it was too late.

### *Erecting the Marine Denkmal*

The *Marine Denkmal* was erected in Swakopmund, a town on the western coast of Namibia, in 1908. The statue was unveiled only a few months after the closing of the concentration camp in Swakopmund. The Marine Infantry in Kiel commissioned the *Denkmal* in 1907 to commemorate the

<sup>28</sup> Daniel A. Gross, "A Brutal Genocide in Africa Finally Gets Its Deserved Recognition," *Smithsonian Magazine*, October 28, 2015.

<sup>29</sup> George Steinmetz, "The First Genocide of the 20th Century and its Postcolonial Afterlives: Germany and the Namibian Ovaherero," *Journal of the International Institute* 12, no. 2 (2005).

<sup>30</sup> D. J. Schaller, "From Conquest to Genocide: Colonial Rule in German Southwest Africa and German East Africa," in A. Dirk Moses (ed.) *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (New York: Berghahn Books, 2008), 296.

<sup>31</sup> Ibid.

<sup>32</sup> D. J. Schaller, "From Conquest to Genocide: Colonial Rule in German Southwest Africa and German East Africa," in A. Dirk Moses (ed.) *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (New York: Berghahn Books, 2008), 296.

<sup>33</sup> Ronald Niezen, "Speaking for the dead: the memorial politics of genocide in Namibia and Germany," *International Journal of Heritage Studies* 24, no. 5 (2018): 547.

<sup>34</sup> Clarence Lusane, *Hitler's Black Victims: The Historical Experiences of European Blacks, Africans and African Americans During the Nazi Era* (London: Routledge, 2002), 44.

<sup>35</sup> George Steinmetz, "The First Genocide of the 20th Century and its Postcolonial Afterlives: Germany and the Namibian Ovaherero," *Journal of the International Institute* 12, no. 2 (2005).

<sup>36</sup> Peace Pledge Union, "Talking about genocide: Namibia 1904," *Peace Pledge Union*, July 26, 2008.

<sup>37</sup> Ibid.

German soldiers who served during the Herero Wars.<sup>38</sup> Albert Moritz Wolf, a German sculptor based in Lüneburg, designed the statue. The firm Gladeneck AG cast it in Berlin. After its completion, the crew of *Panther*, a German gunboat, presented the statue in July 1908.<sup>39</sup>

A panel inscription on the eastern side of the monument reads: 'Dedicated to those from the ranks of the Marine Expedition Corps who perished for the preservation of the colony in the 1904-1905 battles against the rebellious Herero. Honour those who remained faithful unto death!'<sup>40</sup> A plaque lists the major battles of the war. The monument itself depicts two sailors from the SMS *Habicht*, a German naval vessel. One sailor lies fatally wounded while the other, also injured, guards his dying comrade.<sup>41</sup>

Originally, the *Denkmal* was intended for Windhoek, the capital of modern-day Namibia, but the German government determined that Swakopmund was more appropriate due to its status as the main port of German South West Africa and point of entry for soldiers being commemorated. The monument stands in front of the State House, a building that now serves as the summer residence of the President of Namibia.<sup>42</sup> The *Marine Denkmal* was left to stand after the German regime fell in 1915. It was officially declared a national monument in 1969.<sup>43</sup> Today, German Namibians, still, the most powerful group in Namibia, continue to hold celebrations at the *Denkmal*.<sup>44</sup>

## History of the Contestation

### *German and Namibian Memory Politics*

The complexities of German memory politics have slowed the acknowledgement and study of the Herero and Nama genocide. German *Erinnerungskultur* (memory culture), *Erinnerungspolitik* (memory politics), and *Vergangenheitsbewältigung* (the act of coping with the past) focus primarily on the Holocaust and Second World War. In the early postwar years, West Germany emphasized its *Erinnerungskultur* and role in the Holocaust to rehabilitate its image in Western Europe and the U.S.<sup>45</sup> and compete with Eastern communist countries.<sup>46</sup>

<sup>38</sup> Discover Namibia, "The Marine Memorial," *Discover Namibia*. Accessed April 8, 2021.

