



## **Lemkin Institute Statement Calling for Germany to Directly Negotiate with and Recognize the Individual Claims of Descendants of the Herero & Nama Genocides**

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The Lemkin Institute for Genocide Prevention condemns Germany's refusal to meet with the descendants of victims of the Herero and Nama genocides despite the fact that both peoples lost the vast majority of their land and wealth through that genocidal process and remain landless and poor in independent Namibia. The descendants of victims and survivors deserve recognition as individuals who have suffered transgenerational harm in the same fashion that Germany has sought to recognize the victims of the Holocaust: as unique individuals each deserving of respect and care. The Lemkin Institute strongly advises Germany to meet directly with the descendants of victims of the Herero and Nama genocides to negotiate just reparations, as this is the only way in which the past can be properly addressed

The Herero and Nama genocides were the first genocides of the twentieth century and took place from 1904 through World War I. They were large-scale genocides led by the German Empire (also known as the Second Reich) against the native Herero and Nama peoples in the colony of German Southwest Africa (present-day Namibia). The German military forces carried out genocide through massacre, starvation, forced labor, medical experiments, sexualized violence, and death camps. Historians estimate that 80 percent of the Herero people and 50 percent of Nama were killed. Many of the personnel involved in committing the Herero and Nama genocides went on to find positions within the Nazi state apparatus after 1933. Several historians have analyzed Germany's colonial genocides as a rehearsal for the European continental genocides against Jews and other groups within the Nazi empire.

German recognition and financial responsibility for the Herero and Nama genocides has been slow in coming. In 2004, Germany formally recognized as genocide the colonial atrocities its government had committed against the Herero and Nama peoples and issued an apology. It ruled out, however, the possibility of any reparations for survivors or their families. In 2015, Germany again recognized that the atrocities its government had committed constitute genocide yet again ruled out the possibility of any reparations. It wouldn't be until May 2021, when a joint declaration was issued between both governments, that Germany more fully recognized its moral

responsibility for the economic consequences of the genocide. Germany issued another formal apology to the Namibian people and pledged €1.1bn (\$1,194,346,182.33 USD) for development and reconstruction efforts over the next thirty years.

Despite the large size of Germany's economic commitment to Namibia, the 2021 declaration was met with criticism from the descendants of victims of the genocides who have argued that Germany's apology falls short of adequate atonement because it is not addressed to them specifically and ignores the historical marginalization they have faced since losing their land and wealth through the genocidal process. The Herero and Nama peoples make up a very small percentage of the overall Namibian population (7 percent and 5 percent, respectively). They are concerned that Namibia's government will not disburse the funds justly. They are therefore calling on Germany to negotiate with their leaders and their communities directly for reparations so that they can use the funds to address their demographic, political, and economic marginalization.

While Germany has repeatedly acknowledged and apologized for its genocide in Namibia, it has done so only in an historical, rather than a legal, sense, arguing that since the 1948 Genocide Convention cannot be applied retrospectively, Germany's responsibility is moral rather than legal and hence Germany's efforts at repair are undertaken only as moral, rather than legal, restitution. Such a distinction is critical to undermining past and future legal claims by the descendants of the victims of the Herero and Nama genocides. The establishment of a proper legal framework to disburse reparations to descendants of victims of genocide should be discussed in an inclusive justice process with the Nama and Herero peoples.

The Lemkin Institute for Genocide Prevention reminds Germany that the genocidal process existed before Raphael Lemkin gave it a name and before the United Nations approved the Genocide Convention. We further remind Germany that Raphael Lemkin himself studied and identified the Herero and Nama cases as genocide. We finally remind Germany that genuine accountability is the only way to ensure that the enduring institutions, patterns, and ideologies involved in genocidal dynamics are addressed, at least minimally.

Although Germany has worked very hard to address the wrongs of the Holocaust (a genocide that also occurred before the Genocide Convention came into force) and to counter the threat of antisemitism, it has done far, far less accounting for its brutal history of colonialism and its historical complicity in global anti-black racism. The Lemkin Institute for Genocide Prevention calls on Germany to go further than political declarations and offers of foreign aid to the country of Namibia in its efforts at repair. In the spirit of a decolonized process of accountability for mass atrocity, the Lemkin Institute believes that Germany must directly negotiate with the descendants of victims of genocide in Namibia who have lost everything and who deserve the dignity of individual and collective recognition and support.