<sup>39</sup> *Ibid.*

<sup>40</sup> Andreas Vogt, *National Monuments in Namibia: An Inventory of Proclaimed National Monuments in the Republic of Namibia* (Windhoek: Gamsberg Macmillan, 2004), 95.

<sup>41</sup> *Ibid.*, 98.

<sup>42</sup> Discover Namibia, "Die Kaiserliches Bezirksgericht - State House," *Discover Namibia*. Accessed April 8, 2021.

<sup>43</sup> Andreas Vogt, *National Monuments in Namibia: An Inventory of Proclaimed National Monuments in the Republic of Namibia* (Windhoek: Gamsberg Macmillan, 2004), 98.

<sup>44</sup> Cristina Karrer, "Deutschlands verdrängter Völkermord in Namibia," *SRF*, February 8, 2022.

<sup>45</sup> Susan Neiman, "Chapter Three: Cold War Memory," in *Learning from the Germans* (New York: Farrar, Straus and Giroux, 2019), 99.

<sup>46</sup> *Ibid.*, 129-131.



Some scholars contend that the extreme focus of German *Erinnerungskultur* on the Holocaust – particularly on Jewish victims – can become exclusionary. By concentrating selectively on the Holocaust and creating an exceptionalist narrative that bars it from comparison with other tragedies,<sup>47</sup> German *Erinnerungspolitik* risks neglecting other components of a problematic national history, such as colonialism in Africa.<sup>48</sup>

Importantly, many contemporary historians and scholars argue that the German violence in South West Africa and Herero and Nama genocide both foreshadow and are related to the horrors of the world wars and the Holocaust. This thesis implies a throughline of eugenics and supremacism that predated the Third Reich, complicating the German narrative of the Holocaust as an isolated catastrophe.<sup>49</sup>

The process of addressing the genocide in Namibia has been similarly complicated. The South West Africa People's Organization (SWAPO) is a political party that dominates the Namibian government. SWAPO emphasizes the Namibian fight for independence in the 1970s and 1980s rather than the Herero and Nama genocide, claiming that the tragedy is 'a sad history' that must be left in the past in order to build a better future. Because SWAPO is primarily made up of members of the Ovambo ethnic group, it has received criticism for prioritising the problems and memory of the Ovambo people. During the Herero Wars, Herero, Namaqua and San victims outnumbered those from the Ovambo.<sup>50</sup> In addition, because there are no living witnesses to the genocide,<sup>51</sup> Namibian advocates have had difficulty attracting public attention to the issue.<sup>52</sup>

### *The Fight for Acknowledgement*

Although historians began using the term 'genocide' in the 1970s, the German government officially refrained from acknowledging the slaughter of the Herero and Nama as genocide until the twenty-first century.<sup>53</sup> For example, in 1998, the German Federal President, Roman Herzog, visited Namibia. When asked whether he thought Germany should apologise for the violence committed against Indigenous Namibian groups, Herzog responded that 'too much time has passed for a formal

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<sup>47</sup> Michael Rothberg, "Introduction," in *Multidirectional Memory: Remembering the Holocaust in an Age of Decolonization* (Redwood City: Stanford University Press, 2009), 8.

<sup>48</sup> Ronald Niezen, "Speaking for the dead: the memorial politics of genocide in Namibia and Germany," *International Journal of Heritage Studies* 24, no. 5 (2018): 548.

<sup>49</sup> For further information on the connection between the Holocaust and the Herero and Nama genocide, see Andrea Rosengarten, "'A Most Gruesome Sight': Colonial Warfare, Racial Thought, and the Question of 'Radicalization' during the First World War in German South-West Africa (Namibia)," *Journal of the Historical Association* 101, no. 346 (2016).

<sup>50</sup> Ronald Niezen, "Speaking for the dead: the memorial politics of genocide in Namibia and Germany," *International Journal of Heritage Studies* 24, no. 5 (2018): 555.

<sup>51</sup> To know more about the narratives from survivor families please see: Sarala Krishnamurthy, Nelson Mlambo, & Helen Vale (eds.). *Writing Namibia - Coming of Age*. (Paperback, 2022).

<sup>52</sup> *Ibid.*, 548.

<sup>53</sup> Daniel A. Gross, "A Brutal Genocide in Africa Finally Gets Its Deserved Recognition," *Smithsonian Magazine*, October 28, 2015.

apology to the Hereros to make sense'.<sup>54</sup>

In 2004, the Herero and Nama genocide received more attention due to its centenary anniversary. The genocide became known as the first of the twentieth century, challenging both the German and Namibian state governments.<sup>55</sup> The German minister for development, Heidemarie Wieczorek-Zeul, admitted German responsibility for the genocide (*Völkermord*)<sup>56</sup> and stated that Germany would offer development aid.<sup>57</sup> However, the apology ruled out any compensation for the descendants of genocide victims.<sup>58</sup> At the time, though the Minister for Development used the term, the German government did not formally adopt the term *Völkermord*.<sup>59</sup>

In 2011, Germany repatriated Indigenous skulls from murders that occurred during colonial occupancy for the first time.<sup>60</sup> Germany repatriated more human remains in a ceremony in 2014 and again in 2018.<sup>61</sup> Many of the remains sent to Germany were used for scientific research intending to prove theories of racial superiority.<sup>62</sup> In 2022, the Ethnological Museum in Berlin returned over 20 looted cultural items.<sup>63</sup>

Protests increased throughout the 2000s. In 2012, an online petition was submitted to the German Bundestag, or parliament, advocating for the acknowledgement of the Herero and Nama genocide. In addition, the petition, called 'No Amnesty on Genocide!', asked the Bundestag to give reparations to descendants of genocide survivors.<sup>64</sup>

In 2015, South African protests against Cecil Rhodes, the fervent British imperialist who played a large role in the development of the Cape Colony, led to the #RhodesMustFall (#RMF) hashtag. The #RMF movement placed pressure on Germany and Namibia to recognize and acknowledge the Herero and Nama genocide and atrocities committed under the German South African regime.<sup>65</sup> In July 2015, a spokesperson of the Foreign Ministry admitted that the slaughter of Herero and Nama peoples amounted to *Völkermord*, the first time the term 'genocide' was officially approved by the

<sup>54</sup> Clarence Lusane, *Hitler's Black Victims: The Historical Experiences of European Blacks, Africans and African Americans During the Nazi Era* (London: Routledge, 2002), 45.

<sup>55</sup> Ronald Niezen, "Speaking for the dead: the memorial politics of genocide in Namibia and Germany," *International Journal of Heritage Studies* 24, no. 5 (2018): 557.

<sup>56</sup> Botschaft der Republik Namibia in der Bundesrepublik Deutschland, "Gedenken," Botschaft der Republik Namibia in der Bundesrepublik Deutschland.

<sup>57</sup> Cai Nebe, "Namibia: A timeline of Germany's brutal colonial history," *Deutsche Welle*, September 22, 2021.

<sup>58</sup> BBC News, "Germany admits Namibia genocide," *BBC News*, August 14, 2004.

<sup>59</sup> Justin Huggler, "Germany to recognise Herero genocide and apologise to Namibia," *Telegraph*, July 14, 2016.

<sup>60</sup> University of Freiburg, "Repatriation of Skulls from Namibia," University of Freiburg, March 4, 2014.

<sup>61</sup> Cai Nebe, "Namibia: A timeline of Germany's brutal colonial history," *Deutsche Welle*, September 22, 2021.

<sup>62</sup> Ronald Niezen, "Speaking for the dead: the memorial politics of genocide in Namibia and Germany," *International Journal of Heritage Studies* 24, no. 5 (2018): 561.

<sup>63</sup> Deutsche Welle, "Berlin museum returns artifacts to Namibia," *Deutsche Welle*, May 27, 2022.

<sup>64</sup> Ronald Niezen, "Speaking for the dead: the memorial politics of genocide in Namibia and Germany," *International Journal of Heritage Studies* 24, no. 5 (2018): 561.

<sup>65</sup> *Ibid.*, 548-549.



government.<sup>66</sup> In August of that same year, Ambassador Matthias Schlaga unofficially disclosed that negotiations between Germany and Namibia had begun.<sup>67</sup>

A year later, after no progress had been made, a web campaign called *Völkermord verjährt nicht* (genocide does not age) surfaced. The campaign called on the government to recognize the genocide in a more substantial way.<sup>68</sup>

### *Reparations and Legal Action*

Laws and precedence surrounding repatriation are neither straightforward nor simple. In the past, the German government maintained that the provisions of the Genocide Convention of 1948 could not be retroactively applied.<sup>69</sup> Political scientist Alan Cooper, however, argues that the German Empire signed treaties before 1904 that prohibited the ill treatment of the Herero and Nama.<sup>70</sup> For example, Germany signed the 1900 Hague Convention on the Laws and Customs of War.<sup>71</sup>

The first attempts to secure reparations from Germany occurred in 2001 when the Herero People's Reparations Corporation (a subsidiary of the Chief Hoseau Kutaka Foundation) filed two cases in U.S. courts.<sup>72</sup> The first suit was filed in the U.S. District Court in Washington against three German companies accused of assisting the military *Schutztruppe* in the Herero Wars: Terex Corporation, Deutsche Bank, and Woermann Line/DAL Transport (now Safmarine).<sup>73</sup> The second suit was filed against the German government in a U.S. District Court in New York. Each case sought \$2 billion in damages.<sup>74</sup>

The Herero People's Reparations Corporation used the procedures of the U.S. Alien Torts Claim Act (ATCA) of 1789 as justification for the suits.<sup>75</sup> The ATCA gives U.S. federal courts jurisdiction to hear lawsuits filed by non-U.S. citizens for human rights violations.<sup>76</sup> The first suit, filed against the three German companies, failed because each company claimed that, because they did not conduct

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<sup>66</sup> Henning Melber, "Germany and Namibia: Negotiating Genocide," *Journal of Genocide Research* 22, no. 4 (2020): 502-503.

<sup>67</sup> *Ibid.*, 505.

<sup>68</sup> Ronald Niezen, "Speaking for the dead: the memorial politics of genocide in Namibia and Germany," *International Journal of Heritage Studies* 24, no. 5 (2018): 562.

<sup>69</sup> A. D. Cooper, "Reparations for the Herero Genocide: Defining the Limits of International Litigation," *African Affairs*, 106, no. 422 (2007): 117

<sup>70</sup> *Ibid.*, 117-118.

<sup>71</sup> *Ibid.*, 118.

<sup>72</sup> *Ibid.*, 120.

<sup>73</sup> *Ibid.*

<sup>74</sup> New Humanitarian, "Hereros claim against Berlin," *New Humanitarian*, September 20, 2001.

<sup>75</sup> A. D. Cooper, "Reparations for the Herero Genocide: Defining the Limits of International Litigation," *African Affairs*, 106, no. 422 (2007): 115.

<sup>76</sup> Center for Justice & Accountability, "The Alien Tort Statute," Center for Justice & Accountability.

business in the District of Columbia, they were not subject to the jurisdiction of its courts.<sup>77</sup> The German government then declined to submit to U.S. jurisdiction, invoking Article 13 of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. Furthermore, Germany has maintained its right to claim immunity under the Foreign Sovereign Immunities Act of 1976, which holds that Germany cannot be tried in a U.S. court for actions committed outside of the U.S. Both cases were dropped in 2003.<sup>78</sup>

In 2015, German-Namibian negotiations over a reparations agreement began, but were stalled.<sup>79</sup>

In 2017, the Ovaherero Traditional Authority (OTA), Nama Traditional Leaders Association (NTLA), and Association of the Ovaherero Genocide (AOG) opened a new case in a Manhattan federal court.<sup>80</sup> The case called for reparations from Germany in addition to legal repercussions for the German and Namibian governments for excluding Indigenous peoples from participating in reconciliation negotiations. In March 2019, District Judge Laura Swain upheld the principle of state immunity and dismissed the case.<sup>81</sup>

A year later, in August 2020, the Namibian government rejected a \$10 million reparations package offered by Germany, declaring the sum unacceptable. The Namibian government also took issue with the German refusal to use the term 'reparations' in their negotiations.<sup>82</sup>

In May 2021, Germany and Namibia reached an agreement in which Germany agreed to pay \$1.3 billion to Namibia over the following 30 years.<sup>83</sup> Though the German government officially recognized the massacre of the Herero and Nama people as a genocide, the deal remained controversial, as official statements did not include the terms 'reparations' or 'compensation.'<sup>84</sup> Uahimisa Kaapehi, a Swakopmund city councillor of Herero heritage, believed that the deal was culturally insensitive and that the financial package was too small. Kaapehi described the arrangement as the 'joke of the century' and said that Indigenous Namibians 'want trillions to heal our wounds.'<sup>85</sup> Opposition politicians were excluded from the negotiations.<sup>86</sup>

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<sup>77</sup> A. D. Cooper, "Reparations for the Herero Genocide: Defining the Limits of International Litigation," *African Affairs*, 106, no. 422 (2007): 120-1.

<sup>78</sup> Andreas Buser, "German Genocide in Namibia before U.S. Courts: Ovaherero and Nama sue Germany over Colonial Injustices – Again," *Völkerrechtsblog*, January 11, 2017.

<sup>79</sup> Henning Melber, "Germany and Namibia: Negotiating Genocide," *Journal of Genocide Research* 22, no. 4 (2020): 507.

<sup>80</sup> Andreas Buser, "German Genocide in Namibia before U.S. Courts: Ovaherero and Nama sue Germany over Colonial Injustices – Again," *Völkerrechtsblog*, January 11, 2017.

<sup>81</sup> Jonathan Stempel, "Lawsuit against Germany over Namibian genocide is dismissed in New York," *Reuters*, March 6, 2019.

<sup>82</sup> Jason Burke and Philip Oltermann, "Namibia rejects German compensation offer over colonial violence," *Guardian*, August 12, 2020.

<sup>83</sup> Philip Oltermann, "Germany agrees to pay Namibia €1.1bn over historical Herero-Nama genocide," *Guardian*, May 28, 2021.

<sup>84</sup> *Ibid.*

<sup>85</sup> Samantha Granville, "'We want trillions to heal our wounds'," *BBC News*, August 7, 2021.

<sup>86</sup> Deutsche Welle, "Namibian opposition rails against settlement with Germany during parliamentary debate," *Deutsche Welle*, June 8, 2021.

## *Removing the Marine Denkmal?*

In regard to the *Marine Denkmal*, 200 activists in Namibia signed a petition in 2015 to have the *Marine Denkmal* removed and sent back to Germany. Shortly thereafter, the monument was vandalised.<sup>87</sup>

In 2016, the Back to Germany Activists Movement, a Namibian social justice group, filed a case at the International Criminal Court (ICC) in The Hague to have the monument returned to Germany.<sup>88</sup> As of 2022, the status of the case remains uncertain.

In 2017, protestors covered the *Marine Denkmal* with red paint, symbolising the blood of Indigenous Namibian groups spilt by German forces.<sup>89</sup> City councillor Kaapehi maintained that the monument should be taken back to Germany or placed in a museum.<sup>90</sup> The vandalism sparked further controversy; Wilfried Groenewald, a German-speaking city councillor, argued that removing the monument could hurt Swakopmund's tourist industry.<sup>91</sup>

## *Beyond the Marine Denkmal*

Although the debate over the *Marine Denkmal* is ongoing, a number of other contestations relating to the Herero and Namaqua genocide have been addressed in recent years. Several related campaigns have attempted to rename streets in Germany that still reference periods of colonial rule. For example, efforts to rename several avenues called 'Lüderitzstraße' (Lüderitz Street) have surfaced. In 2006, Von-Trotha-Straße (Von-Trotha Street) in Munich was renamed Hererostraße (Herero Street).<sup>92</sup>

The *Reiterdenkmal* (equestrian monument), which also honoured the German soldiers in the Herero Wars, was removed from Windhoek and placed in storage in 2013. Since then, a replica of the *Reiterdenkmal*, approximately half the size of the original, was placed in Swakopmund in an attempt to generate tourist revenue.<sup>93</sup>

In June 2020, the Ovaherero Traditional Authority (OTA) and the Nama Traditional Leaders Association (NTLA) called for all colonial symbols to be removed from Namibia. These calls have gone further than previous efforts and have demanded that the display of colonial symbols be

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<sup>87</sup> Editor, "Activist lays charge at ICC to return monument to Germany," *Namib News*, November 11, 2016.

<sup>88</sup> *Ibid.*

<sup>89</sup> Norimitsu Onishi, "A Colonial-Era Wound Opens in Namibia," *New York Times*, January 21, 2017.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*

<sup>92</sup> Kai Biermann, "Völkermordstraße," *Die Zeit*, January 28, 2018.

<sup>93</sup> Adam Hartman, "'Reiterdenkmal' pops up at Swakopmund," *Namibian*, February 16, 2019.

outlawed by Namibian legislation.<sup>94</sup>

## Decision-Making Processes

The question about the future of the *Marine Denkmal* is part of a wider complicated history of Namibian memory politics and German-Namibian relations. The continuing presence of the monument in Swakopmund reflects the authority of the SWAPO-dominated Namibian government and its control of the decision-making processes. Sensitive to the repercussions that the removal or repatriation of the *Marine Denkmal* might have and eager to maintain the struggle for Namibian independence as the dominant historical narrative of the nation's past, defending the status quo has been the default government position.

Although excluded from official decision-making, pressure groups and descendants of the victims of the 1904-1907 genocide have taken matters into their own hands and sought reconciliatory justice through other means. This is reflected in the several legal cases filed in the U.S. as well as the grassroots initiatives and protests pushing for greater awareness of the historic violence enacted against the Herero and Nama people. Such activity may put enough pressure on the Namibian government to resolve the contestation over the *Marine Denkmal*.

## Summary and Conclusions

For the descendants of the Herero and Nama peoples living in Swakopmund and other parts of Namibia, the *Marine Denkmal* is a painful reminder of colonial violence and genocide perpetrated by the German Empire between 1904 and 1907. Calls to have the monument removed have become entangled in the wider struggle between the SWAPO-led Namibian government and smaller Namibian groups seeking reparations. Opposition to removing the monument stems from the ideological reservations of German-speaking communities in Swakopmund, as well as fears about its economic consequences, mainly in terms of the memorial's appeal to tourists.

While the German state reached a compensation agreement with Namibia in 2021, the package remains controversial, and Germany will not call the remuneration 'reparations.' Thus far, the German government has not played a significant role in the *Marine Denkmal* issue.

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<sup>94</sup> Paheja Siririka, "Ovaherero, Nama want colonial Symbols gone," *New Era Live*, June 24, 2020.

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## About Contested Histories

In recent years, there have been many contestations over memorials, street names, and other physical representations of historical legacies in public spaces. These contestations often reflect deeper societal tensions whether triggered by political transitions, demographic shifts, inter-ethnic strife, or a growing awareness of unaddressed historical injustices.

The Contested Histories project is a multi-year initiative designed to identify principles, processes, and best practices for addressing these contestations at the community or municipal level and in the classroom. Conflicts about history, heritage, and memory are a global phenomenon, and, although each case is different, comparative cases can indicate lessons learned and reflect best practices.

## About IHJR at EuroClio

The Institute for Historical Justice and Reconciliation (IHJR) is a research centre at EuroClio - European Association for History Educators in The Hague, The Netherlands. The IHJR works with educational and public policy institutions to organise and sponsor historical discourse in pursuit of acknowledgement and the resolution of historical disputes in divided communities and societies.

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